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Number 253

DAKOTA LEGISLATURE.

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

THIRTY-SEVENTH DAY.

THE COUNCIL.

Wednesday, February 19.—Council met at 10 o'clock, a. m., and was called to order by the president.

Prayer by the chaplain.

Roll called; members all present.

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

MESSAGE FROM THE HOUSE.

A message received from the house informed the council of the following action: Council bill No. 40, defining the boundaries of certain counties—definitely postponed; the passage of council bills 74, 86, 96 and 97, and house files 96, 39, 86 and 98; the concurrence in council amendments to house file 46; and the appointment of Messrs. Gamble, Burbank and Brown as a conference committee in the matter of the disagreement of the two houses on council bill No. 43.

REPORTS OF COMMITTEES.

By Mr. Wynn, from the committee on education, reported house file 71, amending the act creating the board of education of the city of Yankton, and recommended its passage.

Mr. Roberts, from the committee on judiciary, recommended concurrence in house amendments to council bill No. 16, and the passage of house files 68 and 81 and council bills 78 and 100.

Mr. Ellis, from the committee on counties, reported back house file 80 and council bill 99, and recommended their passage.

Mr. Edmunds, from the committee on finance and expenditures, reported council bills 94 and 103, with a recommendation that they pass.

Mr. MacNider reported council bills 52, 58, 98 and 100 correctly enrolled.

Mr. Pettigrew, from the special committee to examine the books of the territorial auditor and ascertain the amount paid for printing during the past two years, submitted a report, which was read and ordered spread upon the records.

Mr. Edmunds from the conference committee on council bill No. 22, in relation to the courts in the first judicial district, reported that the committee agreed that the next term of the United States court be held at Rapid City and thereafter at Deadwood.

The same gentlemen from the conference committee on house file 43, relating to the care of the territorial library, reported that the committee had agreed to reduce the amount appropriated for insurance from \$150 to \$75, and recommended its passage as thus amended.

Mr. Edmunds, from the committee on finance and expenditures, recommended the passage of council bills 64 and 103, and that

93, providing for the printing in newspapers of the general laws passed by the legislature, do not pass.

INTRODUCTION OF BILLS.

By Mr. Pettigrew—To amend the charter of the village of Sioux Falls. Read first and second times, and referred to the committee on judiciary.

Also, to incorporate the village of Valley Springs. Read first and second times, and referred to Mr. Pettigrew.

By Mr. Cuppett—To amend section 54 of chapter 21 of the political code; read and referred to the committee on highways, bridges and ferries.

Also, to amend section 54 of chapter 28 of the political code; read and referred to the committee on judiciary.

By Mr. Roberts—To amend section 9 of chapter 13 of the political code—to the committee on judiciary.

Also, to reimburse Cass county for expense incurred in maintaining insane persons—to the committee on finance and expenditures.

By Mr. Wynn—To provide for retracing and removing of the east, west and north lines of Yankton county—to the committee on counties.

By Mr. Miner—To amend section 728 of chapter 47 of the penal code—to the judiciary committee.

By Mr. Valentine—To amend the penal code in relation to malicious mischief.

Also, to amend the present law in regard to a change of the place of trial—both of which were referred to the committee on judiciary.

SECOND READING OF BILLS.

The following bills were read a second time and referred as follows:

No. 101—To amend section 6 of chapter 21 of the political code, to the judiciary committee.

No. 102—Providing for a general term of the district court in Lincoln county, to committee on judiciary.

No. 104—Legalizing the acts of the territorial treasurer in paying 10 per cent interest, to the committee on finance and expenditures.

No. 105—Increasing the compensation of county treasurers, to the committee on mines and mining.

THIRD READING OF BILLS.

Council bill No. 93—To provide for printing the general laws of the territory in newspapers, was, on motion of Mr. Valentine made the special order at 11 o'clock next Monday, being the 41st day of the session.

Council bill No. 44—To provide for the care of the territorial library. Passed.

Council bill No. 98—To provide for the sale of unclaimed property by inn-keepers, common carriers, &c. Passed.

Council bill No. 99—To incorporate the city of Sheridan. Passed.

Council bill No. 100—To amend the law in regard to private corporations. Passed.

Council bill No. 103—Providing for the

compensation of county commissioners. Passed.

MESSAGE FROM THE HOUSE.

A message from the house announced the passage over the governor's veto of council bills Nos. 16 and 44.

CONCURRED IN.

Council bill No. 22—Defining the judicial districts and fixing terms of court therein, was taken up, and on motion of Mr. Kuykendall, the amendments made by the conference committee, adopted.

On motion, the house amendments to council bill 16, were concurred in.

HOUSE BILLS.

No. 98—To authorize the counties of Deuel, Grant, Codington and Hamlin, to pay their representative in the house of representatives. Passed under a suspension of the rules.

No. 97—To incorporate the village of Dell Rapids. Passed under a suspension of the rules.

House file No. 98—To authorize the county commissioners of Clay county to require license and bond for the sale of intoxicating liquors as required by the general laws of the territory had its first reading.

House file 35—to amend section 26 of the code of civil procedure, read and referred to the judiciary committee.

House file 51—To regulate the sale of intoxicating liquors, read and referred to the committee on immigration.

House file No. 33—Brown's county bill, read and referred to the committee on counties.

House file No. 67—Changing, continuing &c., of public highways, to the committee on highways, bridges and ferries.

House file No. 82—A memorial in relation to the coal mines on the Fort Lincoln reservation. Passed.

House file No. 91—Relating to the per diem of the clerk of the district court of Yankton county.

Mr. Edmunds moved that the rules be suspended and the bill placed upon its passage, which motion prevailed.

Mr. Day moved that the bill be indefinitely postponed. Lost.

A motion by Mr. Cuppett to refer to the judiciary committee was also lost.

On the passage of the bill the vote stood: Ayes—Messrs Edmunds, Ellis, Kuykendall, MacNider, Pettigrew, Roberts and Rohr—7. Nays—Messrs, Cuppett, Day, Miner, Valentine, Wynn and Mr. President—6.

Before the vote was announced, Mr. Pettigrew said he desired to change his vote from aye to no. The measure, he said, was a local one, affecting Yankton county only, and he voted for it believing it to be desired by the people of Yankton county, but the delegation from Yankton county being divided on the measure—Mr. Wynn voting against it—he wanted his vote recorded against the bill.

Mr. Ellis, for the same reasons, changed his vote to the negative.

Which left the vote stand, ayes 5, noes 8, and the bill was declared lost.

Mr. Wynn explained that at an early day in the session he introduced a bill on the same subject and with similar provisions, and in that bill he had been shamefully treated by the council, and he desired no courtesy for himself in this matter.

A motion to reconsider the vote by which the bill failed and to lay that motion on the table did not prevail.

NON-CONCURRENCE.

On motion of Mr. Kuykendall, the council refused to concur in house amendments to council bill 78, the apportionment bill. The house amendments make Lawrence, Pennington and Custer counties one council and representative district. Mr. Kuykendall is in favor of making these counties one council district, but opposed to including them in one representative district.

MESSAGE FROM THE HOUSE.

A message from the house stated that that body had passed over the governor's veto house file No. 2, relating to persons engaged in the business of banking, and requested similar action on the part of the council.

THIRD READING OF HOUSE BILLS.

House file No. 63, providing for the appointment of a supreme court reporter, was taken up and read a third time.

Pending discussion on its provisions, on motion of Mr. Miner the council took a recess until 2 o'clock p. m.

AFTER RECESS.

The council re-assembled at 2 o'clock. The consideration of house files on third reading was resumed.

No. 63, which was under consideration at the hour of adjournment this forenoon was taken up and passed.

No. 71, amending the law creating the board of education of the city of Yankton, had its third reading, and a motion to indefinitely postpone was lost, when it was recommitted to the Yankton county members of the council.

No. 80, to organize and define the boundaries of the county of Grandin. Passed.

No. 81, regarding the fees of officers in the first judicial district. Passed.

ANOTHER VETO MESSAGE.

The message from the house transmitting the message of the governor vetoing house file No. 2, relating to persons engaged in banking, and which bill was passed by the house over the veto, was taken up and the message read.

A vote being taken on the question shall the bill pass the objections of the governor to the contrary, the vote stood: Ayes—Messrs. Cuppett, Day, Kuykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr. President—10. Nays—Messrs. Edmunds, Ellis and Wynn—3.

The necessary two-thirds having voted in the affirmative, the bill was declared passed, the objections of the governor to the contrary.

TRYING TO RAISE THE DEAD.

Mr. Edmunds asked unanimous consent

to take up council bill No. 61, providing for the education of the deaf and dumb which bill was defeated in the council on the 17th inst.

The chair stated that under the rules there was no way of resuscitating a bill which had once been defeated, and the time had lapsed for a reconsideration of the vote.

Mr. Valentine sustained the chair, and said there was no way the bill could be raised from the dead.

Mr. Ellis thought it was singular that the council had bound itself by such rules that it couldn't do what all its members wanted to do.

It was finally concluded that the only way to get over the trouble was to introduce a new bill, and by unanimous consent, Mr. Ellis introduced a bill providing for the education of deaf, dumb and blind persons, which had its first and second readings, and was referred to the committee on agriculture.

INTRODUCTION OF BILLS.

By consent, the following bills were introduced:

By Mr. Edmunds—To amend the law in relation to the personal liability of stockholders; also, a bill in relation to the protest of notes, etc., by notaries public.

By Mr. Kuykendall—To amend sections 90, 91 and 92 of the justices code; also a bill to legalize the acts of the county officers of Lawrence county, which bills were read twice by their titles, and referred to the committee on judiciary.

By Mr. Roberts—To amend chapter 36 of the political code; read twice and referred to the judiciary committee.

By Mr. Kuykendall—In relation to toll roads; referred to committee on highways, bridges and ferries.

By Mr. Roberts—Fixing the jurisdiction of justices of the peace in Grand Forks; referred to judiciary committee.

By Mr. Valentine—To remove the cloud from certain titles; referred to committee on territorial affairs.

By Mr. Pettigrew—To repeal sections 1, 2, 3, 4, 5, 6 and 7 of chapter 40 of the political code; referred to the judiciary committee.

COMMITTEE REPORTS.

Mr. Roberts, from the committee on judiciary, reported council bill 62, relating to mill dams and mills, and it was passed.

Also house file 25, to amend sections 2 and 4 of chapter 6 of the penal code, which bill was lost.

ADJOURNMENT.

At 4 o'clock p. m., the council adjourned until ten o'clock to-morrow morning.

THE HOUSE.

YESTERDAY AFTERNOON'S PROCEEDINGS.

The house got under way again at two o'clock.

The second reading of council bills was continued:

Council bill 91, to amend section 565 of the civil code, was read, and on motion referred to the committee on territorial affairs.

THIRD READING OF COUNCIL BILLS.

Council bill 39, for the repeal of the old Sunday law, reported from the committee on education, with amendments. Report adopted, and the bill passed.

SECOND READING OF HOUSE BILLS.

House file 83, concerning the rate of interest. On motion the bill was referred to the committee on territorial affairs.

House file 84, to authorize certain counties to organize civil corporations and issue bonds to aid in the construction of railroads. Referred to the committee on railroads.

House file 85, providing for the registry of electors in cities. Referred to the committee on judiciary.

House file 86—authorizing the county commissioners of certain counties to pay their representatives. Rules suspended, bill read the third time and passed.

House file 87—regulating the practice of medicine, surgery and obstetrics. Referred to a special committee, consisting of Messrs. Whitfield and Flick.

House file 88—regarding the outstanding indebtedness of Yankton. Referred to the delegation from Yankton county.

THIRD READING OF HOUSE BILLS.

House file 10—Reported from the judiciary committee with amendments, and a recommendation that it pass. Report adopted and the bill passed. Mr. Flick gave notice to reconsider to-morrow. This bill fixes the time of holding supreme court to be in May and October.

House file 78—To amend section 324, chapter 13, code civil procedure. Reported from committee on banks and banking with two reports, the majority recommending its passage with amendments, and the minority against its passage. On motion the minority report was adopted, and the bill passed.

BY PERMISSION,

the following bills were introduced:

House file 98—concerning liquor traffic in Clay county. Rules suspended, read the second and third times and passed.

House file 99—Defining the location of the county seat of Pennington county.

House file 100—To re-establish the boundaries of Hamlin county.

UNFINISHED BUSINESS.

Mr. Burbank moved that the committee to which was referred house file 75 be asked to report immediately. The bill was then indefinitely postponed.

A resolution was then adopted, ordering all individuals, committees, etc., to return all bills, documents and papers in their possession belonging to this house, before Friday. The clerk was then instructed to ask the chief clerk of the council to return council bill 46 to this body without delay.

ADJOURNMENT.

At a quarter to three the house adjourned to meet at ten o'clock to-morrow.

TO-DAY'S PROCEEDINGS.

The house met pursuant to adjournment at ten o'clock.

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:

First—The passage over the governor's veto of council bill 15, relating to incorporated companies, members of incorporated companies, and prohibiting county commissioners from levying toll on mining ditches and flumes; and the passage over the governor's veto of council bill 44, giving justices of the peace jurisdiction in petty cases.

Second—The return of council bill 46 and house bill 26, the latter having been passed by the council.

Third—The rejection of house file 21, providing for a superintendent of weights and measures, and house file 58, organizing the county of Howard.

Fourth—The passage, with amendments, of house files 50 and 68.

THE VETO MESSAGE.

was taken up, on motion of Mr. Burbank, and council bill 44 was first considered.

Mr. Burbank moved that the bill pass, the veto of the governor to the contrary notwithstanding.

Mr. Gray spoke in favor of the passage of the bill over the veto. He said that the judgment of the council should have more weight with the members of the house than the judgment of the private secretary of the governor.

Mr. Stephens thought the bill should pass, and for one reason, if for no other, that if it was true that the supreme court had ruled against this beneficent law, it would give that high tribunal an opportunity to reverse its opinion.

Mr. Burbank said that the passage of the bill would save to his county three thousand dollars in the next year, besides being desirable for other reasons.

The question being upon the passage of the bill over the veto of the governor, it was so passed by a vote of 24 to 1, Mr. Trygstad voting in the negative and Mr. Gamble being out of his seat and not voting.

Council bill 15 and the accompanying veto message was then called up, and, on motion of Mr. Burbank, the house went into

COMMITTEE OF THE WHOLE.

for the consideration of the same, Mr. Fockler in the chair. Mr. Kuykendall, of the council, by permission, addressed the committee in favor of the passage of the bill and at the conclusion of his remarks

THE COMMITTEE ROSE.

and reported back the bill with a recommendation that it pass, the veto of the governor to the contrary notwithstanding.

On motion of Mr. Stephens, the report was accepted.

The question then being upon the passage of the bill, the yeas and noes were called and the bill was passed by a vote of 22 to 1, Mr. Trygstad voting in the negative and Messrs. Johnson, Peterson and Whitfield being out of their seats and not voting.

THE COUNCIL MESSAGE.

was then further considered and the council amendments to house files 50 and 68 were concurred in.

Council bill 46, amending the revenue law, laid on the table, was taken up and passed by a vote of 15 to 12. Mr. Barbank gave notice of a motion to reconsider the vote.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of house files number 3, 48 and 56.

No. 48 relates to the examination of husband and wife as witnesses against each other; No. 56 changes the name of the county seat of Richland county; No. 2 is the general railroad law.

COMMITTEE REPORTS.

Mr. Huseboe, from the committee on education, reported back council bill—recommending its passage.

Committee reports were made by Mr. Stewart and Mr. Weeks, but our reporter was unable to catch their words, owing to the confusion in the room.

Mr. Stephens, from the committee on immigration, reported back house file 92, to fund the Hutchinson county debt, with amendments and recommended its passage.

On motion of Mr. Burbank the rules were suspended, the report adopted and the bill put upon its final passage and passed by unanimous vote.

Mr. Stephens, from the same committee, reported back council bill 85, for the relief of Frederick Wells, without amendment and recommended its passage.

On motion of Mr. Gamble the bill had its third reading, was put upon its final passage and passed by a vote of 17 to 9, Messrs. Cross, Helyig, Hoyer, Hoyt, Huseboe, Johnson, Peterson, Trygstad, and Webber voting in the negative.

Mr. Gamble, from the judiciary committee, reported back house file 97 with amendments and recommended its passage; also a council bill with amendments and a like recommendation.

Mr. Stephens, from the committee on insurance, banks and banking, reported back house file 94 with a recommendation that it be laid upon the table; also house file number 2, ordering the publication of sworn statements of persons engaged in banking, vetoed by the governor, with a recommendation that it

PASS OVER THE VETO.

Mr. Gray moved that the rules be suspended and house file 2 put upon its passage over the veto. He explained that the bill was designed to protect people against persons engaged in private banking.

The yeas and noes were called and the bill passed by a unanimous vote.

Mr. Gamble, from a majority of the judiciary committee, reported back council bill 64 with a recommendation that it pass.

Mr. Flick, from special committee, reported back council bill 64 with a recommendation that it pass.

THE BLACK HILLS COURT.

Mr. Webber, from the conference committee appointed to consider council bill number 22, for an act to define the boundaries of judicial districts and locate courts therein, presented a minority report recommending that the house do not recede from its amendment to the bill. The amendment placed upon the bill in the house provides that the United States court shall be held at Rapid City instead of Deadwood.

Mr. Trygstad, from the conference committee on the same measure, presented a majority report, stating that the committee had examined the subject and heard evidence upon it, and recommended that the next term of the United States court be held at Rapid City, and that subsequent terms be held at Deadwood. To the report was attached a sworn statement from District Attorney Campbell, setting forth facts favorable to a change of the location of the court from Rapid City to Deadwood.

Upon the presentation of these two reports the battle began.

Mr. Gray moved that the house recede from its amendment to the bill.

Mr. Whitfield, who stood alone in the unequal contest, spoke long and earnestly in favor of the minority report. He is the representative from Pennington county and Rapid City is his home. He intimated that the committee had been unduly influenced in its decision and called for a certain letter in the possession of Mr. Flick which he said had accomplished the result.

Mr. Flick replied that he did not think it right that his private papers should be placed before the house, but if the house compelled him to give them up there might not be any other alternative.

Mr. Gray raised a point of order that the discussion was running away from the subject before the house, which point was sustained.

Mr. Whitfield protested, and the speaker ruled that he must talk to the subject.

A telegram received by the speaker was read which represented the wishes of three thousand petitioners in Deadwood that the court be moved to Deadwood.

Mr. Gray withdrew his motion to recede from the amendment.

The council message upon the passage of the bill, and those portions of the bill relating to the first and third districts, were read.

Mr. Gray moved the adoption of the majority report.

The speaker ruled the motion out of order, on the ground that the house was now considering messages from the council.

Mr. Gray said he would like to have either the speaker or the clerk inform the house what to do.

The speaker held to his ruling, and the order was gone through with.

Mr. Gray moved the adoption of the majority report.

Mr. Whitfield moved a suspension of the rules and the adoption of the minority report.

Mr. Burbank said it was a peculiar bill—it contained some legislation affecting the third district, which had yesterday been acted upon.

Mr. Gamble said the council had been tinkering with the bill beyond its jurisdiction.

The majority report of the conference committee was again read and everybody agreed that they knew what it meant.

The fight reopened upon the direct proposition to locate the Black Hills court at Deadwood. Messrs. Gamble and Gray spoke for an hour in favor of such transfer, when

Mr. Webber moved to adjourn.

The motion was lost.

Mr. Whitfield called the previous question, and was sustained by Mr. Stephens.

After some squabbling over this point the proceedings drifted into another argument upon the merits of the main question, Messrs. Gamble, Burbank and Flick speaking in favor of the removal of the court to Deadwood, and Mr. Whitfield against it.

Finally the ammunition was all exhausted, and the question coming up as to the adoption of the majority report, it was adopted by the following vote:

Ayes—Messrs. Burbank, Cross, Flick, Fockler, Gamble, Gray, Gunderson, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Maukch, Shely, Simonson, Stewart, Trygstad, Weeks, and Mr. Speaker—20.

Noes—Messrs. Brown, Peterson, Stephens, Walton, Webber and Whitfield—6.

Mr. Whitfield changed his vote and gave notice of a motion to reconsider.

On motion of Mr. Gamble, the house receded from its amendment fixing the court at Rapid City.

On motion of Mr. Gamble, the house adopted the amendments recommended in the majority report.

On motion of Mr. Burbank a reference to the third judicial district was stricken from the bill.

On separate motions from Mr. Gray, all the votes upon the measure were clinched by the usual process.

RECESS.

On motion of Mr. Gamble, the house, at 1:30 o'clock p. m. took a recess till 3 o'clock p. m.

AFTER RECESS.

The house was called to order at three o'clock by the speaker.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body, with amendments, of house file 60, a bill establishing the county of Bruce. The amendment changes the name of the county to Grandin.

COURT BILLS.

Council bill 64, for an act to fund the outstanding indebtedness of Lawrence county, was called up by Mr. Flick and had a suspension of the rules was passed by a vote
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of 20 to 4, Messrs. Stephens, Webber, Whitfield and Mr. Speaker voting in the negative.

Council bill 95, authorizing the board of education of Sioux Falls to issue bonds to fund its indebtedness, was referred to a special committee consisting of the Minnehaha county delegation.

Council bill No. 87, making Grand Forks county the senior county in the legislative district, had its second reading and, under a suspension of the rules, on motion of Mr. Burbank was put upon its third reading and final passage and was passed by a unanimous vote.

Council bill — authorizing school districts 49 and 62 of Lincoln county to fund their indebtedness, was, on motion of Mr. Fockler, put upon its third reading and final passage and passed by unanimous vote.

Council bill 90, authorizing the city of Fargo to issue bonds, was referred to the judiciary committee, on motion of Mr. Stephens.

The following council bills had their third reading and were passed:

No. 85—prescribing fees for the secretary of the territory—unanimously.

No. 91—to amend section 364 of the civil code—unanimously.

No. 83—authorizing school districts in Lincoln county to issue bonds—unanimously.

Council bill 81, to exempt volunteer firemen from jury duty and poll tax payments, was reported back from committee with a recommendation that it do not pass. On motion of Mr. Whitfield, the report was adopted.

Council bill 66, to amend section 65 of the political code, was passed by a vote of 24 to 2, Mr. Speaker and Mr. Helvig voting in the negative.

Council bill 67, providing extra compensation to the judge of the 1st judicial district, to be paid by the people of the district, reported favorably from committee, came up for third reading and passage and was rejected by the following vote:

Ayes—Messrs. Brown, Cross, Fockler, Gamble, Gray, Gunderson, Maukch, Simonson, Stewart, Trygstad, Walton, Whitfield, and Mr. Speaker—13.

Noes—Messrs. Burbank, Flick, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Peterson, Shely, Stephens, Webber and Weeks—13.

Mr. Gamble changed his vote from aye to no before the vote was announced.

Mr. Burbank moved to reconsider the vote and to lay the motion on the table. Rejected, 16 to 10.

Mr. Gamble gave notice of a motion to reconsider the vote by which the bill was passed.

HOUSE BILLS.

No. 90, relating to the compensation of attorneys appointed to defend impecunious criminals, was referred to the committee on judiciary.

No. 93, to attach the county of Kingsbury for election purposes, was referred to the committee on counties and townships.

No. 95, to amend section 657 of the political code, was referred to the judiciary committee.

No. 99, locating the courts seat of Hamlin county, was referred to the committee on immigration.

No. 100, relating to the boundaries of Hamlin county, was referred to the committee on counties and townships.

No. 101, relating to liens, was referred to the judiciary committee.

No. 79, to amend section 667 of the code of civil procedure, reported back from committee, was laid upon the table till tomorrow.

House file 97, relating to the subdivision of judicial districts reported back from the judiciary committee by Mr. Gamble with numerous amendments, was passed, together with the amendments recommended by the committee, by unanimous vote.

House file 94, for funding the indebtedness of Hutchinson county, was laid on the table, it being discovered that another bill of similar purport, had been passed.

On motion of Mr. Gamble, the house went into

COMMITTEE OF THE WHOLE.

Mr. Fockler in the chair, on house file 24, a bill for the relief of C. J. B. Harris, without considering the measure, the committee rose and reported a recommendation that the claim be not allowed and that the bill do not pass.

Mr. Gamble moved that the report be adopted. The ayes and noes were called and the report was adopted by a vote of 15 to 9.

A BILL.

By unanimous consent the rule cutting off the introduction of bills was suspended and house file 103, for funding the indebtedness of Pennington and Custer counties, was introduced.

ADJOURNMENT.

On motion of Mr. Burbank the council at 4:25 p. m. adjourned until 10 o'clock, a. m., Feb. 17, 1879.