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YANKTON, DAKOTA TERRITORY, WEDNESDAY EVENING, JANUARY 10, 1877.

No. 218.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Second Day's Proceedings.

Council.

The council was called to order by the president at ten o'clock, and prayer by the chaplain was offered.

Roll call showed a quorum, and the reading of the minutes of yesterday's session was proceeded with.

The president announced that the regular order of business was the report of the committee on standing committees.

Mr. Bailey brought up the subject of the election of president by ballot. He had examined the statutes and found that they expressly provided that the president of the council shall be elected by a *vice voce* vote. Dr. Burleigh was yesterday elected by ballot as president of the council. The subject was an important one, and Mr. Bailey wanted the matter remedied before the council entered upon its work. In reply to enquiries, Mr. Bailey said he had thoroughly examined all the laws of the territory, and could find no enactment repealing or modifying the statute quoted by him.

The subject was further discussed, but argument was cut short by a motion from Mr. Miner, that the council proceed to elect a president.

The clerk, by the direction of the president, read the law relating to the organization of the legislature.

A message was received from the house notifying the council that the house was organized and ready for business. Also that a committee had been appointed to act with a council committee in notifying the governor that the legislature was organized and ready for business.

On motion of Bailey, Mr. Miner was made temporary president of the council. Mr. Burleigh vacated the chair and Mr. Miner took possession.

On motion of Mr. Bailey the clerk proceeded to call the members on the election of permanent president.

A flurry of excitement prevailed about this time, as it was a trying moment for those who didn't care to go on the record in connection with this matter, but each man stood by his candidate and the declared result of the first vote stood as follows:

For Burleigh—Messrs. Back, Gunderson, La Moure, Miner, Potter and Wilson—6.

For Mills—Messrs. Bailey, Duncan, Pettigrew, Valentine, and Wallace—5.

For Valentine—Mr. Mills—1.

For Potter—Mr. Burleigh—1.

The president announced no choice and the council proceeded to the second ballot, which resulted as follows:

Burleigh—Messrs. Back, Burleigh, Gunderson, La Moure, Miner, Potter, Wilson—7.

Mills—Messrs. Bailey, Duncan, Pettigrew, Valentine, and Wallace—5.

Valentine—Mr. Mills—1.

The second vote resulted in a majority for Mr. Burleigh and he was declared elected and Messrs. Mills and Valentine were appointed a committee to escort the president to the chair. That duty performed council would have been in working order, but for the desire on the part of some of the members to have the oath of office administered to the newly elected president.

President Burleigh said with some bitterness that he had hoped to be spared the humiliation of voting for himself and made some other remarks upon that subject. He was willing to leave to the decision of Chief Justice Shannon the question of the necessity of his being re-sworn.

A discussion ensued between Messrs. Wallace, Pettigrew, Back, Bailey and Valentine on this point and at the close of their talk Mr. Duncan moved that the oath of office be administered to the president elect.

Mr. La Moure moved to lay the motion on the table.

President Burleigh suggested that the chief justice be called in and Mr. Duncan propounded a motion to that effect.

Mr. Miner moved that the council take a recess until two o'clock.

A vote was taken on this motion, a division of the house was called for which showed a tie and the president cast the decisive vote in the affirmative.

The council then took a recess to two o'clock.

AFTERNOON SESSION.

The council was called to order at two o'clock by Chief Clerk Hanson and roll call showed all members present.

The oath of office was administered to President Burleigh by Chief Justice Shannon.

Mr. Miner offered the following resolutions:

That the council adopt the rules of the council of 1874-75, except section 25 of said rules, and that in lieu of section 25 there shall be the following rule:

There shall be appointed by the chair the following standing committees to consist of three members: Judiciary, education, finance, elections, railroads, counties, territorial affairs, expenditures, public printing, engrossed bills, enrolled bills, highways, bridges, and ferries.

And that the order of daily business be the same as it was in the council of 1874-75, except the 11th order and that the word "house" be stricken out of said order and the said order adopted.

Mr. Pettigrew offered an amendment substituting a committee on railroads in place of the committee on public lands and the resolution so amended was adopted.

A resolution, offered by Mr. Back, that the council was organized and ready for business, was adopted.

Mr. Valentine presented a resolution for the appointment of a committee of three to act with a similar house committee to wait on the governor and inform him that the

legislature was organized and ready for business.

Messrs. Valentine, Wilson and Bailey were appointed as such committee.

The president announced the following standing committees:

Judiciary—Miner, Wallace, Bailey.

Education—Wallace, Valentine, Duncan.

Finance—Bailey, Wilson, Valentine.

Elections—Potter, Miner, Wilson.

Railroads—Pettigrew, Bailey, Mills—Counties—La Moure, Potter, Miner.

Territorial Affairs—Wilson, Pettigrew, Wallace.

Expenditures—Duncan, La Moure, Potter.

Public Printing—Valentine, Mills, Back.

Engrossed Bills—Back, Duncan, Gunderson.

Enrolled Bills—Mills, Gunderson, Pettigrew.

Highways, Bridges and Ferries—Gunderson, Back, La Moure.

Mr. Miner offered the following, which was adopted:

Resolved, That members of the house and the officials of the territory be invited to seats within the council chamber whenever they desire to attend this session of the legislative session.

A resolution making it the duty of the secretary of the territory to cause the American flag to wave over the capitol building during the session was presented.

Mr. Back didn't see how the secretary was to be compelled to make it wave.

Mr. Wallace thought the Divine Creator would attend to that.

As the resolution was adopted and the duty was left entirely with the secretary.

Mr. Valentine reported that the committee appointed to wait upon the governor had performed that duty and that the governor had replied that he would communicate with the council in writing, through his secretary.

Mr. Wallace presented a resolution that a committee of three be appointed to act with a house committee on joint rules.

The resolution was adopted and Messrs. Wallace, Miner and Pettigrew were appointed.

The governor's secretary, Col. Pomd, appeared in the council chamber and presented the governor's message.

On motion, the message was read by the chief clerk. [See message on 2d page.]

Mr. Pettigrew moved that the consideration of the governor's message be made the special order for Friday morning at ten o'clock and that 500 copies of the message be printed for the use of the council. Motion adopted.

Mr. Mills offered a resolution requiring the secretary of the territory to furnish each member with a copy of the laws of 1874-75. Adopted.

Mr. Pettigrew moved that the secretary be requested to furnish each member of the council each day during session with four copies of the Daily Press and Dakotian. Adopted.

Mr. Back gave notice of his intention to introduce a memorial for the division of the territory.

Mr. Pettigrew introduced a bill for the incorporation of the village of Sioux Falls. Council adjourned.

House.

The house met pursuant to adjournment, all the members being present.

Prayer by the chaplain.

The minutes of yesterday's proceedings were read and approved.

The committee on rules reported, and on motion the report was adopted and the rules as adopted by the committee read by the clerk.

Messrs. Coddington, Inman and Clarkson were appointed a committee on joint rules of the house and council, and the clerk directed to inform the council of the appointment of such committee.

The hour for the meeting of the house was fixed at 10 o'clock in the morning.

A recess of twenty-five minutes was taken.

AFTER RECESS.

The house being called to order, an adjournment was made until 2 o'clock p. m.

AFTERNOON SESSION.

The house met at 2 o'clock, pursuant to adjournment.

STANDING COMMITTEES.

The chairman announced the standing committees, as follows:

Judiciary—Beadle, Inman, Iverson, Hexom and Tucker.

Education—Messrs. Clarkson, Coddington, Ziebach, Thompson and Sargent.

Ways and Means—Messrs. Coddington, Adams, Stewart, Hackett and Moderstrom.

Elections—Messrs. Van Tassel, Sargent, Taylor, Dunham and Ziebach.

Counties and Townships—Messrs. Dunham, Hackett, Clarkson, Falde and May wald.

Printing—Messrs. Thompson, Van Tassel, Tucker, Burke and Kelleher.

Engrossment—Messrs. Iverson, Inman, Hopkins, Boe and Myron.

Enrollment—Messrs. Hixson, Beadle, Kelleher, Sellberg and Falde.

Territorial Affairs—Messrs. Soderstrom, Maywald, Sellberg, Adams and Stewart.

Agriculture—Messrs. Hopkins, Burke, Boe, Taylor and Myron.

CONTESTED ELECTION.

The speaker laid before the house the petition of J. G. Jones contesting the election of Maj. T. S. Clarkson, the sitting member from the 10th district, comprising the counties of Charles Mix, Brule and Sully.

On motion, the petition was referred to the committee on elections.

The petition of the contestant states that the sitting member wrongfully holds his seat, for the reason that he did not receive a majority of the votes cast in the district; that he is ineligible to a seat in the house, on the ground that he holds the position of Indian trader at the Yankton Indian agency, that being a federal office; and further,

that the contestant is entitled to twelve votes, which were not canvassed, that he is eligible to the office, and is rightfully entitled to the seat.

A communication was received and read from the secretary in reply to the resolution of the house asking that copies of the laws of the last session be furnished each member, stating that the limited number of copies of the laws at his disposal prevented him from complying with the request.

The committee to wait upon the governor reported that they had performed the duty imposed upon them, and that the governor would immediately communicate his message to the house through his private secretary, Col. Wm. Pound.

The governor's private secretary appeared and presented a message from the governor, which, on motion, was read by the chief clerk, as follows:

[See second page for message.]

On motion 500 copies of the message were ordered printed for the use of the house, and that the message be made the special order at 11 o'clock a. m., on Saturday next.

A partial report of the commission to codify the laws was presented by the governor through his private secretary.

On motion of General Beadle, a committee of five members of the house was appointed to act with a similar committee on the part of the council, to which shall be referred the report of the codifying commission. The speaker appointed as such committee Messrs. Beadle, Adams, Coddington, Soderstrom and Taylor. The house then adjourned.