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DAKOTA LEGISLATURE.

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

TWENTY-SIXTH DAY.

THE COUNCIL.

Saturday, Feb. 8.—The council met at 10 o'clock a. m. and was called to order by the president.

Prayer by the chaplain.

Roll call showed all members present.

The minutes of yesterday's proceedings were read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of the following bills: Council bills Nos. 3, 42 and 44; and house files Nos. 45, 48 and 54; and that the house had indefinitely postponed council bill No. 11, being a bill to repeal section 92 of the justice code.

EXCUSED.

On motion of Mr. Edmunds, Mr. Valentine was excused for absence from yesterday's session of the council.

REPORTS OF COMMITTEES.

Mr. Wynn, from the committee on education, reported back and recommended the passage of house file 27, authorizing school district No. 1 in Richland county to issue bonds.

Mr. Roberts, of the judiciary committee, reported with favorable recommendation the following bills:

Council bill No. 58, providing for the appointment of a fire warden in the town of Deadwood.

Council bill No. 59, to amend the charter of the city of Fargo.

Mr. MacNider reported council bills Nos. 2, 37, 43, 54 and 55 correctly enrolled.

NOTICE OF BILLS.

By Mr. Kuykendall—To amend chapter 10 of the political code; to amend chapter 48 of the political code; and to provide extra compensation for the judge of the first judicial district.

INTRODUCTION OF BILLS.

By Mr. Pettigrew—A bill for an act to remove doubt as to the eligibility of certain officers.

By Mr. Kuykendall—A bill for an act to amend section 8 of chapter 5 of the political code.

Also, a bill for an act for the relief of Lawrence county;

Also, a bill for an act to authorize Lawrence county to fund its indebtedness.

By Mr. Wynn—A bill for an act to provide for the election by the people of the members of the board of education of the city of Yankton.

Which bills were read a first time.

THIRD READING OF BILLS.

Council bill No. 59—A bill for an act providing for the appointment of a fire warden for the town of Deadwood. Passed.

Council bill No. 59.—To amend the charter of the city of Fargo. Passed.

HOUSE BILLS.

House files 45, 48 and 54 were read a first time.

House file No. 34, was read a second time and referred to the committee on judiciary.

House file No. 40, had its second reading and was referred to the committee on territorial affairs.

House file No. 47, was read and referred to the committee on counties.

House file No. 27, in regard to the issue of bonds by school district No. 1, in Richland county, after being read a third time was on motion of Mr. Roberts, recommitted to the committee on counties.

REPORTS OF A COMMITTEE.

Mr. Valentine, from the committee on territorial affairs, by consent, reported back and recommended the passage of council bill No. 62, relating to mill dams and mills; a's, council bill 53, providing compensation for clerks of the district courts without recommendation.

During the third reading of the last named bill, Mr. Roberts moved that the council go into committee of the whole thereon, which motion was lost, and the reading of the bill was then concluded.

Mr. Roberts opposed the passage of the bill, and Messrs. Wynn and Edmunds favored it.

The bill was lost by a vote of ayes 5, noes 8.

Council bill No. 62, repealing section 39 of the code of civil procedure relating to mill dams and mills. Passed.

SENT TO THE GOVERNOR.

Mr. Valentine from the joint committee on enrolled and engrossed bills, reported that he had presented to the governor for his action thereon council bills Nos. 1, 5, 17, 24, 25, 31, 20, 29, 30, 32 and 35.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing the approval of certain bills which originated in the council.

COMMITTEE OF THE WHOLE.

On motion of Mr. Day, the council went into committee of the whole on council bill No. 56, a bill for an act creating a school law for the territory of Dakota, Mr. Miner in the chair.

Mr. Pettigrew renewed his motion made yesterday, limiting the total compensation and allowances of the superintendent of public instruction to \$250 a year, which motion was again lost by a tie vote.

Mr. Day moved to strike out the first seven sections of the bill. Lost.

Mr. Roberts moved to make the compensation \$1,000 a year.

Mr. Pettigrew moved to amend by making it \$2,000.

Upon these motions a long discussion followed, and on a vote being taken the amendment of Mr. Pettigrew was lost.

The motion of Mr. Roberts to make the compensation \$1,000 was also lost.

Mr. Pettigrew then moved to strike out sections six and seven of the bill. Lost.

A motion by Mr. Wynn to increase the mileage allowed the superintendent from \$300 to \$400 a year was lost.

Mr. Pettigrew then renewed his motion to strike out the first seven sections of the bill, which motion prevailed.

On motion of Mr. Roberts the committee rose and instructed the chairman to report the bill back to the council with a recommendation that it do not pass.

When the president resumed the chair, Mr. Roberts moved that the report of the committee of the whole be adopted, which motion did not prevail.

A motion was then made by Mr. Pettigrew that the consideration of the bill in committee of the whole be resumed 2 o'clock this afternoon. The motion was lost.

A motion was then made and adopted making the bill a special order on Monday at 11 o'clock a. m.

ADJOURNMENT.

On motion the council adjourned till 10 o'clock a. m., Monday, Feb. 10.

THE HOUSE.

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

Mr. Speaker in the chair.

Prayer by the chaplain, Rev. J. P. Coffman.

Roll call showed all members in their seats excepting Mr. Stewart, excused, and Mr. Johnson.

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

COUNCIL MESSAGE.

A message was received from the council announcing that house file 13 had been passed by the council with amendments. The bill relates to compensation of public officers.

Also the concurrence of the council in the house amendments to council bill two.

AN UNLOOKED FOR EVENT.

Mr. Flick rose to a question privilege. As he came to his feet the double doors which occupy the main entrance to the house chamber flew open and the sergeant-at-arms and the messenger appeared bearing between them a massive chair. Placing it in the aisle in front of the speaker's desk, the chair bearers withdrew and Mr. Flick stepped forward and in a few fitting words presented the chair to Speaker Jackson, in behalf of the members of the house, as an acknowledgment from them of their appreciation of the courteous manner in which they had been treated by the presiding officer and of their esteem for him.

Speaker Jackson was taken by surprise, but he rallied quickly and accepted the present with many thanks and a promise to use his best endeavors to spread himself sufficiently to fill the chair.

On motion of Mr. Burbank, the speaker appointed a committee composed of Messrs. Burbank, Flick and Stephens, to place the chair upon the platform behind the speaker's desk for the use of the speaker.

Speaker Jackson settled himself in his new seat with the remark that he hoped he should always honor it and the good intentions of the donors.

The chair of which the worthy speaker has thus become possessed of is an extensive piece of furniture and contains enough lumber to build a small house. It is broad and deep and high and its posts are six or eight inches in diameter. Underneath the entire structure are a couple of rockers which reach half way across the platform upon which it stands.

EXPUNGED.

Mr. Burbank moved that all record of contempt be expunged from the journal of the house. So ordered.

PETITIONS PRESENTED.

Mr. Brown presented a petition asking for the consolidation of Hutchinson and Armstrong counties, signed by seventy persons.

Mr. Whitfield presented petitions, containing 700 names, asking that Lawrence county be divided and Howard county established.

COMMITTEE REPORTS.

Mr. Gamble, from the judiciary committee reported back council bill No. 15 with amendments and a recommendation that it pass; also house file No. 43 with a recommendation that it pass and the report and the bill lie on the table until Monday. This measure relates to the care of the territorial library and it was laid over in order to give the members of the house an opportunity to visit the library and gain an idea from personal inspection of its importance as a territorial institution.

Mr. Langness from special committee, reported back council bill No. 50 with amendments and a recommendation that it pass.

Mr. Weeks, from special committee, reported back house file 32 with amendments and a recommendation that it pass.

Mr. Cross reported that two of the select committees to whom was referred house file 32 recommended the indefinite postponement of the bill.

Mr. Whitfield, from the special committee, reported back house file 37 with a recommendation that it be referred to the committee of the whole.

A MOTION LOST.

Mr. Cross moved that further action on house file 32 providing for the construction of a jail and other buildings in Clay county be indefinitely postponed. The motion was voted down.

NOTICE OF BILLS.

By Mr. Fockler—For an act to amend section 11 of chapter 28 of the political code.

By Mr. Huseboe—For an act to amend sections 5 and 6 of chapter 39 of the political code.

By Mr. Gamble—For an act creating the office of reporter of the supreme court and for filling the same and for other purposes.

By Mr. Walton—For an act to amend section 27 of the act authorizing a board of education for the city of Yankton.

INTRODUCTION OF BILLS.

H. F. No. 59—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.

H. F. No. 60—By Mr. Flick—by unanimous consent—For an act to regulate the compensation of public officers in the first judicial district.

H. F. No. 61—By Mr. Gamble—by unanimous consent—For an act to authorize the purchase and distribution of one hundred volumes of the first Dakota Reports.

H. F. No. 62—By Mr. Helvig—For an act to regulate the testing of wheat, barley and other grain.

COMMITTEE REPORTS.

Mr. Stephens, from the committee to whom was referred that portion of the governor's message relating to immigration, reported the same back without recommendation.

COUNCIL BILLS.

Council bill 7, substitute, had its third reading, and, being put upon its passage, was lost by a vote of 21 to 3, Messrs. Burbank, Flick and Trygstad voting in the affirmative and the other members in the negative, excepting Messrs. Stewart and Johnson, who were absent.

Council bill 15, relating to corporations, had its third reading and was passed by unanimous vote.

Council bill 52, providing a board of education for Sioux Falls, was, on motion of Mr. Stephens, made the special order for Tuesday, at two o'clock p. m.

HOUSE BILLS.

House file 13 was, on motion of Mr. Gamble, referred to the judiciary committee.

House file 53 was, on motion of Mr. Brown, referred to the committee of the whole and made the special order for two o'clock p. m., in connection with council bill 40.

House file 55, adding certain territory to the Yankton school district, was, on motion of Mr. Burbank, amended by Mr. Stephens, referred to a committee of five, of which Mr. Gamble be chairman. The speaker added the other members of the Yankton county delegation and Mr. Stephens to the committee.

House file 56, changing the name of the county seat of Richland county, under suspension of the rules, had its several readings and was passed by unanimous vote.

House file 57 for the relief of Grand Forks county, under a suspension of the rules had its several readings and was passed by unanimous vote.

House file 58, for the organization of Howard county, was on motion of Mr. Stephens, referred to the Black Hills delegation.

House file 24, in reference to the relief of C. J. B. Harris was referred to the committee of the whole, on motion of Mr. Fockler, and permission given to interested parties to make statements.

House file 32, was laid upon the table until Tuesday, on motion of Mr. Cross.

BILLS SIGNED.

The speaker announced that he had, in open session signed council bills 2, 27, 42, 54 and 55.

A LIVELY TILT.

Mr. Stephens called for a report from the chairman of the committee on engrossment and enrollment and intimated that Mr. Gray, who is the chairman aforesaid, had neglected the duties of a position he had accepted.

Mr. Gray responded vigorously and in the most emphatic terms denied the allegation. He said that it had been thus far impossible to perform the duties of the position, owing to a large amount of other work on his hands.

Mr. Burbank stated that the question now was whether or not the chairman of the committee was doing his duty.

Mr. Gray rose to reply and Mr. Burbank raised the point of order that there was no motion before the house, which point was sustained.

Mr. Stephens then put his suggestion in the form of a motion that the chairman aforesaid be called upon to make a report, and after some warm argument the motion was adopted.

RECESS.

On motion of Mr. Gamble, the house, at 11:45 a. m., took a recess to two o'clock p. m.

AFTER RECESS.

The speaker announced a special order in committee of the whole.

COMMITTEE OF THE WHOLE.

On motion of Mr. Burbank, the house went into committee of the whole on council bill 40 and house file 53, Mr. Gray in the chair. These two measures relate to the consolidation of counties and changes of boundaries of counties in southern Dakota.

THE COMMITTEE ROSE

without action, reported progress and asked leave to sit again. The report was adopted, on motion of Mr. Gray.

Mr. Fockler moved that the house go into committee of the whole on house file 26, a bill relating to the time and manner of making fire guards.

Mr. Stephens moved that the house adjourn.

Mr. Gray moved to amend the motion by adjourning to half past two o'clock.

Mr. Gray rose to a question of privilege and moved that Mr. Stephens be excused.

Mr. Burbank moved to lay Mr. Gray's motion on the table which motion was seconded by Mr. Stephens and adopted.

The question being Mr. Stephens motion to adjourn, it was lost.

Mr. Fockler's motion that the house go into a committee of the whole on house file 26 was put and adopted and the house went into

COMMITTEE OF THE WHOLE.

on house file 26, Mr. Gray in the chair. After listening to the reading of the report of

the committee on territorial affairs, which recommended that the bill pass with sundry amendments,

THE COMMITTEE ROSE

and reported the bill back to the house and recommended its passage as amended by the committee on territorial affairs. The report was adopted.

Mr. Gray moved that the house go into committee of the whole on council bill 40 and house file 53.

Mr. Burbank moved to lay Mr. Gray's motion on the table.

The ayes and noes being called, Mr. Burbank's motion was adopted by a vote of 13 to 12.

ADJOURNMENT.

Mr. Burbank moved that the house adjourn. The ayes and noes were called for, and the house by a vote of 15 to 10 adjourned at 2:30 p. m. to ten a. m., February 10th.