

Daily Press and Dakotian.

Volume 4.

YANKTON, DAKOTA TERRITORY, FRIDAY EVENING, FEBRUARY 7, 1879.

Number 243

DAKOTA LEGISLATURE.

Thirteenth Session.—Daily Report of the Proceedings of the Council and House of Representatives.

TWENTY-FIFTH DAY.

GENERAL COMMENTS.

The council bill providing for the establishment of an insane asylum for Dakota went through the house this morning with only six votes against it. It was under the management of Mr. Gamble, in the house, and being an important measure has been carefully and successfully attended to by him.

Mr. Brown's geographical bill came along in its regular order in the house this morning and was to have been quietly referred (together with petitions and remonstrances appertaining thereto) to the committee of which Mr. Brown is chairman. Mr. Burbank, however, was forcibly struck with the idea that a measure which proposes so much carving up of the people's domain should be kept before the eyes of the people, instead of being buried in a committee which might take a one-sided view of the whole business. He therefore put in a motion to have it referred to the committee of the whole, and to give the inhabitants of the Jim river valley an opportunity to explain the measure and its bearings to the committee. The more Mr. Brown didn't want this done, the more Mr. Burbank became convinced that it was a bad measure which couldn't stand the inspection of a legislative body in the light of the facts as they can be set forth by those who are most familiar with the subject. Mr. Burbank usually carries his points, and in this instance his logic did not fail him. The bill will be considered in committee of the whole and the house will give a complete understanding of its features before it is brought to a vote.

There was a little skirmish in the house this morning on Mr. Langness' high license bill, but its friends reached out their numerous hands and the bill was safely deposited in the committee on agriculture, where the chairman, Mr. Langness, will watch and guard it until the time comes to bring it up for final action. The bill will pass the house by a good majority.

Mr. Shely, this morning, introduced a bill in the house providing that the territorial tax due from Grand Forks county for the years 1879 and 1880 be covered back into the county treasury to be used in the payment of small pox expenses. The bill is a good one and will probably have no opposition.

Mr. Stephens has sharpened up all his weapons and girded on his armor and is in the field against the Sioux Falls penitentiary bill. Under the present law the penitentiary is located at Bon Homme, and Mr. Stephens can see no reason for changing it against the wishes of his constituents. Stephens is a host in himself and has a good following in the house on most occasions.

THE COUNCIL.

Friday, Feb. 7.—Council met at 10 o'clock a. m., and was called to order by the president.

Prayer by the chaplain.

Roll called; members all present except Mr. Valentine.

Minutes of yesterday's proceedings read and approved.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on agriculture, made the following report:

Mr. PRESIDENT—Your committee on agriculture to whom was referred that portion of the governor's message termed "conclusion" relative to having purposely avoided any allusion to national affairs, beg leave to report the same back to the council with the recommendation that the suggestions of the governor be carried out, and that no action be taken on the same until the next delegate election, when all restraint may be thrown off.

N. MINER, Ch'n.

Mr. Roberts moved that the report be unanimously adopted, which action was had.

Mr. Roberts, from the judiciary committee, reported back council bill 57, relative to the terms of court in Union county, with amendments, and recommended its passage.

Mr. MacNider, from the committee on engrossment, reported house file 13 correctly engrossed.

NOTICE OF BILLS.

By Mr. Wynn—To provide for the election by the people of the members of the board of education of the city of Yankton.

By Mr. Roberts—To define the boundaries of the third judicial district, and fixing the terms of court therein; also, a bill to amend certain sections of the revised codes.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage of council bills 54, 43, 37, 55 and house files 3 and 47.

On motion of Mr. Kuykendall the house amendments to council bill No. 2 were concurred in.

READING OF BILLS.

Council bill No. 57, relating to terms of court in Union county had its third reading, and on motion of Mr. Rohr further action thereon was postponed for the present.

House files 3, 34, 40 and 47 had their first reading.

House file 13 relating to compensation of county treasurers was read a third time and passed.

RECONSIDERED.

On motion of Mr. Roberts the vote making council bill No. 56, providing a school law for the territory, the special order for the 12th inst. was reconsidered, and on motion of Mr. Pettigrew, the council went into

COMMITTEE OF THE WHOLE.

with Mr. Miner in the chair, and proceeded to the consideration of the bill.

Mr. Wynn moved that section six of the

bill be amended so as to make the salary of the superintendent \$1,000 a year instead of six hundred as provided in the bill which motion was lost.

Mr. Pettigrew moved as a substitute for section six a provision that the total salary and allowances of the superintendent shall not exceed the sum of \$350 a year, which motion was lost by a tie vote.

On motion of Mr. Pettigrew the committee then rose, reported progress and asked leave to sit again.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of the following council bills:

No 1—Amending the charter of the village of Sioux Falls.

No 5—Amending an act relating to funding the indebtedness of the counties of Lincoln and Minnehaha.

No 21—Amending chapter 40 of the political code relating to public education.

No 34—To fund the outstanding indebtedness of Moody, Brookings, Burleigh and Grand Forks counties.

No 25—Enlarging the boundaries of the county seat of Clay county.

EXECUTIVE SESSION.

On motion of Mr. Edmunds the council went into executive session.

ADJOURNMENT.

At the conclusion of the executive session, the council adjourned until 10 o'clock to-morrow.

THE HOUSE.

The house convened pursuant to adjournment, at ten o'clock, a. m.

The chaplain being sick, the usual invocation was omitted.

Roll call showed all members in their seats.

The journal of yesterday's session was read and approved.

Mr. Whitefield was excused from roll call, on the suggestion of the speaker.

PETITION AND REMONSTRANCE.

Mr. Brown presented a petition from residents of Armstrong and Hutchinson counties asking for a consolidation of the two counties.

Mr. Burbank presented a remonstrance from citizens of Armstrong and Hutchinson counties against the consolidation of those two counties.

Mr. Burbank moved that the petition and remonstrance be referred to the same committee to which house file 53 is referred when it comes up for reference. So ordered.

COMMITTEE REPORTS.

Mr. Gamble, from the judiciary committee, reported back council bill seven with a recommendation that it do not pass.

Mr. Weeks, from the committee on ways and means, reported back house file 45 with a recommendation that it pass.

Mr. Stewart, from the committee on territorial affairs, reported back house file 44, with a recommendation that it do not pass.

Mr. Gamble from the committee on charitable and penal institutions, reported back council bill three, with a recommendation that it pass.

Mr. Gamble from the judiciary committee reported back house file 48, and recommended its passage with amendments; also council bill 15, with amendments and a recommendation that it pass; also council bill 15, with amendments and a recommendation that it pass.

Mr. Stephens, from the special committee to whom was referred a petition from citizens of Fort Pierre in regard to an appropriation for improving the wagon road to Deadwood, reported the same back without recommendation.

Mr. Webber, from the committee to whom was referred council bill 42, reported the same back without amendment.

Mr. Gamble, from the committee to whom was referred house file 33, reported the same back with a recommendation that it do not pass.

Mr. Fockler, from the committee appointed to confer with the secretary in regard to the condition of the legislative fund, and to consider the advisability of an early adjournment, reported that the appropriation was insufficient to pay the expenses of forty days' session. It was the opinion of the committee that the legislature should not adjourn until all its work was done, and it was the further opinion of the committee that the members were entitled to the first consideration in the use of the money. The report was adopted.

FIXED IN ADVANCE.

Mr. Burbank presented a resolution which provides that when house bill 53 (Mr. Brown's bill relating to the geography of the Jim river region and adjacent country) came up for reference it be referred to the committee of the whole, and that persons residing in that part of the country affected by the bill be given an opportunity to talk before the committee.

Mr. Brown thought it would be eminently proper to refer it to the committee on counties and townships, of which he is chairman, and offered an amendment to that effect, but it was not considered, and Mr. Burbank's resolution was adopted.

NOTICE OF BILLS.

By Mr. Peterson—for an act concerning public highways, road districts and road supervisors and their duties and compensation in Union county, and cause the same to conform to the general law.

By Mr. Gray—for an act to amend chapter one of the political code.

By Mr. Whitefield—for an act to organize the county of Howard, &c.

INTRODUCTION OF BILLS.

H. F. No. 45—By Mr. Gamble—An act to annex certain territory to the Yankton school district.

H. F. No. 56—By Mr. Burbank—An act to amend section 4 of chapter 20 of the laws of 1872-73, to change the name of the county seat of Richland county to Walpole.

to conform to its present name and post-office.

H. F. No. 57—By Mr. Shely, by unanimous consent—as an act appropriating the territorial tax now due and to become due for the years of 1879 and 1880 in the county of Grand Forks to the use of the county, and for other purposes.

H. F. No. 58—By Mr. Whitfield—an act to organize the county of Howard and define the boundaries thereof and to merge the present Howard county into Williams county.

AMENDED BILLS.

House file 5, relating to the employment of short hand reporters in district courts, amended in the council, came up for concurrence and, on motion of Mr. Gamble, the amendments were concurred in.

House file 8, amending section 336 of the code of civil procedure, amended in the council, came up for concurrent action, and, on motion of Mr. Gamble, the amendments were concurred in.

REFERENCE.

House files number 37 and 9 were referred by the speaker to the committee on enrollment.

COUNCIL BILLS.

Council bill 34 was referred to the committee on insurance, banks and banking, on motion of Mr. Burbank.

Council bill 40 was referred to the committee of the whole, and made the special order for two o'clock p. m. to-morrow, on motion of Mr. Burbank.

Council bill 44, under a suspension of the rules, had its third reading, and passed by a vote of 17 to 9, Messrs. Gamble, Huseboe, Johnson, Langness, Peterson, Simonson, Stewart, Trygstad and Walton voting in the negative and all the other members in the affirmative. It amends section 324 of the code of civil procedure.

Council bill three, providing for the establishment of an insane asylum, had its third reading and was passed by a vote of 20 to 6, Messrs. Burbank, Flick, Fockler, Gray, Shely and Weeks voting in the negative and all the other members in the affirmative.

Mr. Gamble moved to reconsider the vote by which the bill was passed and to lay the motion on the table. So ordered.

Council bill 42, making provision for funding the indebtedness of Union county had its third reading and was passed by unanimous vote.

Council bill 11, was upon motion of Mr. Gamble laid upon the table.

Council bill 15 was referred back to the judiciary committee, on motion of Mr. Gray.

Council bill 7 was laid upon the table to come up in its regular order to-morrow, on motion of Mr. Gamble.

CHAIRMANSHIP CHANGED.

At his own request, Mr. Burbank was excused from the chairmanship of the special committee to consider council bill 38 and Mr. Fockler was made chairman of the committee. Mr. Walton was also added to the committee.

HOUSE BILLS.

House file 50 was referred to the committee on insurance, banks and banking, on motion of Mr. Gray.

House file 51, Mr. Langness' high license bill, came on for a second reading and Mr. Gray moved that it be referred to a special committee of five.

Mr. Burbank moved as an amendment that the rules be suspended and the bill placed upon its third reading and final passage.

The amendment was adopted and the motion as amended was lost.

On motion of Mr. Fockler, the bill was then referred to the committee on agriculture.

House file 54, a substitute for house file 39, relating to the distribution of the revised codes, went to its several readings, under suspension of the rules, and was passed unanimously. The original bill was then laid upon the table.

House file 33, amending chapter three of the civil code, was laid on the table, on motion of Mr. Gamble.

House file 48 had its third reading, and was passed by unanimous vote.

House file 44 had its third reading, and the ayes and noes being called on its final passage, the bill was lost by a vote of 19 to 7, Messrs. Brown, Burbank, Flick, Gamble, Shely, Simonson and Stephens voting in the affirmative, and all the other members in the negative.

Mr. Burbank changed from aye to no and gave notice that he would move a reconsideration.

Mr. Gamble changed from aye to no.

House file 46 had its third reading, and passed by a vote of 23 to 1, Mr. Flick voting in the negative and Messrs. Burbank and Gray not voting.

Mr. Fockler moved to reconsider the vote and lay the motion on the table. Adopted.

ADJOURNMENT.

On motion of Mr. Burbank, the house, at 11:40 a. m. adjourned to ten o'clock, a. m., February 8th.