



DAKOTA'S LEGISLATURE.

The Press and Dakotaian's Report of the Proceedings of the Council and House of Representatives.

Fourteenth Session—22nd and 23rd Days.

Council

AFTER RECESS.

The council reconvened at 2 o'clock p. m., the president in the chair and members all present.

THE VETO MESSAGES.

On motion of Mr. Wilson, the council proceeded to the consideration of the governor's message withholding his approval from council bill eight, authorizing the commissioners of Lincoln county to issue bonds for the erection of a jail.

The message was read at length by the assistant clerk.

Mr. Wiggan supported the passage of the bill, notwithstanding the objections of the governor. The grand jury of Lincoln county at the last term of the district court reported that the jail was insufficient and unsafe, and upon that report the judge ordered the erection of a suitable jail, and that if the commissioners failed to commence work thereon within thirty days, then the sheriff should begin and complete the erection of such jail. There being no funds in the county treasury to meet the expense of such building, and if it should be erected without the issue of bonds, as provided for in the vetoed bill, county warrants would have to be issued and sold at a heavy discount. The jail must be built, and in the interest of economy and equity bonds should be issued for the purpose, as desired by the people of the county interested.

Messrs. Gamble, Wilson and Fisher also spoke in favor of the passage of the bill.

The question being put, "shall the bill pass, the objections of the governor to the contrary notwithstanding," and the roll being called, those who voted in the affirmative were:

Messrs. Day, Fisher, Gamble, Jolley, Martin, Scobey, Shaw, Smith, Walsh, of Union, Wiggins, Wilson, and Mr. President—12.

None voting in the negative; so the bill passed notwithstanding the objections of the governor.

The message vetoing council bill six, providing extra compensation to the judge of the first judicial district, was then taken up and read.

Mr. Wilson, in his remarks favoring the passage of the bill, stated that in response to a dispatch announcing the veto, he had received from the members of the bar and leading business men of Deadwood, a telegram urging the passage of the bill over the veto; that the bill was just and right and that the people desired authority to pay the judge of the first district the extra compensation provided for in the vetoed bill.

Messrs. Gamble, Martin and Jolley also spoke in favor of the passage of the bill.

Mr. Shaw, opposed it, believing that its passage would establish a dangerous precedent, under which every federal office-holder in the territory would be clamoring for additional pay.

The roll being called upon the question, "shall the bill pass, the objections of the governor to the contrary notwithstanding," those voting in the affirmative were:

Messrs. Day, Fisher, Gamble, Jolley, Martin, Scobey, Smith, Walsh, of Union, Wiggan, Wilson, and Mr. President—11. Mr. Shaw voted in the negative. So the bill passed.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of council bill two, for the location and erection of a penitentiary, with certain amendments, and requesting the concurrence of the house therein.

On motion of Mr. Shaw, the amendments were concurred in.

ADJOURNMENT.

On motion of Mr. Jolley, at 3:45 p. m., the council adjourned.

House.

AFTERNOON SESSION.

The house came to order at two o'clock Mr. French in the chair.

On motion of Mr. Cross, Mr. LaMoure was made speaker pro tem, and he took the chair.

On motion a call of the house was made, but pending proceedings, Mr. Speaker and other absentees came in.

The speaker apologized for his absence, advancing the excuse that all the watches at his house had stopped. He then took the chair.

BILLS SIGNED.

Mr. Baynes, of the committee on engrossed bills, reported house files two and seven correctly engrossed, and the speaker signed them in open session.

THE NEW CLERK.

The speaker inquired if Mr. White, the newly elected enrollment and engrossing clerk, would accept the position, and if he was present to qualify as clerk.

Mr. Boyles replied that he would accept—that he had gone to the insane asylum, but was expected every minute.

COMMITTEE ON ENROLLMENT.

Mr. Kennedy, chairman of the committee on engrossed and enrolled bills, asked that an additional member of his committee be appointed.

On motion of Mr. Wells, Mr. Cross was appointed as such additional member of the committee.

COMMITTEE OF THE WHOLE.

On motion of Mr. Boyles, the house at 2:15 p. m., went into committee of the whole, on the general order, Mr. Inman in the chair. The subjects for consideration were council bill seventeen, authorizing the commissioners of Bon Homme county to fund the outstanding indebtedness of the county; house file twenty-three, modifying the exemp-

tion law; house file twenty-five, amending an act providing a board of education for the city of Yankton; house file thirty-three, to repeal section 801 of the civil code, and house file thirty-eight, authorizing the commissioners of Hutchinson county to fund the outstanding indebtedness of the county and to legalize the warrants of Armstrong county.

THE COMMITTEE ROSE

at 3:15 p. m. and reported back the bills under consideration as follows:

That council bill seventeen be passed by the house.

That house file twenty-three be made special order for next Tuesday at 2 o'clock p. m.

That house file twenty-five be referred back to the house with a recommendation that it be considered by the Yankton county delegation.

That house file thirty-three be referred back to the house with a recommendation that it pass.

That house file thirty-eight be referred back to the house with a recommendation that it pass.

On motion of Mr. Dickey, the report of the committee of the whole was received and adopted.

THIRD HOUSE RESOLUTION.

Mr. Van Osdel introduced a resolution reciting that, whereas, the ground hog had been faithful to business, therefore be it resolved that ground hog day be declared a legal holiday.

On motion of Mr. Van Osdel, the resolution was referred to the gentlemen from the ground hog district, the gentlemen from Pembina.

THE NEW CLERK.

E. T. White, the newly elected engrossing and enrolling clerk, came forward, took the oath of office and was duly installed.

A COUNCIL BILL.

Council bill fifteen, a substitute providing for a normal school, was referred to the committee on education.

ADJOURNMENT.

The house, at 3:25 p. m., adjourned to ten o'clock to-morrow morning.

Council.

Wednesday, February 2.—The council met at 10 o'clock a. m. and was called to order by the president.

Prayer by the chaplain.

Roll call—members all present.

Reading of journal dispensed with.

THE CONTESTED CASE.

Mr. Shaw asked for information from the committee on elections in regard to the contest from the eleventh district. As the matter had been before the committee for a long time he desired to be informed what progress had been made in the investigation of the contest.

Messrs. Gamble and Scobey, of the committee, stated that no conclusion had been arrived at and the committee was not ready to report.

Mr. Wilson, chairman of the committee, being absent when the inquiry was made, on entering the hall, and being informed of the request for information, stated that the committee had not agreed upon a report; that he understood the majority of the committee desired to give the contestant time to send for certain papers, but that the contestant had last night informed him that he had not sent for any papers and did not desire to do so and did not intend to. Mr. Wilson stated further that he had ever been ready to act, and was ready at any time to present a report to the council.

Mr. Fisher offered the following resolution, and moved its adoption:

Resolved, That the committee on elections be relieved of the further consideration of the matter of contest of John F. Wallace vs. Patrick R. Smith, and that the same be made a special order and considered in committee of the whole at 2 o'clock this afternoon.

Mr. Wilson, as chairman of the committee and speaking for the other members, said they had given industrious and candid attention to the case before them, and speaking for himself said he was and is ready to act. He regarded the resolution as a reflection upon the committee, and if the resolution passed he should ask to be relieved from further service upon the committee.

Mr. Fisher disclaimed any intention to reflect upon the committee. He offered the resolution because a majority of the committee said they had not arrived at a conclusion and were not ready to act.

Messrs. Gamble and Scobey, of the election committee, did not regard the resolution as a reflection upon the committee and would not object to its passage.

Mr. Jolley opposed the resolution, regarding it as an unjust reflection upon the committee. Let the council ask the committee to report at a certain time, and if it fails to report at such time, then the council can take the case out of its hands and consider the matter in committee of the whole.

Mr. Day moved as an amendment to Mr. Fisher's resolution that the committee on elections be instructed to report upon the case of Wallace vs. Smith at 2 o'clock this afternoon, which motion prevailed.

REPORTS OF COMMITTEES.

Mr. Day presented a minority report from the committee on counties, on house bill forty, defining the boundaries of Morton county, and providing for the appointment of officers therein. [The minority report recommends the amendment of the bill so as to make the terms of appointive officers expire in 1881 instead of 1882 as provided in the original bill.]

Messrs. Gamble and Wiggan, the majority of the committee on counties, reporting on the same bill, recommended its passage.

On motion of Mr. Scobey, the majority report was adopted.

MESSAGE FROM THE HOUSE.

A message was received from the house announcing the passage by that body of house files 30, 31, 39, 42, 48 and 58, and requesting the concurrence of the council therein.

AN ABSENTEE.

The assistant clerk being absent, and his services being required, on motion of

Mr. Wilson the sergeant-at-arms was directed to hunt up the absentee and conduct him to the council chamber. In due time the sergeant-at-arms returned with the judge, who carried in his hand a box of cigars as a peace offering, which, together with a good reason for his absence, secured his excuse.

INTRODUCTION OF BILLS.

By Mr. Wiggin—For an act to repeal section 14 of chapter 39 of the political code. Read first time.

By Mr. President—For act in relation to attorneys' fees in justices' court. Read first time.

COUNCIL BILLS.

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

Nos. 42, 43, 44, 45, 46, 47, 48 and 52 to the judiciary committee.

Nos. 51 and 54 to the committee on insurance, banks and banking.

No. 55 laid over to come up for its third reading.

HOUSE BILLS.

No. 27 read second time and referred to the judiciary committee.

No. 41, read a second time and referred to the committee on counties and townships.

House file No. 40, to define the boundaries of Morton county, and for other purposes, was read a third time and passed—ayes, 7; noes, 5.

RECESS.

On motion of Mr. Fisher the council took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The session of the council this afternoon was devoted to the consideration of the contested case of Wallace vs. Smith, from the eleventh (Bismarck) district, and resulted in ousting Mr. Smith and giving Mr. Wallace the seat. The vote giving Mr. Wallace the seat was as follows:

Ayes—Messrs. Fisher, Gamble, Martin, Scooby, Shaw, Wiggin and Mr. President—7.

Noes—Messrs. Day, Jolley, Walsh of Union, and Wilson—4.

The proceedings in detail will be given to-morrow.

This conclusion was reached by the adoption of the majority report of the election committee, and it is a righteous verdict. Mr. Wallace has been kept from his seat for half of the session and republicans generally will rejoice that justice has finally been meted out to him.

HOUSE.

February 2, 1881.—House convened at 10 o'clock this morning.

Prayer by the chaplain.

Roll call showed all members in their seats.

Mr. Speaker in the chair.

On motion of Mr. LaMoure the reading of the journal of yesterday's proceedings was dispensed with, as the same would occupy too much time, being rendered very voluminous by the numerous ballots taken yesterday for the election of the new engrossing clerk.

REMONSTRANCES.

By Mr. Dickey—Presented remonstrances to accompany house file No. 62, to be referred to committee having said bill in charge.

REPORTS OF COMMITTEES.

By Mr. Warner—From committee on education reporting back council bill No. 15, relating to the location and endowment of a state normal school at Springfield, Dakota, recommending its passage.

By Mr. Inman—Reporting back from committee on insurance and banking, council bill No. 23, amending section 1,748 of the civil code, recommending its passage.

Also, house file No. 54—amending section 502 of the civil code and authorizing insurance corporations to invest funds, etc., in the territory of Dakota, and recommending that house file No. 33, introduced by Mr. Kennedy, relating to the same subject be withdrawn.

Also, substitute for council bill No. 5, amending section 1, chapter 19 of the political code, entitled jurors, recommending its passage.

By Mr. Baynes—reporting for the joint committee on enrolled bills, the presenting to the governor for approval, house file No. 2, employing pages and providing for the compensation thereof.

House file No. 3—Providing for territorial printing and funds for payment of the same.

House file No. 7—Exempting certain counties from chapter 38 of the code of civil procedure.

House file No. 22—Authorizing the use of funds appropriated to the use of the hospital for the insane.

By Mr. Rohr, reporting back from the committee on territorial affairs house bill No. 46, amending section 68 of chapter 28 of the political code, recommending its passage.

By Mr. La Moure, for the committee on counties and townships, moved to have substitute for house file No. 35 printed instead of the original. Motion adopted.

REPORTS OF SELECT COMMITTEES.

By Mr. Inman, reporting from special committee of members of the fourth judicial district, house file No. 49, relating to short hand reporters, recommending its passage.

NOTICE OF BILLS.

By Mr. Warner—Authorizing school district No. 1, of Hughes county, to issue bonds for the erection of a school house.

By Mr. Kennedy—Creating the county of Vermillion and defining the boundaries thereof.

INTRODUCTION OF BILLS.

By Mr. French—House file 67—Amending section 140, chapter 7, of the probate code.

By Mr. Donaldson—House file No. 68—Relating to the location of the county seat of Grant county, D. T.

By Mr. Brown—House file No. 69—for the protection of game and fish.

CONFERENCE COMMITTEE.

Referring to the message from the council refusing to recede from its amendments to house joint resolution providing for printing the reports of territorial officers, and appointing a special commit-

tee to confer with a like committee of the house on the subject,

On motion of Mr. Cross the chair appointed Messrs. Cross, Dickey and French as such committee of conference.

FIRST READING OF COUNCIL BILLS.

Council bill No. 34, amending section 10, of article 2, of an act incorporating the city of Elk Point.

Council bill No. 38, amending section 7, chapter 39 of the political code.

THIRD READING OF COUNCIL BILLS.

Council bills No. 17—Amending an act entitled an act authorizing the county commissioners of Bon Homme county to fund the outstanding indebtedness of said county.

SECOND READING OF HOUSE BILLS.

House file No. 52, amending sections 2, 4, 6, 7 and 13, of chapter 23 of the laws of 1879, to provide for a building committee and for the better government of the hospital for the insane. Referred to committee on charitable and penal institutions.

House file No. 55.—Authorizing the county commissioners of Minnehaha county to issue the bonds of said county to complete a county jail and for other purposes. Referred to committee on insurance, banks and banking.

THIRD READING OF HOUSE FILES.

House file No. 5.—Providing for the erection of a court house and jail in the county of Lawrence.

By permission, Mr. Cross offered certain amendments to the above bill, and the bill was referred back with the amendments attached for further consideration.

House file No. 33—Repealing section 50, of the civil code relating to insurance corporations. Further action on this bill was indefinitely postponed.

House file No. 36—Authorizing the county commissioners of Hutchinson county to fund certain outstanding indebtedness, and legalizing warrants issued by Armstrong county. Passed by a unanimous vote.

On motion of Mr. French the house went into committee of the whole for the consideration of house files 46, 49, 54 and 57, with Mr. Baynes in the chair.

After a short session the committee arose and submitted their report, recommending the passage of house bills No. 36 and 54; and on house file No. 57, recommending that the same do not pass.

This bill relates to and provides for the adjournment of the legislative assembly of Dakota territory at the expiration of forty days.

The report of the committee was adopted.

MESSAGE FROM THE COUNCIL.

The council reported to the house that the governor had returned council bill No. 6, providing extra compensation for the judge of the first judicial district, without his approval, together with his objections thereto, and that the bill had passed the council notwithstanding the veto of the governor, and asking the concurrence of the house therein.

A like report and request was made in regard to house bill No. 3, relating to the erection of a jail in Lincoln county.

Those bills were presented with the objections of the governor thereto, and after due consideration the house passed council bill No. 6 over the governor's veto by a vote of 20 yeas to 4 nays.

House bill No. 8 was lost, 13 voting in favor and 11 against the bill.

UNFINISHED BUSINESS.

Mr. Ellefson introduced house file No. 7, providing for the equalization of taxes in townships organized under chapter 23 of the civil code.

ADJOURNMENT.

On motion of Mr. Landman the house adjourned until the usual hour to-morrow.