

Daily Press and Dakotian.

Volume 4

YANKTON, DAKOTA TERRITORY, SATURDAY EVENING, FEBRUARY 15, 1879.

Number 250

THE COUNCIL.

Saturday, Feb. 15—The council met at 10 o'clock a. m., and was called to order by the president.

Prayer by Chaplain Potter.

Roll called; members all present except Mr. Valentine.

On motion of Mr. Miner, the reading of yesterday's journal was dispensed with.

PRINTING BILLS.

The president laid before the council a communication from the secretary of the territory, to the effect that he, the secretary, did not feel justified in incurring any further expense for the printing of bills.

On motion of Mr. Roberts, the communication was referred to the Yankton correspondent of the Sioux City Journal. [The vote was taken on the motion as put by the chair, to refer to John L. Pennington.]

REPORTS OF COMMITTEES.

Mr. Wynn, from the committee on education, reported council bill No. 55, to attach certain territory to the Yankton city school district, and recommended its passage.

Mr. Roberts, from the committee on judiciary, reported house file 54 and council bills Nos. 69, 71, 74, 76, 78, 79, 78, 79, 80 and 84, and recommended their passage; also, council bill No. 75 without recommendation; and council bill No. 50, with amendments.

The same gentlemen from the special committee on apportionment, reported county bill 78, the apportionment bill, with amendments, and recommended its passage as amended.

Mr. Edmunds from the special committee to which had been referred council bill No. 73 referring to the election by the people of members of the board of education of the city of Yankton, made the following report:

MR. PRESIDENT—Your special committee to whom was referred council bill No. 67, "a bill for an act providing for the election by the people of the members of the board of education for the city of Yankton," and the accompanying petition of citizens which was made the basis of such bill, have had the same under consideration and beg leave to state that it has come to the knowledge of your special committee, as stated by a number of the petitioners whose names appear on the petitions asking for such changes, that they signed said petition under a misapprehension of the facts and reasons for such proposed change in the election of said board, did not desire to see such change effected, and would not have asked such change had they been made fully acquainted with the object sought to be accomplished. Your committee beg leave further to state that past experience, so far as this question affects the people of this city has demonstrated the fact that an efficient school government and management cannot be successfully maintained in a community as heterogeneous as ours when the school board is elected in the manner proposed in the bill under consideration. Your committee beg leave further to state in reference to the petitions accompanying said bill, that quite a large number signing said petitions are non-taxpayers in this city and many of the names are non-residents. For instance the said petitions contain the names, among others that are non-residents, of the opera troupe now performing in this city. Your

committee are clearly of the opinion that this class of people should not be permitted to regulate and manage our system of education. It is the opinion of your special committee that a very large majority of our tax-payers and school patrons do not desire the change asked in this bill, and hence your special committee beg leave respectfully to report the bill and accompanying petitions back, with the recommendation that it be indefinitely postponed.

All of which is respectfully submitted.
NEWTON EDMUNDS,
Ch'n Special Committee.

MOTIONS AND RESOLUTIONS.

Mr. Miner offered the following resolution which was adopted, and received the same reference that was given the secretary's communication:

WHEREAS, We understand that the officials of the territory attach blame to your committee for not inviting them on the excursion to Canton. Your committee beg leave to explain that they did not consider that they had to consult with the territorial officials, and as the invitation was to the legislature and territorial officers they were unable to get a quorum of the territorial officers together, as a majority of these officers are notaries public living in Deadwood, Bismarck, Fargo, Grand Forks and other places, therefore acted without them, and ask to be excused for that disregard of etiquette that should have been extended to the territorial officers.

On motion of Mr. Edmunds, Mr. Valentine was excused for non-attendance at today's session on account of sickness.

MESSAGE FROM THE HOUSE.

A message announced the passage by the house of house files 7, 25, 30, 66, and 73, and requesting concurrence of the council therein.

INTRODUCTION OF BILLS.

By Mr. Edmunds—To tax the net proceeds of mines.

By Mr. Roberts—To authorize the city of Fargo to issue bonds for certain purposes.

By Mr. Kuykendall—To amend section 565 of the civil code.

On motion of Mr. Roberts, the rules were suspended, the bill had its several readings and passed.

READING OF BILLS.

Council bill No. 65—For the relief of Fred Wells, late treasurer of Bon Homme county, was read a second time, and referred to the committee on finance and expenditures.

Council bill No. 86—To amend the charter of the city of Bismarck, was under suspension of the rules, read a second and third times and passed.

Council bill No. 87—To amend sections 26 of chapter 37 of the political code, relating to elections, was referred to the committee on elections.

Council bill No. 88—To authorize school district No. 49, Lincoln county, to issue bonds to build a school house, was referred to the Lincoln county members.

INTRODUCTION OF A BILL.

Mr. Pettigrew, by consent, introduced a bill appropriating from the territorial treasury the sum of two hundred and fifty dol-

lars or so much as may be necessary, to secure the printing of the bills introduced during the remainder of the session. The bill provides that the printing shall be under the exclusive control of the committee on printing in the council and house, and that the work shall be let to the lowest bidder.

On motion the rules were suspended and the bill passed—Messrs. Miner and Wynn voting in the negative.

MESSAGE FROM THE HOUSE.

A message from the house informed the council that the house had refused to recede from its amendment to council bill No. 22, relating to judicial districts, and had appointed as a conference committee on the part of the house Messrs. Whitfield, Brown and Flick.

On motion, Messrs. Kuykendall, Roberts and Pettigrew were appointed a conference committee on the part of the council.

MESSAGE FROM THE GOVERNOR.

A message from the governor announced his approval of the following council bills:

No. 33—A bill for an act to amend section 1 of chapter 17 of the political code relating to notaries public.

No. 42—A bill for an act to fund the indebtedness of Union county.

No. 59—A bill for an act to amend the charter of the city of Fargo.

No. 68—A memorial asking for the establishment of a new land district in the valley of the Red River of the North.

THIRD READING AND PASSAGE OF BILLS.

Council bill No. 50—Authorizing certain counties to issue bonds for railroad purposes. Passed.

Council bill No. 67—Providing for the election by the people of the members of the board of education of the city of Yankton. Indefinitely postponed.

Council bill No. 69—Providing for the issue, sale and redemption of bonds of the territory of Dakota for the purpose of erecting a hospital for the insane and penitentiary and maintaining the same. Passed. The bill authorizes the issue of bonds to the amount of \$45,000.

Council bill No. 71—Making appropriations for completing, furnishing and maintaining the Dakota hospital for the insane, and to build, furnish and maintain a territorial penitentiary. The bill passed, yeas 9, noes 3—Messrs. Day, Miner and Wynn voting in the negative; Mr. Valentine absent. The bill appropriates \$43,745.

Council bill No. 74—A bill for an act in regard to the smoking of opium. Passed.

Council bill No. 75—A bill for an act to amend chapter 10 of the political code. The bill was defeated by a vote of yeas 5, noes 7. It provided for the holding of a term of the supreme court at the city of Deadwood.

Council bill No. 76—A bill for an act to amend section 98 of the justice code, requiring persons taking an appeal from the decision of a justice court to pay the docket fee in the district court. The bill was lost by a tie vote.

Council bill No. 77—A bill for an act to provide extra compensation for the judge of the first judicial district. The bill provides for the payment to the judge of that district out of the treasuries of the several counties comprising the district a compensation in addition to that received from the United States. Passed—yeas 9, noes 8.

Council bill No. 78—A bill for an act amending chapter 49 of the political code relating to apportionment of representation in the legislative assembly.

On motion of Mr. Miner the bill was so amended as to make Clay county the second district with one member of the council and one member of the house; and adding an additional district, the 13th, composed of the counties of Turner and McCook with one member of the house.

On motion of Mr. Day, the bill was amended, making the counties of Bon Homme, Charles Mix, Brule and Buffalo, the 4th district, with one member of the council and one member of the house; and making the counties of Hutchinson, Armstrong, Haakon and Davison, the 14th district with one member of the house.

On motion of Mr. MacNider the counties of Stark and Billings were added to the 11th district.

On motion of Mr. Roberts, the county of La Moure was added to the 9th district.

The roll being called the bill passed; Mr. President being the only one voting in the negative. He stated that his reason for casting his vote in the negative was because certain districts were denied representation in the council which he believed to be unconstitutional.

Council bill No. 79—A bill for an act for the protection of labor, was read a third time, and on motion of Mr. Pettigrew was recommitted to the committee on agriculture.

Council bill No. 80—A bill for an act to amend sections 823, 824 and 425 of the code of civil procedure. Lost; yeas 3, noes 9.

Council bill No. 84—Providing fees for the secretary of the territory in certain cases. Passed; yeas, 8, noes 4.

HOUSE BILLS.

House files Nos. 7, 25, 30, 66 and 73 were read a first time.

The following house bills were read a second time and disposed of as follows:

No. 21, referred to the committee on agriculture.

[No 32, to the committee on agriculture. No. 50, to the member from Berleigh county.

No. 59, passed under a suspension of the rules.

No. 61, providing for the purchase of a certain number of copies of the supreme court reports, to the committee on judiciary.

Noes. 61 and 63, to the committee on judiciary.

No. 64, to the committee on agriculture. No. 71, to the committee on education.

THIRD READING OF HOUSE BILLS.

No. 84, to amend section 4 of chapter 3

of the political code, providing for the distribution of the revised codes of the territory to certain territorial and county officers. Recommended to the committee on judiciary.

House file 36, attaching certain territory to the Yankton city school district. Passed.

ADJOURNMENT.

On motion of Mr. Miner, the council adjourned until 10 o'clock, Monday, Feb. 17, 1879.

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.

The chaplain was excused for non-attendance yesterday morning.

All members absent yesterday morning were excused.

GONE TO THE GOVERNOR.

The speaker announced that he had transmitted to the governor for his signature house files number 5, 8, 9, 7, 27, 47, 13, 57 and 40. Also that house files 27 and 47 both memorials, had been filed in the office of the secretary.

COMMITTEE REPORTS.

The special committee to whom was referred council bill 46 made a majority report recommending that it do not pass.

Council bill 28, amending the charter of the city of Yankton, was reported back from the committee consisting of the Yankton county delegation with numerous amendments.

Council bill No. 65 was reported back from the committee on immigration with a recommendation that it pass.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 73, 81 and 83; also that the council had refused to concur in the house amendments to council bill 22; also the passage of house files number 69 and 70 with out amendments; also the passage of house files 48 and 42 with amendment; also the indefinite postponement of house bill 43; also that the council had concurred in the house amendments to council bill 52.

VOTE OF THANKS.

Mr. Flick introduced a resolution thanking the people of Canton and Beloit for good treatment of the legislative excursionists, which was unanimously adopted.

INTRODUCTION OF BILLS.

H. F. No. 81—By Mr. Whitfield—For an act to regulate the compensation of public officers in the first judicial district.

H. F. No. 82—By Mr. Gray—A memorial to congress concerning the coal miners on the Fort Lincoln reservation.

COUNCIL ACTION CONSIDERED.

The house amendments to council bill 22, which the council refused to accept, were referred to a joint committee of conference, the house members being Messrs. Whitfield, Brown and Flick.

The council amendments to house file 48 were concurred in.

The council amendments to house file 43 were not concurred in by the house.

COUNCIL BILLS.

Council bills numbers 83, 81, 73 and 82 were read a first time.

Council bill 64 had its second reading and was referred to the committee on highways' roads and bridges.

Council bill 66 had its second reading and was referred to the judiciary committee.

A MESSAGE FROM THE GOVERNOR announced his approval of house files: number 5, 8, 9, 13, 29, 40 and 47.

SPECIAL ORDER.

The special order being house file 51, to regulate the sale of intoxicating liquors, it was considered in committee of the whole and its passage with certain amendments recommended.

On motion of Mr. Burbank, council bill 50 was taken up and had its several readings and passed.

RECESS.

The house then took a recess till 2:30 o'clock p. m.

AFTER RECESS.

The house got under way again at half past two.

REPORTS OF COMMITTEES.

The committee to which was referred council bill 63, reported the same back with amendments. Report adopted.

The select committee to which was referred house file No. 53, reported the same back with an amendment, and recommended its passage as amended.

The committee to which was referred house file No. 49, reported the same back and recommended that it be laid on the table.

The committee to which was referred council bill 10 recommended that the same be indefinitely postponed. Adopted.

The committee to which was referred council bill 19, together with the governor's veto, recommended that the bill do not pass over the governor's veto. Adopted unanimously.

The committee on council bill 28 reported the same back, and recommended its adoption. It was adopted.

The committee on council bill 46 recommended that it pass. On motion, laid on the table till Monday.

Council bill 65, for the relief of Lawrence county. Passed.

House file 55 was reported back with amendments. Also a minority report.

SECOND READING OF BILLS.

House file 78—Referred to committee on banks and banking.

House file 79—Referred to committee on ways and means.

House file 80, defining the boundaries of Bruce county. Rules suspended, put upon third reading and then passed.

House file 77, for an act to incorporate the village of Flanagan. Rules suspended and bill put upon its final passage.

House file 73, for an act concerning lites. Third reading dispensed with, and referred to the committee on judiciary.

THIRD READING OF BILLS.

House file 40, laid on the table.

House file 51, referred to committee on agriculture.

House file 53, for an act to consolidate some Jim river counties. A majority report was recommended. A minority report was also read, the substance of which is that the consolidation of these counties be left to the voters. After a fair sized squabble on the reading of a letter and points of order, the yeas and nays on the minority report were called for and resulted: Yeas, 13; nays, 12. Report adopted.

A motion was then made to lay the majority report on the table. Carried.

The question was now on the passage of the bill as amended. Carried 15 to 10.

Mr. Brown then gave notice of a reconsideration of the bill.

GENERAL.

A motion was made to take up council bill 82, that the rules be suspended, and that the bill pass to its second and third readings. Carried.

Amendments were offered by the gentleman from Lincoln, which were adopted.

The bill was then read the third time, and passed as amended.

The rules of the house were then suspended, and council bill 92, appropriating funds to pay for printing of bills, was read the second and third times, and passed, yeas 23, nays 2.

ADJOURNMENT.

On motion, the house adjourned till ten o'clock Monday next.