



## DAKOTA'S LEGISLATURE.

### A Complete Report of the Proceedings of the Council and the House.

#### Fifteenth Session--First Day.

As was announced in our last issue the republican caucuses for the council and house were held last evening and the organization of those two bodies was fully agreed upon in a manner truly harmonious. The democrats did not caucus, that anybody knows of. They are individually strong enough, but numerically weak. Besides, they have implicit confidence in the republican party of Dakota and are not only willing but intensely pleased over the privilege of entrusting public affairs in its custody. It save them trouble. They don't have to make and break states and indulge in heart aches and cuss words, but are a harmonious band of brothers with none of the responsibilities of life on their hands.

The council republican caucus was held at General Dewey's office at eight o'clock last evening and a ticket was agreed upon. It is the same ticket shown in the detailed report of the proceedings as having been elected. The house republican caucus met at the hall of the house at nine o'clock last evening and harmoniously agreed upon the ticket which appears in the regular report of the house proceedings.

The legislative assembly has been given quarters in the second story of Bunker's block, where two comfortable halls have been procured by Secretary Hand. Below we give the proceedings in detail.

#### Council.

The council was called to order at noon by Mr. Dawson chief clerk of the council of 1881.

The first proceeding was the calling of the roll to which the members responded as follows:

- F. N. Burdick, Vermillion, Clay county, 1st district.
- John R. Jackson, Valley Springs, Minnehaha county, 3d district.
- F. M. Ziebach, Scotland, Bon Homme county, 5th district.
- F. J. Washabugh, Deadwood, Lawrence county, 10th district.
- S. G. Roberts, Fargo, Cass county, 13th district.
- H. A. Jerauld, Eden, Lincoln county, 3d district.
- W. P. Dewey, Yankton, Yankton county, 4th district.
- J. O'B. Scobey, Brookings, Brookings county, 6th district.
- C. H. McIntosh, Plankinton, Aurora county, 8th district.
- Geo. H. Walsh, Grand Forks, Grand Forks county, 12th district.
- J. C. Nickens, Jamestown, Statesman county, 14th district.

Owing to the fact that Elias McCauley and W. H. Donaldson each presented certificates of election from the seventh district neither one was enrolled.

Moved by George W. Walsh, of Grand Forks, that the convention proceed to form a temporary organization.

H. A. Jerauld, of Lincoln, arose and stated that he thought the roll was not complete without a representative from the seventh district. He suggested that as it was claimed more clerks had signed Donaldson's certificate than McCauley's, Mr. Donaldson's name should be placed on the roll.

Mr. Walsh thought it better to make temporary organization.

Mr. Jerauld thought temporary organization incomplete without all members.

Mr. Walsh moved to proceed to temporary organization.

Carried.

Moved that Wm. P. Dewey, of Yankton, act as temporary chairman.

Mr. Jerauld, of Lincoln, moved to substitute a motion to complete the roll by adding the name of W. H. Donaldson, of Codington. Substitute accepted. Motion put and lost.

Mr. Walsh renewed his motion that Wm. P. Dewey act as temporary chairman. Carried.

Mr. Dewey took the chair and after a speech of thanks asked the council their further pleasure.

The roll was again called, to which all the members responded, after which Chief Justice Edgerton administered the oath of office.

Moved by Geo. H. Walsh, of Grand Forks, to proceed to permanent organization. Carried.

S. G. Roberts, of Cass, nominated J. O'B. Scobey, of Brookings, for president. The ayes and nays being called Mr. Scobey was unanimously elected.

Mr. Scobey took the chair and made a short speech of thanks, after which he asked the further pleasure of the body.

Nominations for the minor offices now being in order the following gentlemen were nominated, and unanimously elected in quick succession:

- Chief clerk—E. A. Henderson, Grand Forks.
- Assistant clerk—J. M. Quinn, Cass.
- Enrolling clerk—C. F. Mallahan, Union.
- Sergeant-at-arms—Jacob Brauch, Yankton.
- Messenger—M. C. Lyons, Minnehaha.
- Fireman—Randal Peters, Lincoln.
- Chaplain—Rev. R. H. Dolliver, of Yankton.

With the exception of Mr. Mallahan all were present and took the oath of office.

Geo. Walsh, of Grand Forks, then presented a resolution that notice be sent to the house that the council is now organized and ready to transact business. Indorsed.

Mr. Dewey presented a resolution that the chair appoint a committee of two to join with a similar committee of the house and inform the governor that both branches are ready to receive any communication he may have to lay

before them. Indorsed, and John R. Jackson, of Minnehaha, and John C. Nickens, of Statesman, were appointed such committee.

Geo. R. Walsh, of Grand Forks, moved that the rules of the last council govern the present one temporarily. Carried.

F. N. Burdick, of Clay, presented a resolution that a committee of three be appointed on rules for the council. Indorsed.

Wm. P. Dewey, of Yankton, offered a resolution that a copy of the resolutions in regard to informing the governor of the organization of both houses be transmitted to the house and they asked to appoint a cooperative committee. Indorsed.

G. H. Walsh presented a resolution that a committee of three be appointed to meet a similar committee of the house to adopt rules for the government of both houses when in joint session.

Mr. Dewey suggested that the parties from the seventh district have leave to present their claims.

Granted.

The president then appointed the following gentlemen, the committee on rules for the council: F. N. Burdick, Clay; F. M. Ziebach, Bon Homme, and F. J. Washabugh, Lawrence.

On rules for joint sessions—Geo. H. Walsh, of Grand Forks, and E. H. McIntosh, of Aurora.

The credentials of each of the contesting parties were then presented to the president. Mr. McCauley, one of the contestants, gave notice that he should ask to leave present the official returns from each county in evidence, Mr. Donaldson, his opponent, objected.

Wm. P. Dewey, of Yankton, thought that under the circumstances, neither of the contestants had a right to speak, and asked that the credentials of both be read by the clerk. This was done.

Mr. Donaldson's certificate was signed by six clerks of election and Mr. McCauley's by three, there being however only a total of eight signatures, one clerk having signed both certificates.

H. J. Jerauld, of Lincoln thought it best to admit the one having the largest number of signatures to his certificate as it would be wrong to deprive the district of a representative and it would be impossible to take up in open session the investigation of the whole matter.

Wm. P. Dewey, of Yankton took the same position.

Geo. H. Walsh asked that some one make a motion to get the matter fairly before the council.

Mr. Jerauld then moved that Wm. H. Donaldson, of Codington, be admitted as a member from the seventh district. The ayes and nays being called the result was as follows:

- Ayes—Dewey, Jerauld, McIntosh, Roberts, Scobey, Walsh, Washabugh, Ziebach. Total, 8.
- Nays—Burdick, Jackson, Nickens. Total, 3.

Moved to adjourn to ten o'clock tomorrow. Carried.

#### House.

At noon to-day D. M. Inman, member from Clay county, called the house to order, in the absence of the clerk of the last house organization, and nominated Ira Ellis, of Union county, as temporary chairman of the house. The nomination was confirmed by unanimous vote of the members and Mr. Ellis took his seat.

E. A. Williams, of Burleigh county, nominated T. A. Kingsbury for temporary clerk and he was unanimously elected to that position.

On motion of D. M. Inman, the members presented their certificates to the temporary clerk and they were by him considered and reported upon.

J. B. Wynn, of Yankton, moved that the clerk proceed to call the roll of members as the certificates showed they were entitled to seats. The motion was adopted by unanimous vote and the roll call of the clerk was as follows:

- Ira Ellis, Elk Point, Union county, 1st district.
  - D. M. Inman, Vermillion, Clay county, 1st district.
  - N. C. Tychsen, Parker, Turner county, 2d district.
  - H. Van Woert, Montrose, McCook county, 2d district.
  - John Thompson, Dell Rapids, Minnehaha county, 3d district.
  - J. B. Wynn, Yankton, Yankton county, 4th district.
  - B. R. Wagner, Springfield, Bon Homme county, 5th district.
  - W. B. Robinson, Scotland, Bon Homme county, 5th district.
  - R. C. McAllister, Madison, Lake county, 6th district.
  - George Rice, Flandreau, Lake county, 6th district.
  - N. T. Hauser, Aberdeen, Brown county, 7th district.
  - N. J. Schaefer, Milbank, Grant county, 7th district.
  - Geo. Sterling, Huron, Beadle county, 8th district.
  - J. W. Nowlin, Rapid City, Pennington county, 9th district.
  - W. A. Rinehart, Lead City, Lawrence county, 10th district.
  - E. M. Bowman, Minnesella, Lawrence county, 10th district.
  - A. A. Choteau, Minnesella, Lawrence county, 10th district.
  - N. E. Nelson, Pembina, Pembina county, 11th district.
  - G. P. Harvey, Grafton, Walsh county, 12th district.
  - O. M. Towner, Larimore, Grand Forks county, 12th district.
  - John O. Pyatt, Wahpeton, Richland county, 13th district.
  - L. J. Allred, Tower City, Cass county, 13th district.
  - E. A. Williams, Bismarck, Burleigh county, 14th district.
  - B. W. Benson, Valley City, Barnes county, 14th district.
- This roll call places Hauser and Schaefer, of the contested seventh district, at their seats and leaves E. P. Phillips and William Lamb as the contestants for their seats. This is a matter to be decided by the future investigation of the house.
- The formal report of the temporary

clerk was that he found two members not present (Choteau, of the Hills district, and Towner from northern Dakota) and that in the seventh district there were four members returned, whereas the district was entitled to only two members. The temporary clerk therefore omitted the names of Mr. Lamb and Mr. Phillips from the roll.

The temporary chairman stated that it would be in order to substitute the two names not on the roll from the seventh district for the two names placed on the roll by the temporary clerk. No member responded to this suggestion and it was taken for granted that the roll call of the temporary clerk was satisfactory to the house.

J. B. Wynn, of Yankton, moved that the customary oath be administered to the members of the house whose names had been called by the temporary clerk. The motion was adopted and Chief Justice Edgerton then administered the oath to the members, as indicated, who rose from their seats in a body and with uplifted hands swore that they would support the constitution of the United States and would fulfill their duties as lawmakers for Dakota territory.

After this proceeding, Rev. J. G. Travis, of the Yankton Baptist church, offered prayer.

J. C. Pyatt, of Richland, moved that the house proceed to the election of officers and the motion was adopted.

George W. Sterling, of Beadle, nominated E. A. Williams, of Burleigh, for speaker of the house and the ballot gave him twenty votes and D. M. Inman, of Clay, two votes, W. A. Reinhart, of Lawrence and E. A. Williams, of Burleigh, voting for Inman and all the other members present for Williams.

Mr. Williams took the chair and thanked the house briefly for the honor conferred upon him. He said he was possessed of but limited experience and he hoped the house members would endeavor to aid him in the transaction of business. It was the acme of his ambition to discharge his duties as presiding officer with strict impartiality and he hoped when the session came to an end the constituents of the representatives present would have cause to remark—"Well done, good and faithful representatives." The oath of office was then administered to Speaker Williams by Chief Justice Edgerton, and he entered upon his duties.

John Thompson, of Minnehaha, nominated T. A. Kingsbury, of Codington, for the position of chief clerk of the house and the vote for Mr. Kingsbury was unanimous. He received the oath of office from Chief Justice Edgerton, and the business proceeded.

George W. Sterling, of Beadle, nominated E. T. Cressey, of Beadle, for the position of assistant clerk and Mr. Cressey was chosen by unanimous vote.

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W. B. Robinson, of Bon Homme, nominated A. Sheridan Jones, of Hutchinson, for enrolling and engrossing clerk and he was elected by unanimous vote, excepting that Mr. Pyatt was absent from his seat and did not vote.

James B. Wynn, of Yankton, nominated Judson La Moure, of Pembina, for sergeant-at-arms.

D. M. Inman, of Clay, moved that Mr. La Moure be chosen by acclamation, and he was accordingly elected sergeant-at-arms by *viva voce* vote.

R. C. McAllister, of Lake county, nominated Philip Clark of Moody county, for messenger and he was elected by acclamation.

Ira Ellis, of Union, nominated Peter Bjorgun, of Union, for watchman and he was duly elected by acclamation.

J. B. Wynn, of Yankton, nominated Rev. J. G. Travis, of Yankton, for chaplain and he was chosen by *viva voce* vote.

This completed the organization and the officers elected from chief clerk down were sworn in by Chief Justice Edgerton.

A motion made by Mr. Pyatt, that the chair appoint a committee of five on rules was adopted, but the committee has not yet been appointed.

Mr. Wynn moved that until new rules are adopted the house be governed by the rules in force at the last session. Adopted.

On motion of Mr. Ellis, the house adjourned to ten o'clock, a. m., January 10th.