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DAKOTA LEGISLATURE.

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

THIRTY-FIFTH DAY.

GENERAL COMMENTS.

In our Saturday's report of the house proceedings we omitted a portion of the resolution introduced by Mr. Flick returning thanks for the good time had on the railroad excursion. The resolution included a recognition of the courtesy of the railroad officials and tendered the thanks of the house to them for the opportunity afforded the members of the legislature for a day of pleasant recreation.

Mr. Brown, of the house rallied again to-day from his disastrous defeat of Saturday and regained a portion of the ground lost by him. He secured a reconsideration of the vote by which the Jim river county consolidation bill was deprived of its unreasonable and obnoxious features and prevailed upon the house to re-attach those features to the bill. His amendment, which was adopted, takes from the people of Armstrong and Hutchinson counties the privilege of voting upon the subject of consolidation and makes such consolidation an arbitrary edict from Mr. Brown, while it leaves to the people of Hanson and Davison counties the privilege of expressing their desires through the ballot box. It also fastens a portion of the debt of Hutchinson county upon the people of Armstrong county, while it provides that Hanson and Davison counties must each pay its own indebtedness. A small majority of the house has thus fastened upon the whole house an inconsistency so glaring that the act will meet with just criticism wherever its effect is studied.

THE COUNCIL.

Monday, Feb. 17.—The council met at 10 o'clock, and was called to order by the president.

Prayer by Chaplain Potter.

Roll call; members all present.

The reading of the minutes of Saturday's proceedings was dispensed with.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of council bill No. 3, providing for the completion and maintenance of an asylum for the insane, and his veto of council bill No. 15, amending the law in regard to corporations, and council bill No. 44, amending sections 308 and 585 of the penal code so as to give justices of the peace final jurisdiction in cases of assault and battery and petit larceny.

The message coming up for consideration, Mr. Miner spoke in favor of the provisions and constitutionality of council bill No. 44. The jurisdiction which this bill confers upon justices of the peace is exercised by those officers in all the states, and he could see no

legal impediments to its exercise by justices of the peace in the territories.

Mr. Roberts took the same view. He said the objections of the governor were not founded upon law or fact, and he believed the governor had been led by the influence of outside parties into the commission of a mistake.

Mr. Kuykendall also spoke in favor of the bill. He said the law which denies justices of the peace final jurisdiction in cases of assault and battery and other petty offences had cost the county of Lawrence \$30,000. He believed the bill under consideration was just and right, and would save all the counties of the territory an immense expense.

Mr. Edmunds thought that before action was taken the council should ascertain whether the supreme court had ruled upon this matter, and therefore moved that further consideration of the messages be deferred until to-morrow, which motion prevailed.

COMMITTEE REPORTS.

Mr. Miner, from the committee on agriculture, reported house file No. 60, a memorial for increase of mail service, recommending its passage; and house file 32, relating to the erection of public buildings in Clay county, and council bill 79, for the protection of labor, with a recommendation that they do not pass.

Mr. Day, from the committee on highways, bridges and ferries, reported back council bill 79, with a recommendation that it do not pass.

Mr. Edmunds, from the committee on finance and expenditures, reported back council bill No. 85, for the relief of Frederick Wells, late treasurer of Bon Homme county, without recommendation.

Mr. MacNider reported council bill 38 correctly enrolled and council bill 61 correctly engrossed.

Mr. Rohr, from the committee on elections, reported council bill 87 with a recommendation that it do not pass.

Mr. Roberts, from the committee on judiciary, reported house file 12 and council bills 36 and 54 with amendments, and recommended their passage as amended.

Mr. Kuykendall, from the conference committee on council bill No. 22, relating to judicial districts, reported that the committees had failed to agree, and asked to be discharged and that a new conference committee be appointed.

The report of the committee was adopted and Messrs. Edmunds, Pettigrew and Cuppet were appointed a new conference committee.

Mr. Cuppet, from a special committee, reported council bill 88 with amendments and recommended its passage as amended.

RESOLUTION.

Mr. Cuppet introduced a resolution, which was adopted, that no bills be received by the council, except by unanimous consent, after Wednesday, the 19th inst.

The house concurrent resolution provi-

ding for the giving of copies of the revised codes to the employees of the legislature, was, on motion of Mr. Pettigrew, indefinitely postponed.

NOTICE OF BILLS.

By Mr. Valentine—A bill for an act to increase the compensation of county treasurers.

INTRODUCTION OF BILLS.

By Mr. Rohr—No. 93—A bill for an act to provide for the printing of the general laws of the territory in newspapers.

By Mr. Pettigrew—No. 94—A bill for an act to provide for the care of the territorial library.

No. 95—A bill for an act to authorize the board of education of the village of Sioux Falls to fund its outstanding indebtedness.

No. 96—A bill for an act to vacate the site of the town of Valley Springs. Under a suspension of the rules, council bills Nos. 95 and 96 were passed.

By Mr. Roberts—No. 98—A bill for an act defining the boundaries of the third judicial district, and fixing the terms of court therein.

No. 98—A bill for an act to authorize the city of Fargo to issue bonds for certain purposes.

On motion of Mr. Roberts, the rules were suspended and the last named bill passed.

By Mr. Roberts—No. 99—A bill for an act to amend certain sections of the revised codes.

By Mr. MacNider—No. 99—A bill for an act to incorporate the city of Sheridan.

No. 100—A bill for an act to amend certain sections of the code of civil procedure.

HOUSE MESSAGE.

A message announced the passage by the house of council bills 50, 65, 92, 28, 63, 82 with amendments; that the house refused to pass council bill No. 19 over the governor's veto; the passage of house files 77 and 80; the concurrence in council amendments to house file 43; and indefinitely postponed council bill 10.

On motion, the council concurred in the house amendments to council bills 28, 63 and 82.

The council refused to recede from its amendments to house file 43, and Messrs. Edmunds, Rohr and Miner appointed a conference committee on said bill.

SECOND READING OF BILLS.

Council bill No. 89—A bill for an act to tax the net proceeds of mines, was read a second time and referred to the committee on mines and mining.

THIRD READING OF BILLS.

Council bill No. 90—A bill for an act to authorize the city of Fargo to issue bonds. Passed.

Council bill No. 36—To amend section 665 of the code of criminal procedure. Passed.

Council bill No. 61, providing for the education of the deaf and dumb. Lost.

Council bill 72—Providing for the changing, continuing and discontinuing highways. Indefinitely postponed.

Council bill No. 79—For the protection of labor. Lost.

A motion to reconsider the vote by which the bill was lost and that the motion to reconsider lie on the table, was lost.

Mr. Day gave notice that he would move a reconsideration of the vote.

Council bill No. 85—For the relief of Frederick Wells, late treasurer of Bon Homme county. Passed.

Mr. Roberts gave notice that he would move a reconsideration of the vote by which the bill passed.

Council bill No. 87—Making Grand Forks county the senior county in the 11th council and representative district. Passed.

Council bill 88—To authorize school districts Nos. 49 and 62 in Lincoln county to issue bonds to build school houses. Passed.

HOUSE BILLS.

No. 77—To incorporate the village of Flandreau. Passed.

No. 80—Defining the boundaries and organizing the county of Bruce, had its first reading.

No. 7—Amending the election law, providing for the opening of the polls at 8 o'clock a. m., and closing at 5 p. m. Passed.

A QUESTION OF DISORDER.

At this point in the proceedings of the council the president vacated the chair and in passing out of the bar of the council requested Mr. Day to take the chair. The request not being heard by the council, when Mr. Day took the chair, a question was raised that the council was not in order, that the chair was not occupied by proper authority, and a lively time ensued. After several motions had been made and ruled out of order, a motion that the squatter governor take the chair was declared carried; but just as that functionary was about to take the chair and order the council in executive session for the purpose of declaring the office of governor vacant, the president returned, occupied the chair, and the business of the council was

RESUMED.

House files 25, 66 and 73 were referred to the judiciary committee, and house file 30 to the committee on agriculture.

House file No. 12—Relating to fences and enclosures in the Black Hills counties. Lost.

No. 32—Relating to the erection of public buildings in Clay county. Lost.

No. 54—Relating to the distribution of the session laws hereafter printed. Passed.

No. 60—A memorial asking for the extension of certain mail routes in Dakota territory. Passed.

SPECIAL ORDER.

Mr. Rohr moved that council bill No. 56, in relation to school law, be made a special order at 11 o'clock to-morrow.

Mr. Roberts moved to go into committee of the whole immediately on the school bill, which motion was amended to make it the special order at 2 1/2 o'clock this afternoon, and it was so ordered.

RECESS.

On motion of Mr. Miner, the council then took a recess until 2 1/2 o'clock p. m.

AFTER RECESS.

The council met at 2 o'clock, and was called to order by the president.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage of house file No. 89, to change the name of Pennington county, and council bill No. 77, dividing the territory into council and representative districts, and apportioning the representation therein, with amendments, and requesting the concurrence of the council therein.

The council then went into committee of the whole, Mr. Valentine in the chair, on council bill No. 56, creating a school law for the territory.

The section of the bill providing for the payment by each elector of a school poll tax of one dollar, and a general school tax of three mills, was stricken out.

After considering the balance of the bill, the committee rose, reported the bill back and recommended its passage as amended.

On motion, the report of the committee was adopted.

Mr. Day moved as a substitute for section 30, that no one be allowed to vote at school meetings except actual residents and taxpayers.

On motion of Mr. Roberts, the substitute was laid upon the table.

The bill was then passed, ayes 12, noes 1—Mr. Day voting in the negative.

MESSAGE FROM THE GOVERNOR.

A special sealed message was received from the governor, to be opened in executive session.

CONSIDERATION OF HOUSE MESSAGE.

The message announcing the passage of certain bills was taken up.

Council bill No. 77, in regard to apportionment, which was amended by the house, was postponed until to-morrow.

House file 89, to change the name of Pennington county to Sumner county was taken up, the rules suspended and the bill passed by the following vote: Ayes—Messrs. Cuppett, Day, Kaykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Wynn and Mr. President. Noes—Messrs. Edmunds, Ellis and Valentine.

EXECUTIVE SESSION.

On motion of Mr. Cuppett, the council then went into executive session.

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, except Messrs. Gamble and Maukch.

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

GOVERNOR'S MESSAGE.

A message was received from the governor announcing his approval of house file 57, which is for the relief of Grand Forks county. Also returning to the house without his approval, and with his objections thereto,

house file 2, relating to corporations, banks and banking.

Mr. Gray moved that the rules be suspended and the message be referred to the committee on banks and banking. Carried. COUNCIL BILLS.

A message was received from the council announcing council bills 69, 71 (substitute) which regards an appropriation for a hospital for the insane; 74, regarding the smoking of opium; 77, regarding extra compensation for the judge of the first judicial district; 17, to amend chapter 48 of the civil code; 84, 86, 91, to amend section 595 of the civil code; also announcing, without amendment, concurrence in and passage of house file 34 to amend section 32 of the civil code; No. 55, and also 59 concerning highways.

Mr. Brown then moved to reconsider the vote on house file 53, the Jim river counties bill. It was seconded.

Mr. Burbank then moved to lay that motion on the table. Ayes and noes being called for resulted in noes 13, ayes 12.

The question was now on the reconsideration of the bill. Ayes and noes resulted 14 to 12 in favor of reconsideration.

Mr. Brown then moved that the minority report be amended by striking out Armstrong and Hutchinson counties. The motion was then carried, and the bill as amended passed, 17 to 8.

REPORTS OF STANDING COMMITTEES.

Mr. Langness, from the committee to whom was referred house file 51, regulating the sale of liquor, recommended its passage with amendments.

Mr. Huseboe, from the committee to which was referred house file 68, reported the same back with sundry amendments, and recommended its passage.

House file was reported back without amendments, and its passage recommended.

Mr. Walton reported house files 53, 48 and 76 as correctly enrolled.

Mr. Flick reported back council bill 60 with amendments, and recommended its passage.

Mr. Gamble reported house file 35, with amendments, and recommended its passage.

REPORTS OF SELECT COMMITTEES.

Mr. Whitfield, from the select committee on council bill 23 reported that bill back, asking that this committee be discharged, and another appointed.

Gray moved that the report be accepted. Mr. Brown moved an amendment that the report be rejected, which after some discussions on the rules of order was ruled out by the speaker. Brown then moved that the motion of Mr. Gray be laid on the table. Lost. The question was then on the motion of Mr. Gray, and it was carried.

NOTICE OF BILLS.

By Mr. Langness—an act to incorporate the village of Dell Rapids.

By Mr. Brown—An act to fund the indebtedness of Hutchinson county.

INTRODUCTION OF BILLS.

By Mr. Gray—House File 83—concerning

the rate of interest; 84, authorizing certain counties to issue bonds in aid of railroads; 85, concerning the registry of electors in incorporated cities etc.

By Mr. Flick—House File 87, concerning the practice of medicine, surgery, obstetrics etc.

By Mr. Gamble—House File 88—authorizing Yankton county to fund its indebtedness.

By Mr. Flick—House File 89—To change the name of Pennington county to Sumner. A motion was made to suspend the rules and put this bill on its final passage. It was done accordingly, and the bill was then passed, 19 to 7.

BILLS REFERRED.

House files 55, 59, and 34 were referred to the committee on enrollment.

FIRST READING OF BILLS.

Council bills 91, 86, 84, and 78 were then read.

Mr. Stephens moved that the rules be suspended, and council bill 78 be read a second time. It was done. Amendments were then offered by Messrs. Whitfield and Stephens, which were adopted.

Mr. Langness moved the bill be then referred to a committee of five to be appointed by the speaker, which was laid on the table.

On motion of Mr. Stephens the rules were suspended, and the bill was put upon its third reading and passage, which was done, and the bill passed 21 to 5. This bill refers to the apportionment of the representative districts.

Council bills 77 and 22 were also read.

The house then went into

COMMITTEE OF THE WHOLE.

on consideration of house file 24 giving compensation to C. J. B. Harris for labor performed in a revision of the laws of 1872-3. Testimony was read, and Mr. Tripp addressed the committee in Mr. Harris' behalf. The committee being unable to agree, rose, reported, and asked leave to sit again. The report was accepted and the house took a recess until 2 p. m.