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DAKOTA LEGISLATURE.

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

FORTIETH DAY.

GENERAL COMMENTS.

There will be one fine point to be brought up in the courts in the future. According to an act of congress, to-day is a legal holiday, and the question troubling many of the members, is, can the laws passed to-day have any legality? Many of them have doubts on the subject, contending that the session expired last night at twelve o'clock. They, however, continued business to-day, leaving it to the courts to decide the question.

The members walked up to the pay roll this morning, and set their names down opposite four dollars a day.

Speaker Jackson was around with his autograph album to-day, getting the "hand-writes" of the members to hang on his centre table.

THE COUNCIL.

Saturday, Feb. 22.—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 minutes of yesterday's proceeding were dispensed with.

A QUESTION OF STAMPS.

Mr. Roberts raised to a question of privilege and inquiry. He said the pay roll had been made out, and was being signed by some of the members and officers, which allowed for 33 days attendance. This was wrong and he entered his protest. The council has been in session 40 days.

Nothing further was said, and the reporter is uninformed whether the "laborer is to have his hire" in full or is to be "reformed" to the extent of seven days.

REPORTS OF COMMITTEES.

Mr. Kuykendall, from the committee on mines and mining, reported back council bill 89, recommending its passage.

Mr. MacNider reported a number of bills correctly enrolled.

Mr. Cuppett reported house file 105 with amendments, and recommended its passage as amended.

Mr. Valentine reported that he had presented to the governor a large number of bills.

Mr. Roberts, from the judiciary committee, reported and recommended the passage of house file 92.

Mr. Edmunds, from the special committee of Yankton county members, reported with an amendment house file 71, to amend the act creating a board of education for the city of Yankton and recommended its passage as amended.

Mr. Wynn, from the same committee, presented a report recommending the passage of the bill without amendment.

MESSAGES FROM THE HOUSE.

A message informed the council of the passage by the house of a number of council and house bills.

The house amendments to council bill 108, in reference to ferries, were concurred in; also in amendments to council bill 107, amending the charter of the village of Sioux Falls.

Council bill No. 56, to establish a public school law for the territory, to which amendments were made by the house, was taken up.

Mr. Edmunds moved to concur in all the amendments except that striking out section 66.

Mr. Day moved as an amendment that the council concur in all the house amendments.

Mr. Day stated that he wanted section 66 restored, as that section provided for a general school tax, and if that provision was stricken out there are many districts in the territory which would be deprived of the advantages of schools.

A vote being taken, Mr. Day's motion was lost, as was also the original motion of Mr. Edmunds.

On motion of Mr. Kuykendall the sections to which amendments were made were acted upon separately. All the amendments up to section 66, were adopted, when Mr. Day renewed his motion to concur in the house amendment restoring that section.

Mr. Pettigrew moved to make the school tax one mill instead of three, which amendment was lost.

Mr. Edmunds moved to make the tax two mills. Pending the consideration of this motion, Mr. Edmunds moved a

CALL OF THE HOUSE.

which was made, and Messrs. Valentine and Wynn were found to be absent.

Before the sergeant-at-arms mustered his forces, Mr. Wynn came in, when Mr. Miner moved to suspend further proceedings under the call. Lost.

The president then placed a box of cigars on his table, and invited the members to smoke, which proposition was unanimously accepted.

After a short time Mr. Valentine returned and explained that he had been to the governor's office on official business connected with his position as chairman of the joint committee on enrollment. He further stated that the governor's private secretary had been taken suddenly sick, and that during the balance of the session executive communications would be transmitted to the legislature by I. E. West or Carl Hand.

Further proceedings under the call were

dispensed with, and the motion of Mr. Edmunds to make the general school tax two mills on the dollar was adopted.

The amendment of the house restoring section 66 was then concurred in as amended by the council.

The amendment of the house to section 78, exempting school officers from the payment of a poll tax, was not concurred in.

This ended the amendments, and the bill was directed to be returned to the house.

SALARY OF PROBATE JUDGES.

Mr. Edmunds called up council bill No. 131, fixing the salary of probate judges in counties having over 5,000 inhabitants, at \$200 a year.

The bill was put upon its passage and defeated.

A MESSAGE FROM THE HOUSE.

announced the passage of a number of bills, and the refusal of the house to pass council bill No. 110, to reimburse counties for expense incurred in the care of the insane.

A BILL.

Mr. Cuppett asked leave to introduce a bill amending the bill heretofore passed, authorizing certain towns and townships in Lincoln and other counties, to issue bonds in aid of railroads. The amendment proposed to confine the amount of bonds issued to 10 per cent of the valuation of the corporation voting such bonds.

Mr. Wynn objected on the ground that when at Canton he was informed by one of the heaviest tax-payers that the people were opposed to issuing bonds.

Mr. Cuppett explained that the man from whom Mr. Wynn received his information was the proprietor of the town of Beloit, Iowa, and a man opposed to every measure which had for its object the advancement of the interests of Dakota.

After some further discussion, Mr. Wynn retired from the hall, when a motion was unanimously adopted giving permission to introduce the bill.

The bill had its several readings under a suspension of the rules and passed by a unanimous vote.

MESSAGE FROM THE GOVERNOR.

A message from the governor was received through Judge I. E. West, announcing the approval of the following council bills:

No. 96—To vacate the plat of the town of Valley Springs.

No. 39—Repealing section 43 of the penal code.

No. 87—Amending section 36, chapter 27 of the political code.

No. 74—In regard to smoking opium.

No. 64—Funding the debt of Lawrence county.

No. 78—The apportionment bill.

No. 84—Prescribing fees of the secretary of the territory.

No. 123—Fixing the boundaries and terms of court in the 1st judicial district.

No. 129—Same in the 2d judicial district.

No. 97—Same in the 3d judicial district.

No. 66—To amend section 6, of chapter 5 of the political code.

No. 118—Providing for the education of deaf, dumb and blind persons.

No. 63—To remove doubt of the eligibility of certain officers.

THIRD READING OF BILLS.

Council bill No. 130, fixing the salary of the territorial treasurer and auditor at \$600 a year and \$50 each per annum for incidental expenses, came up for its third reading and passage. The bill was defeated—yeas 5, noes 7—Mr. Cuppett absent.

Council bill No. 89, providing for the taxation of the net proceeds of mines. Passed.

A RECONSIDERATION.

On motion of Mr. Valentine the passage of house file No. 97, relating to the subdivision of judicial districts was reconsidered, the bill amended appointing a term of court in Turner county on the 4th Tuesday in June, and then passed again.

HOUSE BILLS.

No. 103—To amend section 509 of the civil code was referred to the committee on judiciary.

No. 107—To establish a territorial road; to committee on highways, &c.

REPORT OF A COMMITTEE.

Mr. Pettigrew presented a report from the joint select committee to report a deficiency appropriation bill, to the effect that the secretary of the territory had money enough to pay the members for thirty-three days, and five hundred dollars to apply on printing of the laws; that that officer said it would require an additional sum of \$800 to secure the printing and binding of the laws; that he would not let the work to the lowest bidder, but would have it done at rates allowed by the government; that if the work was let to the lowest bidder he would deliver the laws to such bidder, but that the \$500 in his hands would not accompany the bills. The committee further reported that the deficiency for the pay of members should be paid by the general government, and that no appropriation for that purpose should be made from the territorial treasury.

The report was received and the committee discharged.

READING OF BILLS RESUMED.

House file 103—Amending section 509 of the civil code; referred to the judiciary committee.

House file 85—To provide for a registry law in incorporated towns and cities; to the committee on elections.

House file 46—To amend certain sections of the civil code; to judiciary committee.

House file 108—For a wagon road from the northeast corner of the Yankton reservation to Brule City. Passed.

House file 106—To amend section 406 of the civil code; to committee on judiciary.

THIRD READING OF HOUSE BILLS.

No. 100—To re-establish the boundaries of Hamlin county. Passed.

No. 105—To provide for the location of

the county seat of Turner county. Passed, ayes 7, noes 6. The bill authorizes the removal of the county seat by a majority of the people.

No. 71—To amend the act creating the board of education of the city of Yankton. The bill amends the law so as to make the fines collected for offenses committed within the city payable into the general fund of the county instead of going into the city school fund as under the present law. Mr. Edmunds moved to amend so as to leave the law as it is.

The amendment was lost by the following vote:

Ayes—Messrs. Edmunds, Ellis, MacNider, Pettigrew, and Roberts—5. Noes—Messrs. Day, Kuykendall, Miner, Rohr, Valentine, Wynn and Mr. President—7. Mr. Cuppett excused from voting.

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

Mr. Pettigrew moved to take a recess until 2½ o'clock, p. m. which motion was lost.

Mr. Pettigrew rose to address the council in opposition to the passage of the bill, and after speaking for some time, moved to lay the bill on the table. Ayes and noes called on the motion and lost. Ayes 5, noes 8.

Several motions to adjourn were made and lost, when the previous question was ordered on motion of Mr. Wynn.

Following vote: Ayes—Messrs. Cuppett, Day, Kuykendall, Miner, Rohr, Valentine, Wynn and Mr. President—8. Noes—Messrs. Edmunds, Ellis, MacNider, Pettigrew and Roberts—5.

On motion of Mr. Wynn a motion to reconsider was laid upon the table.

RECESS.

The council then took a recess until 2½ o'clock p. m.

AFTER RECESS.

The council resumed business at half past two o'clock.

A REPORT.

The committee on education reported with a recommendation that it pass house file 85, providing a registry law for cities and town having over 300 voters.

On motion of Mr. Miner the bill was indefinitely postponed.

THIRD READING.

House file 92, providing for the funding of the outstanding indebtedness of Hutchinson county. Passed.

House file 84, to authorize certain counties, towns and cities in northern Dakota to aid in the construction of railroads.

On motion of Mr. Edmunds the bill was amended by striking out all unorganized counties.

On motion the further consideration of the bill was temporarily postponed, until Mr. MacNider came in.

Upon his return on his motion the bill was indefinitely postponed.

House file 90, providing compensation for attorneys in certain cases. Passed.

House file 46, amending section 332 of the civil code, allowing no exemptions for physicians' bills. The bill was indefinitely postponed.

House file 106, to amend section 413 of the code of civil procedure, providing that appeals to the supreme court can be taken within two years from the time of the filing of the judgment roll. Lost—ayes 3, noes 10.

House file 103, to amend section 509 of the civil code. Lost.

House file No. 98—To authorize the county commissioners of Clay county to require the payment of a license and giving a bond for sale of intoxicating liquors. Lost.

House file 106, to establish a territorial road. Lost.

MESSAGE FROM THE HOUSE.

The house notified the council that it had passed council bill 132, authorizing certain towns and townships in Lincoln county to issue bonds for railroad purposes, and concurrence in the council amendments to the school law, and to house files 97 and 105.

RESOLUTIONS.

Mr. Roberts introduced the following resolutions which were adopted:

Resolved, That a committee of three to act with a like committee on the part of the house be appointed to wait upon his excellency the governor and ascertain if he has any further communication to make to the legislature.

Resolved, That a like committee be appointed to act with a committee of the house to fix the hour of final adjournment. On the first resolution Messrs. Roberts, Valentine and Edmunds; and on the second resolution Messrs. Cuppett, Ellis and Kuykendall were appointed.

RECESS.

At five minutes of four o'clock, the council, having finished all the business before it, a recess of half an hour was taken.

AFTER RECESS.

A. the expiration of the half hour the council re-assembled.

MESSAGE FROM THE HOUSE.

A message from the house announced concurrence in the council amendments to house file 100, fixing the boundaries of Hamlin county, and the passage of council bill 89, authorizing the issue of bonds for the building and maintenance of the insane asylum and penitentiary.

MOTION TO RECONSIDER.

Mr. Rohr moved that the vote by which the bill in regard to licenses in Clay county was lost be reconsidered, which motion prevailed.

CALL OF THE HOUSE.

On motion of Mr. Pettigrew a call of the council was ordered.

The absent members were brought in and on motion of Mr. Edmunds further proceedings under the call were dispensed with.

THANKING THE SCRIBE.

Mr. Edmunds introduced the following resolution which was unanimously adopted:

Resolved, That the thanks of the council are hereby tendered to the reporter of the Press & Dakotian for the very perfect, complete and impartial manner with which he has reported the proceedings of this body.

The bill in regard to license in Clay county was then taken up and Mr. Miner opposed the passage of the bill. Clay county, he said was well satisfied with the law as it now stands and any change would be detrimental to the interests of the people.

Messrs. Pettigrew and Roberts advocated the bill.

When the question was put on its passage it passed, ayes 8, noes 5.

SENT TO THE GOVERNOR.

Mr. Valentine, from the joint committee on enrollment, reported that he had handed to the governor for his action thereon council bills 90, 103, 124, 107, 71 and 117.

JOINT COMMITTEES.

A message from the house announced the appointment of Messrs. Stephens, Burbank and Gamble as the house members of the committee to wait upon the governor; and Messrs. Flick, Brown and Fockler to fix the hour of final adjournment.

MOTION FOR A RECESS.

Mr. Wynn, at five o'clock moved to take a recess until 9 o'clock, but at request withdrew the motion, and Mr. Roberts moved that when the council take a recess it be until 9½ o'clock this evening, which motion prevailed.

ENROLLED BILLS.

Mr. MacNider reported a large number of bills correctly enrolled.

THE LICENSE BILL.

was returned from the house with the information that that body refused to concur in all the council amendments; and the council, after some discussion, receded from its amendments, and the bill therefore passed both houses. The minimum license is \$200, and the maximum \$500 a year.

The house refused to pass the council bill increasing the compensation of county treasurers.

A RECESS.

At 6 o'clock the council took a recess until 9 o'clock, p. m.

AFTER RECESS.

The council re-assembled at 9 o'clock, all the members being in their seats.

RESOLUTION OF THANKS.

Mr. Cuppett offered the following resolutions:

Resolved, That a vote of thanks is hereby extended to the president of the council for the able and impartial manner in which he has presided during the present session, facilitating the dispatch of business and preserving harmony in the deliberations of the council, and the uniform courtesy of his official intercourse has secured for him our warmest personal regard.

Resolved, That the thanks of the council are hereby extended to A. O. Hubbard, chief clerk, E. H. Foster, assistant clerk, A. W. Heald, enrolling clerk, Jacob Brauch, sergeant-at-arms, M. C. Lyon, messenger, T. B. Buchanan, watchman, and Rev. J. A. Potter, chaplain, for the able and faithful manner in which they have discharged their respective duties.

On motion of Mr. Kuykendall, the resolutions were unanimously adopted.

IN RESPONSE.

to the resolutions, the president spoke as follows:

Gentlemen of the Council:—As our session is drawing to a final close, it is but fitting that I should say a few words. At the opening of the session, I was, to a large majority of you an entire stranger, and being such, you gentlemen ran a great risk in choosing me to the responsible, as well as honorable position as president of the council, not knowing whether I would be competent to fill the position and to preside over your deliberations with that dignity befitting the office. But I would infer from the tone of the resolution just adopted that the confidence you reposed in me has not been misplaced. When I accepted and assumed the duties of presiding officer of

the council I did so with the determination to discharge my duties with fairness and strict impartiality, without reference to persons or locality, which determination I believe I have adhered to up to the present time. If I have not, I wish to be corrected. In conclusion, allow me to say that I have been ably assisted by all members and officers of the council in the discharge of my duties, which accounts in a great measure for our harmonious session, and I can never forget the uniform courtesy with which you have treated me. Hoping that we may all meet again at some future time, when we may be able to return the compliments of the season, I again return to you all my thanks.

A BILL.

Mr. Kuykendall, by consent, introduced a bill to civilize and christianize the heathen Chinese.

The bill was referred to the squatter governor, by whom it was promptly vetoed.

ANOTHER BILL.

Mr. Pettigrew, asked and obtained leave to introduce a bill to define the boundaries of Lake county.

The bill, he explained, was for the purpose of correcting an error in the bill passed during this session fixing the boundaries of Hamlin county. The rules were suspended and the bill passed.

MESSAGE FROM THE HOUSE.

A message informed the council that the house had passed council bill No. 133, defining the boundaries of Lake county, and indefinitely postponed council bill 89, in relation to taxing the net proceeds of mines.

A MOTION TO RECONSIDER.

Mr. Day moved to reconsider the vote by which the bill in regard to physicians' services was lost.

Day's motion was, on motion of Mr. Cuppett, laid on the table, and the bill killed.

MESSAGE FROM THE HOUSE.

A message announced the passage by the house of house file No. 109, making an appropriation for the printing of the laws of Dakota territory, passed at the present session.

Mr. Roberts moved that the bill be indefinitely postponed. Which motion was lost—ayes 5, noes 6.

Mr. Cuppett moved to suspend the rules and place the bill on its second reading.

A long discussion ensued, in which Messrs. Pettigrew, Miner, Roberts, Day and Kuykendall opposed the bill, and Mr. Edmunds favored it.

On the motion to suspend the rules the ayes and noes were called, and resulted: Ayes: Messrs. Edmunds, MacNider and Wynn—3. Noes, Messrs. Cuppett, Day, Ellis, Kuykendall, Miner, Pettigrew, Roberts, Rohr and Mr. President—9. Mr. Valentine excused.

A REPORT.

Mr. Cuppett, from the committee to confer with the house committee in regard to the hour of final adjournment reported that 12 o'clock p. m. was fixed as the hour of adjournment.

A MESSAGE FROM THE HOUSE.

A message from the house having passed a concurrent resolution to adjourn sine die at 12 o'clock p. m., had reconsidered that action and fixed no other hour for final adjournment.

THE GOVERNOR.

sent in a message announcing the approval of a number of council bills.

A REPORT.

Mr. Roberts, from the committee to wait

on the governor, reported the committee had performed its duty, and that the governor had informed them that he had no further communications to make.

FINAL ADJOURNMENT.

At 12 o'clock p. m., the gavel of the president fell, and the council was declared adjourned sine die.

THE HOUSE.

The house met pursuant to adjournment at nine 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.

REPORTS OF COMMITTEES.

Reports were made on bills, as follows:

Council bill No. 100—Passage recommended without amendments.

Council bill No. 110—Reported adversely.

Council bill No. 94—Reported adversely.

Council bill No. 120—Passage recommended without amendments.

Council bill No. 122—Passage recommended without amendments.

Council bill No. 115—Two reports, the majority recommending that it do not pass.

Council bill No. 104—Recommending its passage.

Council bill No. 108—Recommending its passage with amendments. On motion, the rules were suspended and the bill passed.

A COMING REPORT.

By request Mr. Burbank, the special committee appointed to investigate the accounts of the auditor was given permission to put in its report out of the regular order.

REPORTS ACTED UPON.

On motion of Mr. Gamble, the rules were suspended and the reports of committees on bills were taken up with a view to a final action on the measures reported.

The bill relating to the care of the territorial library, reported back with a recommendation that it pass, was taken up, and the report of the committee adopted.

Council bill 101, to amend section 6 of chapter 21 of the judicial code, reported back without recommendation, was indefinitely postponed.

Council bill 100, reported back with a recommendation that it pass. The report of the committee was adopted and the bill passed, Messrs. Cross, Mauksch, Shely, Trygstad, Webber and Weeks voting in the negative.

Council bill 127 was reported back from committee with a recommendation that it pass.

On motion of Mr. Gamble, further consideration of the measure was indefinitely postponed.

Council bill 119, to amend section 5 of chapter 17 of the political code, relating to serving protests. The report of the committee that the bill pass, was adopted and the bill passed, Messrs. Hoy, Putnam, Trygstad and Webber voting in the negative.

Council bill 120, to amend section 413 of the civil code, relating to the liability of stockholders, reported with a recommendation that it pass. On motion of Mr. Gamble, the report of the committee was adopted and the bill passed by a vote of 17 to 7.

Council bill 122, amending sections 90, 91 and 92 of the justices' code, reported back with a recommendation that it pass. On motion of Mr. Gamble, the report was adopted and the bill passed by a vote of 19 to 5.

Council bill 104, legalizing the acts of the territorial treasurer in paying ten per cent. interest on warrants and providing for a reduction of interest on special funding warrants to eight per cent. or less, reported back with a recommendation that it pass; the report of the committee was adopted and the bill passed by a vote of 24 to 1.

Council bill 110, to reimburse counties for the custody and care of insane, reported back with a recommendation that it do not pass. Report adopted.

Council bill 115, to amend section 133 of chapter 7 of the code of criminal procedure, relating to a change of venue, reported back with a recommendation that it do not pass. Report adopted.

COUNCIL MESSAGE.

A message received from the council this morning was taken up. It transmitted house files 117, 93 and 95 passed without charge, and house file 102 with amendments.

On motion of Mr. Gray, the council amendments to house file 102 were concurred in.

RECONSIDERATION.

Mr. Gamble moved a reconsideration of the vote by which house file 113 was lost. So ordered. The bill was then passed by a vote of 15 to 8. It provides for the protection of the people against the operations of irresponsible insurance companies.

RUSHED THROUGH.

Council bill 117, for an act to incorporate the village of Valley Springs, was taken up and, by request of Speaker Jackson, went to its readings and was passed by unanimous vote.

VOTED DOWN.

House file 104, creating a lien of purchase money of personal property, was reported back from committee with a recommendation that it pass. The committee report was adopted and the bill, being brought to a vote, was lost by a vote of 14 to 8.

COMMITTEE OF THE WHOLE.

On motion of Mr. Stephens, the house, at eleven o'clock a. m. went into committee of the whole for the consideration of council bill 69, a bill making provision for the issue, sale and redemption of bonds for the purpose of erecting an insane hospital and a penitentiary and for maintaining the same. The bill authorizes the issue of \$45,000 worth of territorial bonds at eight per cent interest.

Mr. Stephens moved that the committee

rise and recommend that the bill do not pass.

A long discussion ensued, which was the warmest yet evoked in this rather turbulent body since the session began.

Mr. Jackson spoke in favor of the bill, and Mr. Burbank, Mr. Gray and Mr. Stephens against it, each at length and with great earnestness.

It was upon this occasion that Mr. Brown (who is now known as consolidated Brown) made his maiden speech. It was the fortieth and last day of the session and he had not taken advantage of his privilege to distinguish himself. His remarks were exceedingly interesting. He said there had been a great lingo presented against bonding and Mr. Stephens had intimated something about his (Brown's) way of voting. If he wanted to do it why didn't he fetch up a bill two or three days ago and find out. I've a voted for it. Has not this appropriation been passed. That's what I want to know. If they can show me this appropriation has not been combined in a bill presented day before yesterday I will vote for it. Every man knows we've got to sell warrants at a discount. As I said before, it's the way those two bills stand. It is a measure of economy that it is at it and I stand upon a different position otherwise. I believe the insane has got to be kept and I am not ashamed to go back to my constituency.

Mr. Burbank replied to Mr. Brown. He charged that Brown's vote on the bond bill was sold for votes for his consolidation bill.

Mr. Brown—I call Mr. Burbank to order unless he can prove it.

The chair said nothing and Mr. Burbank went on. He said that the only proper place for the penitentiary was in the Jim river valley and within twenty miles of Mr. Brown's home. Mr. Brown had said to the representative from Bon Homme, "take all you want, but give us consolidation." Mr. Brown had said that he favored the location of the penitentiary at Sioux Falls rather than in the Jim river valley, because he thereby gained votes on his consolidation bill.

Mr. Burbank was called to order and was strongly defended by Mr. Gray, upon the ground that his statements were being made by way of explanation.

Mr. Burbank was permitted to continue and the balance of his remarks showed that Mr. Brown had gone against the wishes of his constituents in trading on consolidation.

Mr. Gamble spoke against the bond bill at considerable length and finally at 12:30 p. m., Mr. Gray moved that

THE COMMITTEE RISE.

report progress and set again at two o'clock p. m.

The report was adopted and the house took a recess to two o'clock p. m.

AFTER RECESS.

The house reopened at two o'clock p. m. and was called to order by the speaker.

COUNCIL MESSAGE.

A message from the council which announced the passage, with amendments, of house file 51, Mr. Langness' liquor license bill, was taken up.

The clerk began to read amendments to the bill, when Mr. Gray moved a

CALL OF THE HOUSE.

which motion was ordered, and was discovered that Messrs. Gamble, Burbank, Shely and Whitfield were absent.

The sergeant-at-arms was instructed to bring in the absent members.

Mr. Gamble came just as the sergeant-at-arms started on his mission.

Mr. Brown moved that the further call of the house be dispensed with.

Mr. Gray rose to speak against the motion and the speaker ruled that the question was not debatable.

Mr. Gray appealed from the ruling and during the discussion which ensued Messrs. Burbank, Shely and Whitfield came in and further call of the roll was dispensed with.

Mr. Gray moved that the message from the council relating to house file 51 be referred to the committee on insurance, banks and banking.

Mr. Langness moved as an amendment that the house concur in the council amendments. No action was taken.

Council bill 56 came back from the council with notice that the council had concurred in some of the house amendments, added amendments and refused to concur in other house amendments. On motion of Mr. Gamble, the house receded from the amendments not concurred in, and agreed to the new amendments of the council.

Council bill 132, authorizing towns in Lincoln county to aid railroads, had its several readings, under a suspension of the rules, and was passed by unanimous vote.

Council bill 105, reported back from committee with a recommendation that it pass. It provides for an increase in the compensation of county treasurers. The bill was passed by a vote of 17 to 9.

Mr. Gamble gave notice of a motion to reconsider the vote.

The report of the committee on the bill providing for testing grain, was, that the bill lie on the table. The report was adopted.

COUNCIL MESSAGE.

The last message from the council was taken up. It included:

House file 97, which was passed by the council with amendments. The amendments were concurred in.

House file 105, to locate the county seat of Turner county, council amendments concurred in.

House file 100, to reestablish the boundaries of Hamlin and Cotington counties, council amendments referred to Mr. Burbank.

House file 71 was passed by the council unchanged.

Council bill 89, providing for the taxation of the net proceeds of mines, had its second reading, and, on motion of Mr. Flick, was indefinitely postponed.

Mr. Burbank moved to concur in the council amendments to house file 100. Adopted.

A COMMITTEE REPORT.

Mr. Burbank, from the special committee, appointed to investigate the auditor's accounts and the publication of the revised codes, and the disposition of the same made a long and detailed report, fully exonerating the secretary, the auditor, and the public printer from the false charge made by

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the council committee, engineered by Pettigrew. [This report is so lengthy that we can not give it to day, but will publish it in our next issue, in connection with the council committee's report upon the same subject].

During the reading of the report, Mr. Gray insisted that it should be referred to the committee of the whole, because its length made it tedious, but he finally withdrew this motion, and said he would be satisfied if it went to its appropriate committee.

Mr. Burbank then moved that the report be accepted and adopted, and ordered spread upon the journal, and that the committee be discharged. The motion was unanimously adopted.

COMMITTEE OF THE WHOLE.

The house then went into committee of the whole, Mr. Fockler in the chair, on council bill 69, the bill for the issue of bonds for penitentiary and insane hospital purposes.

Mr. Gray made a speech, and then moved that the committee rise, report progress and ask leave to sit again.

Mr. Stephens moved that the committee rise and recommend that further consideration of the bill be indefinitely postponed. A vote was called, and there being apparently a close vote, a division was called for. The chair ruled that a division was not in order. An appeal being taken from this decision, the chair was sustained.

Mr. Jackson moved that the committee rise and report a recommendation that the bill pass.

Mr. Gray called for the reading of the bill at length.

The chair refused to order the bill read.

Mr. Gray insisted that the bill be read.

Mr. Burbank said he hoped the chair would maintain order in the committee.

The motion of Mr. Jackson was then put and carried and

THE COMMITTEE ROSE

and made its report, which was adopted.

Mr. Gamble moved that further consideration of the bill be indefinitely postponed, but withdrew his motion before it was brought to a vote.

The question now recurred upon the final passage of the bill.

Mr. Gray spoke against the passage of the bill, but his arguments were so wide of the mark and so generally obnoxious that he injured his own side of the question.

Finally Mr. Brown rose to a point of order that Mr. Gray's time was up under a new rule introduced by Mr. Gray himself.

The speaker sustained the point of order. Mr. Gray appealed. The speaker said he wanted it distinctly understood that Mr. Gray's time was up, and called a vote on Mr. Gray's appeal which was almost unanimously voted down.

Mr. Gray still insisted upon talking. Mr. Burbank suggested that the house had a sergeant-at-arms.

The speaker ordered the sergeant-at-arms and the messenger to arrest Mr. Gray and convey him to some safe place and there keep him subject to the order of the house.

The sergeant-at-arms and the messenger proceeded to arrest the refractory member, but the house and the speaker at this juncture concluded to recede from its order and Mr. Gray was released.

Mr. Gray rose to a personal explanation and most courteously apologized for his actions. He said if he was out of order he regretted it, as he did not intend to place himself in that position.

Mr. Burbank spoke again against the bill and in the strongest terms urged the house not to fasten this wholly unnecessary debt upon the people of Dakota.

The bill then came to a vote and was passed by the following vote:

Ayes—Messrs. Brown, Flick, Fockler, Gunderson, Helvig, Hoyer, Hoyt, Huseboe, Langness, Trygstad, Webber, Weeks, Whitfield, and Mr. Speaker—14.

Noes—Messrs. Burbank, Cross, Gamble, Gray, Johnson, Mausebach, Shely, Simonsen, Stephens, Stewart, Walton—11.

Absent and not voting—Mr. Peterson.

Mr. Gray changed his vote and gave notice of a motion to reconsider within five minutes.

He soon rose and made the motion.

Mr. Brown moved to lay the motion on the table. Ayes and noes called and the motion was lost.

The question was now on reconsideration, and the vote stood 10 to 15 against such action.

On motion house file 51, the liquor bill was then taken up. The house went into committee of the whole, on that bill and council amendments were passed upon separately. The committee then rose and made a report which was adopted.

A MESSAGE FROM THE COUNCIL.

was received transmitting house files 92 and 90 which had passed with amendments, and also house files 106, 107, 84, 46, 103 and 85 which had failed to pass.

They also announced a joint resolution that a committee of three from each branch of the legislature to wait upon the governor to ascertain if that personage had any further communications for this body.

The speaker then appointed as the house wing to the committee, Messrs. Stephens, Burbank and Gamble. And announcing the appointment of a joint committee on adjournment, Messrs. Cuppet, Ellis and Kuvkendall. The speaker appointed Messrs. Flick, Brown and Fockler to confer with the last named committee.

THE DEFICIENCY BILL.

The report of the committee on the expediency of the deficiency bill was then given. They had consulted the secretary, who stated that \$2,000 had already been expended for printing, and there was not now enough money to pay for printing one thousand copies of the laws passed—barely enough to pay for the paper. That about \$1,000 would be required to pay for the printing above what was now on hand. Also that the appropriation for pay of members expired on the thirty-second day, but that he was of the opinion that congress would allow them the forty days' pay, and also two dollars per day for the full time in addition to their present salary, making the pay of all six dollars per day. The report of the committee was adopted, and the house went into committee of the whole on that subject, but soon rose and asked leave to sit again.

A MESSAGE FROM THE COUNCIL

was received, announcing that house file 98 had passed unchanged. The vote on the COUNTY TREASURER BILL,

which increases the compensation of that officer was then reconsidered and an amendment adopted, but the bill was lost on the vote.

ON MOTION,

it was agreed that no business except the mere receiving and signing of bills would be taken up until half past nine o'clock this evening, and the greater part of the house then left for supper.

THE NIGHT SESSION.

The house was called to order at half past nine o'clock by the speaker.

COUNCIL MESSAGE.

A message was received from the council announcing the passage by the council of council bill 133, for an act to define the boundaries of Lake county. This measure was designed to correct one of the errors of consolidated Brown, by which a tier of townships from Bramble and Miner counties had been attached to Lake county. A delegation had arrived from Lake county late this evening for the purpose of undoing the work and this is how it happened that the bill was put in so late in the session.

Mr. Fockler moved that the rules be suspended, the bill be put upon its several readings and passed.

Mr. Burbank moved a call of the house, but the call was not sustained.

Mr. Huseboe said he hoped the bill would pass. The change in the boundary of the county had been a mistake.

Mr. Burbank said he had no objection to the passage of the bill, but he had observed that Mr. Brown was absent, and as this was one of his children's come home to roost he wanted the consolidated gentleman present to vote upon the measure. He was satisfied that if the session was to continue a few days longer a great many more mistakes of this sort would be developed. He understood that Mr. Brown was in the council chamber and asked that he might be brought in.

The speaker instructed the sergeant-at-arms to procure Mr. Brown.

The sergeant-at-arms went on his errand, but soon returned and reported that Mr. Brown was in the council chamber a few moments ago, but that he had since fled.

The bill having had its several readings, was put upon its passage and passed by unanimous vote and this portion of the iniquitous work of the ring of which Mr. Brown is the tail end was undone.

EXCUSED.

By his own request Mr. Burbank was excused from service upon the committee appointed to wait upon the governor, and Mr. Flick was substituted.

MESSAGE FROM THE GOVERNOR.

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

H. F. No. 88—Authorizing the county of Yankton to issue bonds to fund its indebtedness.

H. F. No. 73—Amending section 640 of the code of criminal procedure.

H. F. No. 35—Amending section 26 of the code of civil procedure.

H. F. No. 66—Amending sections 5 and 6 of chapter 39 of the political code.

A DEAD BILL.

Mr. Stephens called up council bill 89, relating to the taxation of the net proceeds of mines. It came up readily under his call and went down again as quickly under a motion from Mr. Stephens to indefinitely postpone further consideration thereon.

ABOUT ADJOURNMENT.

Mr. Flick from the committee on adjournment, reported that it was decided that the house adjourn at twelve o'clock.

Mr. Burbank didn't see any necessity for such a motion, as a law of congress compelled such adjournment. He moved to lay the report on the table. So ordered.

A BILL.

Mr. Gamble asked for and received unanimous consent to introduce house file number 109, for an act to appropriate \$800 towards printing the session laws.

The bill had its first reading and Mr. Stephens moved that the rules be suspended and that the bill have its several readings and be put upon its final passage. The motion was adopted and the bill passed by a vote of 20 to 2, Messrs. Gray and Webber voting in the negative.

A THIRD HOUSE DIVISION.

On motion of Mr. Burbank the house went into committee of the whole for the consideration of the special committee to investigate the auditor, secretary, printers, &c., Mr. Fockler in the chair.

In committee it transpired that Mr. Gray had, during the afternoon, moved to refer to the committee of the whole, the report which had been previously adopted.

The committee having solemnly considered the subject rose and reported everything all right.

A lively passage followed between Mr. Burbank and Mr. Gray, which served to kill time and amuse the house. Some of their remarks came very near being personal.

Mr. Burbank called up the amendment of the council to the bill in which the council had, by amendment, changed the name of Gray City to Mandon and moved that the house concur in the amendment. Adopted.

COMPLIMENTARY RESOLUTION.

Mr. Fockler introduced the following resolution which was adopted:

Resolved, That the members of this house extend to the honorable J. R. Jackson, speaker, to the chief and assistant clerks and officers of the house, their thanks for the faithful and efficient manner in which they have discharged their duties during the 13th session of the legislative assembly of Dakota territory.

THE GOVERNOR INTERVIEWED.

A committee of one, consisting of Mr. Jackson, was appointed to wait upon the governor and ascertain if he had any further communication to make to the house.

Mr. Jackson performed the duty intrusted to him and reported that the governor had signed a large number of bills, a memoranda of which would arrive in a few minutes. The report was accepted and the committee discharged.

RECONSIDERED.

Mr. Burbank moved a reconsideration of

the vote to adjourn at midnight. The motion was adopted on a division of the house.

A LAST WORD

Mr. Burbank rose and stated that he had passed a pleasant forty days and that his best wishes went with the departing members.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor announcing his approval of house bills 98, 51, 102, 95, 61, 77, 93, 97, 10, 90, 96, 50, 53 and 92.

CLOSING WORK.

Mr. Stephens, from the joint committee appointed to wait upon the governor, reported that his excellency had no further communication to make.

Mr. Gamble moved that the house adjourn without day.

Mr. Gray made some pleasant remarks concerning his experience as a legislator and congratulated the house on the fact that the governor had pocketed the prison scheme.

A message was received from the council at 11:55 o'clock, announcing that that body would adjourn in five minutes.

Mr. Gamble made a few parting words in which he expressed his gratification over the pleasant experiences of the past forty days.

Speaker Jackson then rose and announced that the thirteenth session of the Dakota legislative session was about to close. He thanked the members of the house for their uniform courtesy and kindly co-operation at all times. He parted with the members of the house with unfeigned regret, and trusted that they would take with them a kindly recollection of him whose best wishes went with them. At midnight

THE HAMMER FELL

and the speaker declared the house adjourned without day.

GENERAL COMMENTS.

Two of the bills relating to the penitentiary scheme have died a natural death in not receiving the governor's signature. One of these measures is council bill 69, the bond bill urged so strongly by the Sioux Falls syndicate and the other is council bill 34, the bill locating the territorial penitentiary at Sioux Falls. Under law passed some fifteen years ago, the penitentiary is located at Bon Homme, and as the bill appropriating money for its construction has passed and been approved, it is possible that the territorial prison may be built at Bon Homme. Thus does it happen that Pettigrew's schemes have all fallen to pieces. The young man has overreached himself, and goes home badly beaten.

LAWS PASSED AND APPROVED.

To amend chapter three of title two of part three of division second of the civil code; and to provide for the organization of railroad corporations, to regulate the operations thereof, and to provide for the taxation of their property.

To amend section 461 of the penal code in relation to ferries.

Authorizing school district No. 1 of the county of Richland to issue bonds for the building of a school house.

To amend sections 15 and 16 of chapter 39 and section 81 of chapter 28 of political code in relation to fees and duties of county treasurers.

To change the name of the county seat of Chatinkaps to Waspeton to agree with its present name and post office.

Appropriating territorial taxes due from Grand Forks county for the year 1878 and 79 for the use of the county.

To amend section 446 of civil procedure concerning the examination of husband and wife as witnesses for and against each other and section 137 same code, relating to allegations in civil proceedings.

An act establishing the Dakota hospital for the insane, providing for the government of the same, and for the care of the insane, and for the organization of a board of commissioners of insanity in each organized county.

Providing a board of education for the city of Fargo.

For the relief of Lawrence county. This is the commissioners trouble.

Providing a board of education for the village of Sioux Falls.

Authorizing the appointment of a fire warden in the town of Deadwood.

Fixing the amount of time for which the clerks of the legislature shall be paid.

Amending an act for the incorporation of the city of Bismarck.

Amending sections 308 and 385 of the penal code, relating to punishment for assault and battery, and petit larceny.

Authorizing school district No. 2, Grand Forks county to issue bonds.

Authorizing Grand Forks county to issue bonds for certain purposes.

Providing for the organization of civil townships, and the government thereof.

Locating the county seat of Grand Forks county.

Amending the act providing a board of education for the city of Vermillion.

Creating a lien for miners and laborers in certain cases.

Funding the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks.

Amending the act incorporating the village of Sioux Falls.

Joint resolution asking for information as to pay.

Amending chapter 3, title 2, part 3, civil code relating to corporations.

Defining the boundaries of the counties of Burleigh, Emmons, Morton, Stark and Billings.

Enlarging the boundaries of the county seat of Clay county.

To employ assistant clerks, and providing for compensation of the same.

Amending this act to fund the indebtedness of Minnehaha and Lincoln counties.

Amending the incorporation act of the city of Vermillion.

Amending section 1 of chapter 17 of the political code relating to notaries public.

Amending the incorporation act of the city of Fargo.

Increasing the number of justices of the peace in certain counties.

Making an appropriation reimbursing the governor for money expended in constructing a hospital for the insane.

An act to attach the counties of Walleto and Mountraile to Burleigh County for certain purposes.

Relating to the rules of evidence in criminal proceedings.

Funding the indebtedness of Union county.

Authorizing the county commissioners of Deuel, Grant, Codington and Hamlin counties to pay their representative.

Amending section 4, chapter 3, political code, designating to whom shall be given printed volumes of the laws.

Authorizing school districts in the counties of Minnehaha, Brookings, Moody and Lake to issue bonds for certain purposes.

Regulating the time and manner of making fireguards.

Creating the office of reporter to the supreme court.

Removing doubt as to the eligibility of certain officers.

Providing for the instruction of deaf, dumb and blind persons.

Amending section 6 of chapter 5, of the political code, fixing the bonds of certain officers.

Funding the outstanding indebtedness of Lawrence county.

Defining the boundaries of the third judicial district.

Defining the boundaries of the first judicial district.

Defining the boundaries of the second judicial district.

Vacating the town plat of the town of Valley Springs.

Amending chapter 48 of the political code relating to apportionment of representation in the legislative assembly.

Amending section 3, chapter 27, political code, entitled elections.

An act in regard to the smoking of opium.

Repealing section 43, penal code.

Prescribing fees for the secretary of the territory in certain cases.

Amending sections 8 and 92, justices code relating to the transfer of action and appeal.

Amending section 336, code of civil procedure, relating to sale of real property on execution.

Authorizing Richland county to fund its indebtedness.

Amending section 56, justices code, relating to the jury trial.

An act to prevent fraudulent banking.

Appointing E. A. Sherman special agent on temporary arrangements for care of the insane.

Amending section 22, code civil procedure, relating to appeal to the supreme court.

Amending section 10, chapter 27, political code, on elections.

Amending section 446, code of civil procedure, concerning the examination of husband and wife as witness for and against each other.

Concerning public highways, roads, etc., in Union county.

To fund the indebtedness of Pennington county.

Providing compensation for attorneys in certain cases.

Amending chapter 10 of the political code.

To fund the indebtedness of Hutchinson county.

To amend chapter 13 of the political code relating to sub-divisions of judicial districts.

Authorizing Clay county to require the payment of license and the giving of a bond for the sale of liquor.

Providing for the purchase of Dakota supreme court reports, Volume 1.

Authorizing Deuel, Codington and other counties to pay their representative.

Regulating the license for the sale of liquor from \$200 to \$500.

To authorize Burleigh county to issue court house bonds.

To attach the county of Kingsbury to adjoining county for election purposes.

To amend section 647 of the civil code.

To consolidate the counties of Hutchinson and Armstrong, and to provide for the consolidation of Hanson and Davison.

To incorporate the village of Fiandreau.

An act authorizing the townships of Canton, Linn, Dayton and Grant in the county of Lincoln to issue bonds to aid in the construction of railroads.

An act to authorize school district 45 in Lincoln county to issue bonds to build a school house.

An act fixing the justices of the peace in Grand Forks.

To amend section 5 of chapter 17 of the code.

To amend section 413 of the civil code.

To authorize the board of education of Sioux Falls to fund its outstanding indebtedness.

To incorporate the village of Valley Springs.

To amend chapter 36 of the political code.

To legalize the acts of the territorial treasurer in paying 10 per cent. interest.

To amend the charter of Sioux Falls.

Making an appropriation for commencing a penitentiary and paying officers and employes and subsistence of prisoners.

To establish a public school law for the territory of Dakota.

To define the boundaries of Lake county.

To amend section 565 of the civil code, relating to the organization of agricultural fair corporations.

Providing for the expenses of the territorial library.

Annexing certain territory to the Yankton city school district.

Authorizing the employment of short

band reporters in the district courts of Dakota.

Authorizing the commissioners of Yankton county to fund the outstanding indebtedness of said county and for other purposes.

To amend section 6 of chapter 39 of political code—salary and fees of district attorneys.

To amend section 26 of the code of civil procedure, permitting the supreme court to be held in other buildings than those designated.

To amend section 640 of the code of criminal procedure, in relation to convict labor.

To amend subdivision 5 of section 2 of chapter 28 of political code, exempting grounds, &c., of benevolent societies from taxation.

To amend section 54 of chapter 29 of the political code, relating to ferry licenses.

For the relief of Fred Wells, treasurer of Bon Homme county.

To amend an act establishing the insane hospital.

To provide for the sale of unclaimed property by common carriers, inn keepers and warehousemen.

To amend section 703 of chapter 56 of the penal code relating to malicious mischief.

To amend the revenue law relating to listing property.

To incorporate the city of Yankton.

To authorize the city of Fargo to issue five thousand dollars of bridge bonds

H. F. 35—To amend section 26 of the code of civil procedure.

H. F. 73—To amend section 640 of the code of criminal procedure.

H. F. 66—To amend sections 5 and 6 of chapter 39 of the political code.