

DAKOTA'S LEGISLATURE.

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

Fifteenth Session—Third Day.
Council.

THURSDAY FORENOON.

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

Roll call—all members present.

Prayer by the chaplain.

Reading of the journal.

RULES.

Mr. Burdick, of the committee on rules, reported in favor of the adoption of the rules governing the council of 1881 with the exception of using Cushing's rules for legislative assemblies instead of Barclay's digest.

When it came to the question of adopting the report of the committee Mr. Dewey arose and stated that as he had never seen a copy of the rules of 1881, he was not prepared to act understandingly and asked postponement to the afternoon session.

Mr. Roberts objected to postponement as no important work could be undertaken safely until the rules were fixed, and moved that the rules be read aloud and acted upon immediately. Motion put and carried.

The clerk at once commenced the reading of the rules.

While this was in progress a message was received from the house announcing the appointment of a committee to meet a similar committee of the council and form rules for the government of both houses when in joint session.

Clerk again proceeded to the reading of the rules.

When the proposition to substitute Cushing's laws and practice for Barclay's digest was brought up Mr. Jackson stated that he thought it would be better to use the rules which govern the national house of representatives and moved an amendment to this effect.

Mr. Washabaugh read rule fifty-four, for the government of congress, showing that it was governed by Jefferson's manual.

Mr. Dewey was not particular what rules were adopted.

Motion put and carried.

Mr. Jerauld moved to amend so as to read the "rules of the house of representatives of the United States of 1877."

Mr. Nickens stated that those rules had since been revised and cut down.

Motion put and carried.

Mr. Walsh asked that rule 21 be re-read. Done.

This rule provides that if no objection is made to a bill on its first reading or the objection is negatived it shall go to its second reading unquestioned.

Mr. Walsh moved that the words "be printed and" be inserted after the word "shall." Carried.

Mr. Jerauld objected to rule thirty-first. This rule provides that upon any two members calling for the ayes and

nays upon any motion, every member shall be obliged to express himself unless specially excused.

Mr. Jerauld moved to substitute the word "one" for the word "two."

Mr. Walsh objected as members might take advantage of this rule to obstruct legislation.

Mr. Jerauld thought this objection applicable to a large body only. He thought the people were always anxious to know the position of their representatives and they should always be ready to put themselves clearly upon record.

Mr. Ziebach objected, said it gave too much privilege to one member.

Mr. Walsh said that it could be used to stop debate in case any member wished to avoid debate on any measure.

Mr. Jackson took the same view.

Message received from the house returning council bill No. 1, and resolution recommending the reappointment of Judge Moody, having been passed by the house.

The council again proceeded to discuss the motion before them.

Mr. Jerauld thought that when a motion came to a vote the debate was stopped anyway.

The motion was put and lost.

Mr. Dewey moved to amend the same rule so that in calling the ayes and nays the president's name should be called last instead of in its alphabetical order. Carried.

Mr. Washabaugh moved that resolutions be included in rule 21, which provides for the printing of bills. Withdrawn.

Rule 38 provides that the president cannot change a committee once formed without a resolution of the council.

Mr. Jackson wished to know if it included both select and standing committees.

Mr. Burdick thought it did.

Mr. Nickens moved to amend the rule so as to make it read, "without the consent of the council." Carried.

The clerk having finished reading the rules, Mr. Roberts moved that the report as amended be accepted. Carried.

Mr. Washabaugh moved that the report of committee on rules be printed.

Mr. Nickens asked him to withdraw his motion, which he did.

Mr. Nickens asked unanimous consent to take up rule 59, which provides that a majority of the members holding seats in the council shall be a quorum. Granted. He then moved that the word "seven" be substituted for the words "a majority." Carried.

Mr. Washabaugh again moved that one hundred copies of the report of the committee on rules, as amended, be printed for the use of the council.

Mr. Dewey suggested that it be deferred until the committee on joint rules report.

Mr. Washabaugh stated that he would not fix any time for the work to be done. Motion put and carried.

Mr. Walsh reported that the committee on joint rules was not yet ready to report.

Mr. Walsh moved that five hundred

copies of the governor's message and accompanying reports be printed. Carried.

Mr. Dewey offered a resolution that the committee on insurance be asked to report as soon as possible. Adopted.

Mr. Walsh moved that the governor's message be made the subject of a session to-morrow afternoon at two o'clock. Carried.

NOTICE OF BILLS.

Mr. Ziebach gave notice of a bill to amend the revenue and assessment laws of the territory.

Mr. Dewey gave notice of a bill to change the name of the Yankton Artesian Well company; also, a bill to allow Jacob Brauch, administrator, to sell property.

INTRODUCTION OF BILLS.

Mr. Jerauld introduced two bills, one to change the name of Peder Halverson to Hall and one to change the name of Paul O. Johnson to Paul O. Tomt.

Mr. Nickens objected to them on the grounds that the courts provide a remedy in such cases. No motion to reject was made however.

Mr. Nickens introduced a bill to provide for the protection of fish in Spirit Lake, Stutsman county and also a bill extending the time when the taxes of 1882 shall become delinquent.

Council bill No. 2, introduced by Mr. Dewey, was taken up. It provides for the appointment of a door keeper each for the house and council, the appointees to act alternately as night watchman, to be paid \$4.00 per diem.

Mr. Walsh moved to reject the bill.

Mr. Dewey asked that it should be read.

The bill was read at length. Mr. Dewey warmly supported the bill, stating that it was impossible for the sergeant-at-arms to act both in that position and as door keeper. He thought a mistake had been made in appointing a man as messenger. He also thought it discourteous to ask the rejection of the bill.

Mr. Walsh thought it the proper time to move the rejection of it, and stated that he would support a resolution to place the fireman and messenger under the sergeant-at-arms.

Mr. Jackson supported the bill.

Mr. Jerauld thought it would be impossible for any of the officers now employed to act as night watchman.

Mr. Walsh then called attention to that section of the organic act which provides for officers in the council.

Ayes and nays being called on motion to reject the result was as follows:

Ayes—Burdick, Donaldson, Nickens, Roberts, Walsh and Ziebach. Total, 6.

Nays—Dewey, Jackson, Jerauld, McIntosh, Washabaugh and Scobey. Total, 6.

The vote being a tie the motion was declared lost.

Mr. Dewey gave notice of a bill to change and amend the charter of the city of Yankton.

Mr. Walsh moved to adjourn to 10 a. m. to-morrow. Carried.

House.

WEDNESDAY AFTERNOON CONCLUDED.

After the joint session was dissolved the house considered the memorial

passed by the council, asking for the re-appointment of Associate Justice Moody. Under a suspension of the rules the memorial went through its several readings and was passed, Mr. Wagner alone voting in the negative.

Mr. Rinehart, the democratic member from Lawrence county, explained that he voted in the affirmative, but that he should during the session introduce a bill to deprive Judge Moody of his extra salary allowance.

Under a suspension of the rules, on motion of Mr. Sterling, council bill No. 1, giving members of the legislature copies of the laws, had its several readings and was passed, Mr. Rice and Mr. Thompson voting against it. Mr. Rice explained that he would have favored the bill with an amendment specifying that the books be returned to the territory at the end of the session.

The house then adjourned until ten o'clock Thursday morning.

THURSDAY MORNING.

House convened at ten o'clock, Mr. Speaker in the chair.

Prayer by the chaplain.

O. M. Towner, of Grand Forks county, being present, was sworn in and took his seat.

Roll call showed that all the members were present.

The journal of the previous session was read and approved.

A COMMITTEE REPORT.

Mr. Pyatt, from committee on house rules, reported that the rules of the last session be adopted and that the following committees of five members each be appointed:

Judiciary, education, ways and means, counties townships and cities, public printing, engrossed and enrolled bills, territorial affairs, agriculture, banking and insurance, mines and mining, railroads, charitable and penal institutions, highways, bridges and ferries, immigration, elections, Indian affairs, manufactures, public lands, federal relations, public buildings.

On motion of Mr. Thompson, the report was accepted and adopted.

NOTICE OF BILLS.

By Mr. Thompson—To vacate a part of Phillips avenue, village of Sioux Falls.

By Mr. Sterling—To authorize school district, No. 1, Beadle county, to issue bonds to fund the outstanding indebtedness.

JOINT RULES.

Mr. Pyatt moved that the speaker appoint a committee of three to act with a like council committee on joint rules. Adopted and Messrs. Pyatt, Rice and Sterling appointed.

RECESS.

The house then went into recess, subject to the call of the speaker.

AFTER RECESS.

The speaker announced that he had appointed two pages—Clarence Poore and Walter Whittaker.

On motion of Mr. Ellis the committee on counties was increased from five members to seven members.

AS TO CIGARS.

Mr. Thompson, who does not smoke and is opposed to the vice, presented a resolution binding the members of the house not to burn cigars in the hall of the house while that body is in session. Mr. Thompson moved the adoption of the resolution.

A member moved that the resolution lie on the table. This motion was lost by a vote of seventeen to four.

The resolution presented by Mr. Thompson was then adopted.

Mr. Thompson moved that the vote by which the resolution was passed be reconsidered and that the motion to reconsider be laid on the table.

There was an ominous silence after Mr. Thompson's last motion, and several members reached down in their vest pockets for matches to apply to their extinguished stubs.

The speaker, hearing no second to Mr. Thompson's motion, maintained his accustomed composure and the subject was dropped.

ADJOURNED.

At twelve o'clock the house adjourned to ten o'clock Friday morning.

Session Notes.

The legislative committees will be announced to-morrow. Considerable time has been taken in making them up, because there is a prospect that much important legislation will occur during the session and it is proposed to construct the various committees with an eye to adapting the constituent parts thereof to the work to come on. It is expected that the business of the session will begin to-morrow. There were to-day five notices of bills to be presented.

There is a serious lack of ventilation in the house chamber, and it proves a source of great discomfort. The secretary of the territory is laboring to remedy the defect and it may be safely said that he will make the members comfortable. During the morning session, Representative Pyatt, while delivering the report of the committee on rules, was nearly overcome by the foul air in the room and had to send his report to the clerk's desk to be read. This condition was the cause of the passage of a resolution to-day prohibiting smoking during session hours.

Council bill No. 2, introduced by Gen. Dewey this morning promises that the council and house shall appoint watchmen. A motion to reject the bill, by Mr. Walsh, provoked the first lively discussion which has yet occurred in the council. Several of the members advanced the idea that officers should earn their salaries. The motion to reject was lost by a tie vote.

The council has now adopted its rules and is apparently ready for any business which may come up. The earnest work of the session will probably begin soon now.