

## DAKOTA'S LEGISLATURE.

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

Fifteenth Session--Second Day.

#### Council.

Called to order at ten o'clock a. m., by President Scooby.

Prayer by the chaplain.

Roll call--all members present.

Reading of the journal.

Mr. Walsh, of Grand Forks, objected to the use of the term chief clerk in the minutes, and asked that the word secretary be substituted therefor. No objections. Change made.

Owing to the fact that Chief Justice Edgerton had left the council chamber yesterday when W. H. Donaldson, of Codington, was admitted to his seat, the oath of office was not administered to him until this morning, when it was done by President Scooby, at the suggestion of Mr. Dewey, of Yankton.

On the call for the report of Committees, Mr. Burdick, chairman of the committee on rules for the council, said that the committee had as yet no report to make.

#### NOTICE OF BILLS.

Mr. Jackson, of Minnehaha, gave notice that he should introduce a bill to provide a special charter for the government of the city of Sioux Falls.

Mr. Jerauld, of Lincoln, gave notice that he should introduce two bills, one to change the name of Peder Halvorsen and the other to change the name of Paul Johnson, citizens of Lincoln county, Dakota.

#### INTRODUCTION OF BILLS.

Mr. Roberts of Cass, asked unanimous consent to introduce a bill immediately. No objection.

Council bill No. 1, entitled: "An act to provide for the distribution of laws," was read by the secretary.

Mr. Walsh, of Grand Forks, moved that the rules be suspended and that the bill pass to its second and third reading.

Mr. Dewey, of Yankton, objected, holding that the rules should not be suspended so early in the session and that it would be proper to await the governor's message before proceeding to any important business.

Mr. Roberts thought the bill should be passed at once.

Mr. Jerauld, of Lincoln, thought the matter should be postponed.

Mr. Dewey withdrew his objection and the motion to suspend the rules was put. Carried.

At this point a message was received from the house, informing the council that that body was fully organized and ready for the transaction of business.

The ayes and nays were then called on council bill No. 1, all members voting aye, with the exception of Mr. Jerauld, who voted nay.

Mr. Washabaugh introduced a resolution asking of the president of the United States the re-appointment of Gideon C. Moody as judge of the first judicial district.

Mr. Washabaugh moved that the rules be suspended and the resolution brought to its first and second readings.

Mr. Dewey of Yankton, objected.

Mr. Nickeus thought the matter should be attended to at once, as the judge's commission expires on the 16th of this month.

Mr. Washabaugh expressed his wish to have it passed at once, and said it was the unanimous wish of the people of his section.

Mr. Jerauld wished it delayed to a later part of the day.

Mr. Ziebach asked its passage immediately and heartily endorsed Judge Moody.

Message received from the house giving notice of the appointment of a committee to meet a similar committee appointed by the council, and notify the governor that the two houses are organized and ready to receive any communication he has to lay before them.

Moved by Mr. Jerauld to postpone the consideration of the resolution before the house until to-morrow. No second.

Motion to suspend rules put. Carried.

Mr. Ziebach moved that it receive its third reading by its title. Carried.

Mr. Dewey arose to speak and Mr. Walsh raised a point of order. The president decided Mr. Dewey to be entitled to the floor.

Mr. Dewey moved to refer the resolution to the judiciary committee. Motion ruled out by order of the president, on account of there being as yet no such committee.

Mr. Dewey stated that while personally in favor of the re-appointment of Judge Moody, he did not consider it within the duties of the legislature to recommend the appointment of men to office, and should therefore vote against the resolution.

The ayes and nays were then called, all members voting aye, with the exception of Mr. Dewey, who voted nay.

Moved by W. H. Donaldson that the council take a recess of half an hour. Carried.

Called to order by the president. The president then informed the members that he had appointed Stephen Grady as page.

Mr. Nickeus reported that the joint committee of the two houses having waited upon the governor were informed that he was desirous of meeting both houses in joint session at two o'clock p. m., to-day.

Mr. Washabaugh asked to introduce a resolution. Granted.

Mr. Washabaugh introduced a resolution asking that E. E. Hall, of the ninth legislative district, be accorded the privilege of the floor with the right to speak upon all matters concerning his district.

Mr. Walsh moved to let the resolution lie upon the table.

Mr. Washabaugh asked that the matter should be settled definitely in some manner.

The president stated that the motion was not debatable.

Mr. Walsh withdrew his motion.

Mr. Washabaugh moved the adoption of the resolution.

Messrs. Walsh and Donaldson each made short speeches against its adoption.

Motion put and ayes and nays called.

Ayes--Washabaugh, McIntosh and Jackson. Total 3.

Nays--Burdick, Dewey, Donaldson, Roberts, Walsh, Jerauld and Scooby. Total 7.

Absent or not voting--Nickeus and Ziebach.

Mr. Walsh moved to indefinitely postpone the consideration of the resolution. Carried.

Moved to take a recess until a quarter of 2 o'clock p. m. Carried.

#### AFTERNOON.

Called to order by the president at 1:45.

Mr. Nickeus offered a resolution giving notice that the council will meet the house at two p. m., for the purpose of receiving any communication the governor may have to lay before them. Adopted.

Message received from the house inviting the council to meet in the house for the purpose of receiving the governor's communication.

Mr. Walsh moved the invitation be accepted. Carried.

#### House.

The house was called to order at ten o'clock, a. m., Mr. Speaker in the chair.

Prayer by the chaplain.

A. A. Choteau, of Lawrence, having arrived, took the oath and became a member of the house.

Roll call showed all present, except Mr. Townner.

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

#### A COMMITTEE.

The speaker announced the following committee on rules: Messrs. Pyatt, Bowman, Sterling and Inman.

#### READY FOR BUSINESS.

On motion of Mr. Inman, the clerk was instructed to notify the council that the house was organized and ready for business. The clerk complied with the order of the house.

A message from the council was received announcing that the council was organized and ready for business. Also that a committee had been appointed, to act with a like committee from the house, to wait upon his excellency, the governor, and inform him that the legislature of Dakota was organized and ready for business.

Mr. Allred moved the appointment of a committee of three to act in the capacity stated and, the motion being adopted, Messrs. Allred, Bowman and Wynn were appointed as the house members of the committee.

The committee proceeded upon its mission.

#### A RECESS.

was taken, subject to the call of the chair, pending the report of the committee.

#### COUNCIL COMMUNICATIONS.

A message from the council brought the house to order. Council bill No. 1, a bill for an act to give each member of the legislature a copy of the revised code was received. Also a memorial and joint resolution asking for the re-appointment of Judge Moody.

A motion was made to take action upon the two council measures, but it was withdrawn on the suggestion that courtesy to the executive required the postponement of actual business until after his message was delivered.

#### THE COMMITTEE.

appointed to wait on the governor reported through Mr. Allred, that it had informed him that the legislature was ready to receive any communication from him and that he informed the legislature through the committee that he would be ready to present his biennial message at two o'clock, p. m.

Thereupon, the house, at eleven, a. m., on motion of Mr. Rice, adjourned to two o'clock, p. m.

#### AFTERNOON SESSION.

The house reconvened at two o'clock p. m., the speaker in the chair and all the members in their seats.

Mr. Inman presented a resolution, which was adopted, that the clerk be instructed to inform the council that the house was ready to meet in joint session and to invite the council to meet in the hall of the house.

A council message was received informing the house that the council was ready to meet in joint session to listen to the reading of the governor's message.

#### Joint Session.

At a few minutes past two o'clock p. m. the council members filed into the hall of the house and took their seats and Speaker Williams declared the joint session in readiness.

Mr. Dewey moved that a committee be appointed to wait upon Governor Ordway and inform him that the legislature was ready to listen to any communication he was pleased to make.

The motion was adopted and Messrs Dewey, Rice and Sterling were appointed as such committee.

In a few minutes the committee reported that the governor was present and he was introduced to the officers and members of the legislature. He then proceeded to deliver his message, which is printed in full elsewhere in this issue.

At the conclusion the joint session was dissolved.

#### Legislative Notes.

The resolution and memorial introduced in the council to-day by Mr. Washabaugh, of Deadwood, asking for the re-appointment of G. C. Moody as associate justice of the supreme court of Dakota was a merited compliment to that gentleman. It was put through the

council almost unanimously and was deferred in the house out of compliment to the governor until after the delivery of his message, when it passed that body. The last legislature paid a similar compliment to Judge Barnes, whose time was about to expire.

Council bill No. 1, which was passed under a suspension of the rules by that body this morning provides that the secretary of the territory shall furnish to each member a copy of the code of Dakota, and also the session laws of 1877-79-81 and '83.