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DAKOTA LEGISLATURE.

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

THIRTY-FIRST DAY.

GENERAL COMMENTS.

Mr. Gray's bill to honor the city of Bismarck with the future legislative assemblies of Dakota came to an inglorious fate in the house this morning in being indefinitely postponed on the report of the committee to whom it was entrusted. The measure was not even discussed, but was quickly and quietly put away.

The legislature made for itself a holiday for to-morrow, by accepting President Wickes' invitation to take an excursion on the Dakota Southern road, and at the same time instituted a wise provision for protecting the families of the members against the hardship of being deprived of a day's pay in consequence of the frolic. The two houses are to meet at seven o'clock in the morning for the purpose of adjourning, that while they are riding on the railroad, their four dollars apiece may be accumulating on the you-owe-me side of their account against the government. This was wise thoughtfulness. We believe in encouraging the distribution of Uncle Samuel's money among the people.

The bill for the increase of the salaries of district attorneys from \$600 to \$1200 per annum, went through the house to-day, by a strong majority, thanks to the earnest work of the gentlemen who advocated it. A majority report of the committee to whom the bill was entrusted, favored a smaller sum than the bill contemplated, but the house did itself the honor to put aside that report and pass the measure. Should the council concur, our criminal matters will remain in the hands of competent attorneys, instead of being peddled out to low bidders and taken possession of by those who are incompetent to execute the trust.

The Howard county bill yet remains among the uncertain enactments. It was killed once to day, but was resuscitated and will live in committee of the whole next Monday, when its merits or demerits will be discussed. This measure proposes a division of Lawrence county. One member of the Black Hills delegation, favors it and the other opposes it. It is therefore difficult for the house to decide which way to go.

Mr. Walton's house bill reducing the legal rate of interest to ten per cent was killed in the council this morning, by an indefinite postponement without a dissenting voice. When it is remembered how popular this measure was in the house, this strongly adverse view of the same subject in the council leads to many philosophical reflections upon the difference in the composition of the two bodies.

THE COUNCIL.

Thursday, Feb. 13.—The council met at 10 o'clock, and was called to order by the president.

Prayer by the chaplain.

Roll call; members all present.

Minutes of yesterday's proceedings read and approved.

REPORTS OF COMMITTEES.

Mr. Day, from the committee on highways, bridges and ferries, reported back council bill No. 81, relating to exempting volunteer firemen from service as jurors and payment of poll tax, and recommended its passage.

Mr. MacNider reported council bill No. 50 correctly enrolled and council bill No. 59 correctly engrossed.

Mr. Wynn, from the committee on education, reported with amendments council bill 61, for the education of deaf and dumb, and recommended its passage as amended.

Mr. Edmunds, from the committee on finance and expenditures, reported with amendments house file 43, relating to expenses of the territorial library, and recommended its passage as amended.

Mr. Roberts, from the committee on judiciary, to which had been referred council bills Nos. 70 and 71, making appropriations for the insane hospital and territorial penitentiary, with instructions to embody the two bills in one, reported a bill embodying the appropriations for the two institutions, and recommended its passage.

The bill was read a first and second times, when certain amendments were proposed by Mr. Pettigrew and adopted by the council. The amendments reduce the amounts appropriated.

A motion by Mr. Pettigrew to suspend the rules and place the bill on its final passage was lost by a tie vote, and the bill was then referred to the judiciary committee.

INTRODUCTION OF BILLS.

By Mr. MacNider—A bill for an act to amend the charter of the city of Bismarck.

By Mr. Cuppett—A bill for an act to authorize school district No. 49 in Lincoln county to issue bonds to build a school house; also, a bill to amend section 36 of chapter 27 of the political code entitled elections.

Which bills were read a first time.

HOUSE MESSAGE.

A message from the house announced the passage of the following bills:

Council bill No. 52, creating a board of education for the city of Sioux Falls, with amendments; and council bill 60, relating to settlers on the public lands, and No. 58, for the appointment of a fire warden for the city of Deadwood, without change. Also the passage of house files 21, 63 and 71; and that the house had concurred in council amendments to house files 2, 3 and 57.

On motion of Mr. Pettigrew the house amendments to council bill 32 were concurred in.

REFERRED.

Council bill No. 72, in relation to chang-

ing and discontinuing highways, was read a second time and referred to the committee on highways, bridges and ferries.

Council bill No. 84, providing fees for the secretary of the territory in certain cases, had its second reading and was referred to the committee on judiciary.

Council bill No. 50, authorizing certain counties in northern Dakota to issue bonds in aid of the construction of railroads, came up for its third reading, and after some discussion in regard to its provisions, on motion of Mr. Roberts it was recommitted to the committee on judiciary.

Council bill No. 61, providing for the education of deaf and dumb persons was read a third time and ordered engrossed.

PASSAGE OF BILLS.

The following bills were passed:

Council bill No. 73, creating a board of education for the city of Fargo.

Council bill No. 82, authorizing certain towns and townships in Lincoln county and the village of Dell Rapids in Minnehaha county to issue bonds in aid of the construction of railroads.

Council bill No. 83, authorizing school district No. 45 in Lincoln county to issue bonds to build a school house.

Council bill No. 81, exempting volunteer firemen from service as jurors and the payment of poll tax.

HOUSE BILLS.

House files Nos. 31, 32, 55, 59, 61, 63, 69, 70 and 71 had their first reading.

On motion of Mr. Kuykendall, the rules were suspended, and house bill No. 70, to consolidate certain election precincts in the counties of Lawrence, Pennington and Custer, was read a third time and passed.

House bill No. 12, in regard to fences in the Black Hills counties, was read a third time, and on motion of Mr. Kuykendall, was recommitted to the committee on judiciary.

House file No. 34, to amend section 22 of the code of civil procedure. Passed.

House file No. 43, providing for the expenses of the territorial library, came up for its third reading.

Mr. Miner thought it was a bad bill. The sum appropriated by the bill for the care of the library, he said, was too much. The library is a benefit to the people of Yankton only, and he thought it should be maintained without cost to the territory. He believed that any town in the territory would be glad to take the library and maintain it free of charge.

Mr. Edmunds advocated the passage of the bill. He alluded to the manner in which, for the want of a proper place to keep them, the arms and munitions of war issued to the territory by the general government several years ago were scattered, lost and destroyed, and unless proper provision is made for the care of the territorial library, which now contains books to the value of \$12,000, it will probably meet the same fate.

Mr. Miner alluding to the war material furnished the territory by the general gov-

ernment, said that when the saddles and bridles, and guns and ammunition included in that issue were scattered some good to the people resulted; if, however, they had been stored and remained in Yankton no greater benefit would have resulted to the people than is now derived from the territorial library by citizens of the territory outside of Yankton.

Mr. Pettigrew said he did not like the bill in its present shape, and moved to recommit it to the committee on judiciary, which motion, however, did not prevail.

Messrs. Roberts and Day supported the bill.

On the roll being called the bill was passed, yeas 10, nays 3, Messrs. Miner, Pettigrew and Mr. President voting in the negative.

House file No. 45, to amend sections 1098 and 1,100 of chapter 3 of the civil code, reducing the rate of interest from 12 to 10 per cent. (being what is known as Walton's bill) was, on motion Mr. Kuykendall, indefinitely postponed by a unanimous vote.

House file No. 48, to amend section 446 of the civil code, concerning the examination of husband and wife as witnesses against each other. Passed.

House file No. 56, to change the name of the county seat of Richland county. Passed.

ADJOURNMENT.

Mr. Wynn moved that the council take a recess until two o'clock, p. m.

Mr. Kuykendall stated that the joint committee on apportionment had an appointment for a meeting in the council chamber at 2 o'clock this afternoon, and the business of that committee he considered of more importance than an afternoon session of the council.

Mr. Wynn then withdrew his motion for a recess, and moved that the council immediately go into committee of the whole on the school bill, which motion did not prevail.

Mr. Miner moved that the council adjourn until 8 o'clock to-morrow morning, but at the request of Mr. Pettigrew withdrew his motion for one made by Mr. Pettigrew to invite the employees of the council to participate in the excursion to Beloit to-morrow, which motion, after being amended to include the reporter for the Press & Dakotian, was unanimously adopted.

Several motions to adjourn to different hours were made and lost, one of the motions being that the council meet and organize at 8 o'clock to-morrow morning in the basement of the Merchants hotel, but some one suggested that if the word "organize" was stricken out the meeting would take place without the formality of a motion.

Finally a motion to adjourn to 7½ o'clock to-morrow morning was put and declared carried, and the council accordingly adjourned to that hour.

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.

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

COUNCIL MESSAGE.

A message was received from the council announcing the passage of council bills 64, 82 and 66; also the concurrence of the council in the house amendments to council bill 34.

FROM THE SECRETARY.

A communication was received from the secretary of the territory stating that he did not feel justified in incurring further expense for printing bills.

COMMITTEE REPORTS.

Mr. Walton, from the enrollment committee, reported house files 13, 27, 42, 57 and council bill 59 as correctly enrolled.

Mr. Brown, from the committee on counties and townships, reported back house files 30 and 35 with amendments and recommended their passage as amended.

Mr. Gamble, from the judiciary committee, reported back house file 73 with amendments and recommended its passage as amended.

Mr. Stephens, from the committee on insurance, banks and banking, reported back house file 65, a bill proposing to change the capital of Dakota to Bismarck, and recommended that further action upon the bill be indefinitely postponed. The report was signed by four members of the committee, and Mr. Stephens announced that Mr. Gray, the fifth member, would submit a minority report.

Mr. Whitfield, from the special committee, to whom was referred house file 24, reported the same back without recommendation. It provides for the relief of C. J. B. Harris.

Mr. Flick presented a minority report on house file 58, the bill for creating Howard county, recommending that the bill do not pass. His report was accompanied by a remonstrance signed by about 325 persons.

BILLS SIGNED.

A special message was received from Governor Howard announcing that he had signed the following house bills: No. 6, to prevent fraudulent banking; No. 19, appointing E. A. Sherman special agent to look after the interests of the insane; No. 22, amending section 56 of the justices' code.

NOTICE OF BILLS.

By Mr. Flick—For an act to regulate the practice of medicine, surgery and obstetrics.

INTRODUCTION OF BILLS.

H. F. No. 77—By Mr. Huseboe—for an act to incorporate the village of Flandreau.

H. F. No. 78—By Mr. Gray—for an act to amend section 324 of chapter 18 of the code of civil procedure.

H. F. No. 79—By Mr. Flick—for an act to amend section 667 of the code of civil procedure.

COUNCIL BILLS.

Council bills number 64 and 66 had their first reading.

HOUSE BILLS.

The following house bills had the second reading and were referred as indicated:

Number 75—relating to the restoration of obliterated survey marks in Yankton county—committee on counties and townships, on motion of Mr. Simonson.

Number 76—fixing the salaries of the territorial treasurer and auditor—judiciary committee, on motion of Mr. Burbank.

Number 67—relating to public highways—committee on education, on motion of Mr. Gamble.

Number 24—for the relief of C. J. B. Harris—committee of the whole and made the special order for Monday at 11:30 a. m.

House file 65, Mr. Gray's bill for the removal of the capital of Dakota from Yankton to Bismarck, reported back by a majority of the committee to whom it was referred with a recommendation that further action on the bill be indefinitely postponed. On motion of Mr. Gamble, the majority report was adopted.

House file 73, amending section 64, of the code of criminal procedure, under favorable report from committee, had its third reading and was passed unanimously.

House file 25, amending sections 2 and 4 of chapter 60 of the penal code, under favorable committee report, had its third reading and was passed by a unanimous vote.

House file 30, giving to the people of Union county the privilege to vote to change the county seat, under a favorable committee report, had its third reading and was passed by a unanimous vote.

House file 62, to regulate the testing of wheat, barley, flax seed and other grains, came up for third reading and final passage. The report of the committee recommending its passage was adopted, but upon the representations of Mr. Gamble that the bill as it stood would prohibit the sale of grain in any county which had not a sealer of weights and measures, the bill was, on motion of Mr. Langness, referred back to the committee on territorial affairs.

House file 57, amending the law fixing the time for keeping open the polls, had its third reading and was passed by unanimous vote.

House file 58, for the creation of the county of Howard, came up for third reading and, on motion of Mr. Flick, was indefinitely postponed. The motion for indefinite postponement having been adopted under a misapprehension, was rescinded, on motion of Mr. Brown, and then, on motion of Mr. Burbank, the measure was referred to the committee of the whole and made a special order for Monday at two o'clock p. m.

House file 66, providing for an increase in the salary of district attorney from \$600 to \$1200 per annum, came up for its third reading. With it came two reports—a majority report recommending an amend-

ment fixing the salary at \$750 and a minority report recommending the passage of the bill as it stood.

A motion was first made that the minority report be adopted.

Mr. Jackson, Mr. Gamble, Mr. Gray and Mr. Flick spoke earnestly in favor of the passage of the bill as it stood. The argument was that no competent attorney could afford to do the work for a less salary than that named in the bill and that it was false economy to cut down the pay from the sum proposed.

The ayes and noes being called on the adoption of the minority report, it was adopted, by a vote of 19 to 8, Messrs. Hoyer, Hoyt, Johnson, Peterson, Stewart, Walton, Webber and Weeks voting in the negative, and all the rest in the affirmative.

The question then being up on the passage of the bill, the ayes and noes were called and the bill passed by a vote of 19 to 7, Messrs. Hoyer, Hoyt, Johnson, Peterson, Stewart, Walton and Weeks voting in the negative and all the rest in the affirmative.

Mr. Gray moved to reconsider the vote by which the bill passed and to lay the motion to reconsider upon the table. Adopted.

ADJOURNMENT.

On motion of Mr. Whitfield, at 12:20 p. m., the house adjourned to seven o'clock a. m. February 14th.