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DAKOTA LEGISLATURE.

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

TWENTY-SEVENTH DAY.

GENERAL COMMENTS.

Brown's bill and its twin measure, Pettigrew's council bill forty, are still a popular theme in the house and a subject of much anxiety to their parents. It is a generally accepted fact that Pettigrew is the father of both measures and some of the jokers who have no veneration in their hearts for the gentlemen from the tenth district, assert that Brown is their mother. Mr. Brown resides in Hutchinson county, though he was chosen to also represent Armstrong, Hanson and Davison counties. His bill proposes to make Armstrong and Hutchinson counties one, under the name of Hutchinson, and Hanson and Davison counties one, under the name of Hanson. It also provides that all the Armstrong county and Davison county officials now in office shall step down and out and that the officers of Hutchinson and Hanson counties shall run the two machines. It will be observed that Mr. Brown has not forgotten his own county in this arrangement, but his thoughtfulness and gratitude does not here end, for his bill expressly dictates that Fred Heiser shall be a county commissioner in the improved Hutchinson county from the day the act takes effect. As Mr. Heiser is the man to whom Mr. Brown is indebted for the nomination which placed his name upon the successful ticket in last fall's legislative contest, he is to be very much applauded for so kindly remembering Mr. Heiser in his bill. But for Heiser there would have been no Brown in the legislature, and as a consequence no Brown's bill. It is therefore fitting that the name of Heiser should have a distinguished place in the bill of Brown. This is not the only object Mr. Brown had in view in making this attempted consolidation. The county of Hutchinson, as it now is, owes about \$4,000 while the county of Armstrong is out of debt. By the terms of the proposed consolidation the property owners of Armstrong county must help pay off this incumbrance, for which they are in no way responsible. As a result, Mr. Brown's and his neighbors' taxes will become less and the taxes of the Armstrong county people will become greater. But Mr. Brown may not have thought of this, though he certainly did think of Heiser. The principal motive for fixing up the consolidation of Hanson and Davison counties can be explained in a very few words. Pettigrew, the paternal parent of the bill, owns or is agent for a tract of land near the geographical center of the county of Hanson as it is to be if the bill goes through. This

tract of land can never become a county seat unless existing lines are changed, and he has got Brown to propose to the legislature and to the governor to fix things up so that this land will become more valuable. It is a scheme against the interests of Rockport, now the most promising town on the Jim river. Pettigrew is shrewd enough to see that there must be a flourishing city at or near Rockport. He cannot buy up the town-site of that village, so he goes farther up the river, where land is cheaper, puts in his stakes and relies upon the legislature of Dakota to do the rest of the job. The portion of this bill that does not refer to Hutchinson, Armstrong, Hanson and Davison counties has a bearing upon the future of about a dozen unorganized counties north and east from the counties named. It changes boundary lines and names and the entire scheme is recognized by those who have studied the subject as having been concocted in the interest of several railroad lines now pointing across the territory and in the interest of a few schemers who will proceed to gain possession of certain desirable centers, should the bill become a law. There has heretofore been no objection to existing county boundaries and as some explanation of proposed changes is in order, we give this as coming very near the truth. We have picked up these facts here and there, and give them as a part of the current gossip.

THE COUNCIL.

Monday, Feb. 10.—The council met pursuant to adjournment, and was called to order by the president.

Prayer by Chaplain Potter.

Roll called; members all present.

Minutes of Saturday's proceedings were read and approved.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body of council bill No. 15, and its refusal to pass council bill No. 7; the passage of house files Nos. 56 and 57; and concurrence in the council amendments to house files Nos. 5 and 8.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, returning without his approval council bills Nos. 17 and 20. No. 17 amended that provision of the code in regard to the acknowledgment of deeds which required the officer taking the acknowledgment to inform the wife of the grantor apart from her husband of the contents of the instrument.

On calling the roll on the question whether the bill shall pass, the objections of the governor to the contrary, the vote stood: Ayes—Messrs. Cuppert, Day, Kuykendall, Pettigrew, Roberts, Valentine and Mr. President—7. Nays—Messrs. Edmunds, Ellis, Miner, MacNider, Rohr and Wynn—6. The necessary two-thirds not voting in the affirmative, the bill did not prevail.

The other bill vetoed—No. 20—provided for a higher rate of interest in the Black

Hills counties than is now authorized by law. The vote on the passage of the bill over the veto stood ayes 6, noes 7, so the bill failed.

The governor's message received on Saturday was read announcing his approval of the following council bills:

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

No. 30—Authorizing school district No. 2 in the county of Grand Forks to issue bonds.

No. 32—Locating the county seat of Grand Forks county.

No. 35—Amending the act creating a board of education for the city of Vermillion.

BILLS SENT TO THE GOVERNOR

Mr. Valentine, from the joint committee on enrollment, reported that he had on Saturday presented to the governor for his action thereon council bills Nos. 2, 37, 43, 54 and 55.

MOTIONS

Mr. Ellis moved to reconsider the vote by which council bill No. 62 relating to mill dams and mills had passed the council. The motion prevailed.

PETITIONS.

Mr. Wynn presented two petitions from citizens of Yankton asking the passage of a law allowing the people to elect the members of the board of education of the city of Yankton.

REPORTS OF COMMITTEES.

Mr. Roberts, from the committee on judiciary, reported with amendments house file No. 2, and recommending its passage.

Mr. Valentine from the committee on territorial affairs, reported council bill No. 46, and house file No. 40, and recommended their passage.

Mr. Pettigrew, from the committee on railroads, reported house file No. 3, the railroad bill, with amendment, and recommended its passage as amended.

The same gentleman, from the select committee to ascertain from the secretary of the territory the amount of funds in his hands, made report to the effect that there is not enough money to pay all the legislative expenses, but that the members should have the first "whack at it;" that if the public printing had been let to the lowest bidder, there would have been money enough to meet all proper demands. The report was signed by Messrs. Pettigrew, Miner and McNider.

INTRODUCTION OF BILLS.

By Mr. Edmunds—A memorial for a new land district in the Red river valley.

On motion of Mr. Edmunds the rules were suspended and the memorial had its several readings and passed.

By Mr. Edmunds—A bill for an act making an appropriation for the completion of the insane asylum, and for its maintenance for two years. The bill is accompanied by an estimate of the amount necessary to be appropriated. The estimate makes the amount \$24,990.

On motion of Mr. Roberts the estimate was ordered printed with the bill.

By Mr. Edmunds—A bill for an act making appropriations for the building and maintenance of a territorial penitentiary, accompanied by an estimate which was ordered printed with the bill.

By Mr. Wynn—A bill for an act providing for changing, continuing and establishing public highways, and for other purposes.

By Mr. Roberts—A bill for an act providing a board of education for the city of Fargo.

By Mr. Kuykendall—A bill for an act to provide extra compensation for the judge of the first judicial district;

A bill for an act to amend section 93 of the justices code;

A bill for an act to amend chapter 10 of the political code;

A bill for an act in regard to the smoking of opium; and

A bill for an act amending chapter 48 of the political code relating to apportionment of representation in the legislative assembly.

By Mr. Day—A bill for an act for the protection of labor.

POSTPONED.

On motion of Mr. Pettigrew, the consideration of council bill No. 56, relating to public school law, which had been made the special order for 11 o'clock to-day, was postponed until 11 o'clock to-morrow.

MESSAGE FROM THE GOVERNOR.

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

No. 2—Increasing the number of justices of the peace and constables in certain counties.

No. 37—Relating to the rules of evidence in criminal cases.

No. 43—To attach the counties of Wall, ette and Montreille to the county of Burleigh for certain purposes.

SECOND READING OF BILLS

Council bill No. 63—To remove doubts as to the eligibility of certain officers

On motion of Mr. Pettigrew, the rules were suspended, and the bill passed.

Council bill No. 68—A bill for an act for the relief of Lawrence county.

On motion of Mr. Kuykendall, the rules were suspended and the bill passed.

Council bill No. 66—A bill for an act to amend section 6 of chapter 5 of the political code, was read a second time and referred to the judiciary committee.

Council bill No. 67—A bill for an act to provide for the election of members of the board of education of the city of Yankton, had its second reading, and was referred to the Yankton county members.

Council bill No. 46—To amend chapter 28 of the political code. Passed.

HOUSE BILLS.

House files 56 and 57 had their second reading.

House files Nos. 45 and 48 were read a second time, and referred to the committee on judiciary.

House file No. 2—A bill for an act rela-

ting to persons engaged in the business of banking.

Mr. Edmunds moved that the bill be indefinitely postponed, which motion was lost.

Mr. Edmunds then moved to make, the bill the special order at 2 o'clock p. m. next Thursday. Lost.

The bill was then passed, ayes 10, noes 3. Mr. Pettigrew gave notice that he would on to-morrow move a reconsideration of the vote by which the bill passed.

Mr. Roberts moved that the vote by which the bill passed be reconsidered and that the motion to reconsider lie on the table, which motion did not prevail.

House file No. 40, relating to ferries, was read a third time and passed.

Mr. Roberts gave notice of his intention to move a reconsideration of the vote by which the bill passed.

House file No. 3, the railroad bill, was taken up and the amendments reported by the committee on railroads adopted.

The reading of the bill at length was dispensed with and the bill passed, ayes 11, noes 2, Messrs. Miner and Rohr voting in the negative.

RELIEF OF GRAND FORKS COUNTY.

Mr. Kuykendall moved that the rules be suspended and house file No. 57, to refund to Grand Forks county the territorial tax for the years 1879 and 1880, to reimburse the county for expenses incurred in suppressing the small pox, which motion prevailed.

The bill then had its several readings, and it appearing that its wording did not meet the intention of the friends of the measure,

On motion of Mr. Kuykendall the vote suspending the rules was reconsidered, and the bill referred to the committee on agriculture.

On motion of Mr. Wynn the council, at 1 o'clock p. m. adjourned till 11 o'clock to-morrow.

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 present, excepting Mr. Stewart, excused.

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

ANOTHER PETITION.

Mr. Brown presented a petition from twenty-nine residents of Rosedale and vicinity (which said Rosedale is the proposed county seat of the new county) asking for the consolidation of Hanson and Davison counties. On motion of Mr. Brown the petition was assigned to a place with previous petitions in connection with house file 53, to be considered in committee of the whole.

COMMITTEE REPORTS.

Mr. Gamble, from the judiciary committee, reported back house file 55 with a recommendation that pass.

Mr. Langness, from the committee on agriculture, reported back house file 51 with amendments and recommended its reference to the committee of the whole.

Mr. Fockler, from the special committee to whom was referred council bill 38, reported back the same with sundry amendments and recommended its passage.

Mr. Gamble, from the committee to whom was referred council bill 33, reported the same back with sundry amendments and recommended its passage.

MOTIONS AND RESOLUTIONS.

Mr. Gamble introduced a resolution reviving the committee to whom was referred the treasurer's report and making it their duty to examine into the auditor's report and all his accounts and to report the result to the house. The resolution was adopted.

Mr. Fockler presented a resolution instructing and authorizing the secretary of the territory to give to each of the clerks and messengers of the house a copy of the revised codes. Adopted.

Mr. Langness moved that the committee on insurance, banks and banking be instructed to report back council bill 34 to-morrow. So ordered. The bill relates to the establishment of a penitentiary at Sioux Falls.

Mr. Gamble presented a resolution to the effect that the resignation of Mr. Gray as chairman of the committee on enrollment and engrossment be accepted. The resolution was adopted.

Mr. Gray moved that Mr. Walton be made chairman of the committee on engrossment and enrollment. The motion was adopted.

On motion of Mr. Burbank, Mr. Gamble was placed upon the same committee in place of Mr. Walton, promoted to chairman.

On motion of Mr. Weeks, Mr. Johnson was excused from non attendance on Saturday, on account of sickness.

On motion of Mr. Gamble, the vote by which house file 24 was made the special order for two o'clock p. m. to-day was reconsidered and the report of the committee thereon was laid on the table and the bill referred back to the committee from whence it was first reported with instructions to revise the same and make a report thereon.

INTRODUCTION OF BILLS.

H. F. No. 63—By Mr. Gamble—For an act creating the office of reporter of the supreme court and providing for filling the same and for other purposes.

H. F. No. 64—By Mr. Gray, by unanimous consent—For an act to amend section 324 of chapter 13 of the code of civil procedure.

H. F. No. 65—By Mr. Gray—For an act to amend chapter 1 of the political code.

H. F. No. 66—By Mr. Huseboe, by unanimous consent—For an act to amend sections 5 and 6 of chapter 39 of the political code.

H. F. No. 67—By Mr. Huseboe—For an act changing, discontinuing or establishing public highways and for other purposes.

H. F. No. 68—By Mr. Huseboe—For an act to authorize school districts to issue

bonds in the counties of Minnehaha, Moody, Brookings and Lake, for building school houses.

H. F. No. 69—By Mr. Trygstad—A memorial to the postmaster general asking for the extension of certain mail routes in Dakota territory.

H. F. No. 70—By Mr. Flick, by unanimous consent—For an act to consolidate certain election precincts in the counties of Lawrence, Pennington and Custer, for certain purposes.

Under a suspension of the rules, on motion of Mr. Flick, house file 70 had its second reading.

COUNCIL BILLS.

Council bill 33, relating to notaries public, reported back from the judiciary committee with amendments, had its third reading, and was passed by unanimous vote.

Council bill 38, providing for the organization of civil townships and the government thereof, reported back from special committee with amendments, was agreed to, had its third reading and was passed by unanimous vote.

HOUSE BILLS.

House file 59, relating to roads and road supervisors in Union county, was referred to the committee on counties and townships, on motion of Mr. Peterson.

House file 61, was referred to the judiciary committee, on motion of Mr. Peterson.

House file 62, to regulate the testing of wheat, barley and other grain, was referred to the committee on territorial affairs, on motion of Mr. Langness.

House file 55, to annex certain territory to the Yankton school district, reported back from the judiciary committee with amendments, was agreed to and the bill had its third reading and was passed by unanimous vote.

House file 26, regulating the time and manner of making fire guards, reported back from committee of the whole with sundry amendments, was further amended by Mr. Fockler and had its third reading and was passed by unanimous vote.

House file 43, providing for the expenses of the territorial library, and reported back from the judiciary committee with a recommendation that it pass, had its third reading and was passed by unanimous vote.

House file 51, reported back from the committee on agriculture with amendments, was on motion of Mr. Brown, referred to the committee of the whole.

COUNCIL MESSAGE.

A message was received from the council transmitting council bills No. 58, 59 and 60, passed on the 8th inst.; also a memorial relating to the establishment of a new land district in the Red river valley.

Under a suspension of the rules, the memorial had its several readings and was passed by unanimous vote.

VARIOUS MOTIONS.

Mr. Gamble moved that the engrossing and enrolling clerk be under the direction of the chief clerks, and that the chief clerk be held responsible for the correct enrolling and engrossing of bills. Sojortered.

Mr. Burbank, with permission from Mr. Brown, moved that council bill 40 and house file 53 be made the special order for two o'clock p. m., to-day. Adopted.

Mr. Gamble moved that the speaking by outside parties on these measures be limited to fifteen minutes each.

Pending a discussion upon this motion, Mr. Gray moved to

ADJOURN.

and the motion was adopted. The speaker announced that the house stood adjourned to two o'clock p. m.

AFTER RECESS.

The speaker rose to a question of privilege and announced that the house, during the forenoon session, had made certain measures a special order for two o'clock p. m. Without further action a motion had been made and adopted to adjourn and he had announced the house adjourned to two o'clock p. m. presuming the motion to be an inadvertence. He now asked the house to decide whether or not he had exceeded his prerogatives in so ruling.

Mr. Burbank held that the motion to adjourn, made by Mr. Gray, carried the house over until to-morrow morning at ten o'clock, and in this opinion he was sustained by Mr. Gamble and Mr. Stephens, who held also that any business transacted would be null and void for the reason that there was no session. Mr. Stephens read from Barclay's Digest in support of this view of the case.

Mr. Gray insisted that his motion to adjourn did not carry the house over to ten o'clock to-morrow morning, because the speaker in stating the result of the motion had said that the house was adjourned only to two o'clock p. m.

The question was discussed for half an hour, when Mr. Gamble brought matters to a decision by presenting a motion to the effect that it was the sense of the house that the house was not properly assembled, but that it had adjourned to ten o'clock a. m. to-morrow.

The ayes and noes were called and the motion adopted by a vote of 18 to 7, and the speaker declared the house not in session.