

# Daily Press and Dakotian.

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YANKTON, DAKOTA TERRITORY, FRIDAY EVENING, JANUARY 12, 1877.

No. 220.

## THE DAKOTA LEGISLATURE.

### TWELFTH SESSION.

#### Fourth Day's Proceedings.

##### Council.

Council opened at ten o'clock a. m., with prayer by the chaplain. The members were all present. The president in the chair.

##### PETITIONS AND COMMUNICATIONS.

A petition from forty-eight citizens of Dakota was presented in regard to immigration work done in Europe by Carl C. P. Meyer. The petition stated that he had been instrumental in bringing 1,000 people to Dakota, and had received no pay for his work. The petition asked that Mr. Meyer be paid for past and future work in Europe.

On motion of Mr. Pettigrew the petition was referred to the committee on territorial affairs, of which Mr. Wilson is chairman.

A petition was presented from one hundred and forty-three citizens of Dakota representing that the statutes of the territory, so far as immigration from Europe was concerned, were a dead letter; that no immigrants had been brought here in consequence of the provisions of immigration laws; that none of the signers of the petition had been influenced to come through the operations of immigration laws; that they had all immigrated within the last two years; that they wanted a law which would provide for immigration work in Europe; that they wanted a man appointed to do immigration work in Europe. The petition further represented that Carl C. P. Meyer was a suitable person to undertake this work.

The petition was referred to the committee on territorial affairs, of which Mr. Wilson is chairman.

##### REPORTS OF STANDING COMMITTEES.

Mr. Pettigrew, chairman on railroads, reported favorably on council bill No. 1, for the incorporation of the village of Sioux Falls. He stated that he did not know who the balance of the committee were, but as the bill was one in which his constituents alone were interested, he took the liberty of presenting it.

The chair ruled that his action was out of order, and the report was withdrawn. It was subsequently concurred in by another member of the committee, was received and placed on file.

##### REPORTS OF SELECT COMMITTEES.

Mr. President, as chairman of the committee on rules, reported the rules for the government of the council, as agreed upon by his committee. The report was read by the chief clerk.

Mr. Pettigrew moved that the report of the committee be made the special order for Monday at ten o'clock a. m., and that it be referred to a committee of the whole.

Mr. Back thought it a matter of immediate necessity that the rules be adopted.

Mr. Pettigrew said the council was now acting under the rules of the old council, and he thought the council should have time to look over the report of the committee before adopting it.

Mr. Mills concurred with Mr. Back in his opinion that the council should speedily adopt rules for its government.

Mr. Wallace said that if the council was to make for its own government improved rules the council should give them due consideration before adopting them.

The question was put on Mr. Pettigrew's motion and the motion was lost—ayes 6, noes 6.

Mr. Back moved the adoption of the report of the committee on rules.

Mr. Wallace called for the reading of the order of business.

The chief clerk read the order of business.

Mr. Wallace made a speech upon the question.

Mr. Pettigrew stated that the hour had arrived for the consideration of the governor's message and moved that it be taken up.

The chair held that the motion before the house must be first disposed of.

Mr. Bailey held it to be the duty of the council to take up special orders of business at the appointed hour, arrived, unless postponed by vote of the council.

Mr. Back moved that consideration of the governor's message be postponed until two o'clock p. m.

Mr. Wallace moved to amend by inserting the word "to-morrow" before two p. m., and Mr. Back accepted the motion.

The question now recurred on the motion to postpone action on the governor's message till to-morrow at two p. m., and on a division of the house it was carried.

Mr. Pettigrew moved that the report of the committee be laid on the table.

Mr. Pettigrew's motion was lost, by a vote of 6 against 6.

The original motion for the adoption of the report of the committee on rules then came up.

Mr. Valentine moved to amend rule 7 so that members on arising should be recognized by the chair. The amendment was adopted.

Mr. Pettigrew moved that rule 35 be stricken out. Rule 35 specifies that no member of the council shall be removed from his seat except by a majority vote of the whole council.

Mr. Wallace spoke in favor of the motion.

Mr. Mills moved that further consideration of the subject be postponed until to-morrow, but the motion was lost by a vote of 6 to 6.

Mr. Pettigrew and Mr. Wallace spoke against the adoption of rule 35.

The motion that rule 35 be stricken out was finally lost by the following vote: Ayes—Bailey, Duncan, Mills, Pettigrew, Valentine, Wallace—5.

Noes—Back, Gunderson, La Moure, Miner, Potter, Wilson—6.

Mr. Pettigrew objected to Mr. Back's vote.

The president held that Mr. Back was entitled to a vote.

Mr. Pettigrew appealed from the decision of the chair.

The ayes and noes were ordered on the vote for sustaining the decision of the chair and Mr. Back's name was called.

Before he voted Mr. Miner moved to lay the appeal on the table.

Mr. Pettigrew objected to the motion.

The president ruled that Mr. Miner's motion was in order.

The motion to lay the appeal on the table was put and the president decided that it was carried.

A division was called for and the vote stood 6 to 6.

The president voted in affirmative and declared the motion carried.

Mr. Pettigrew objected to the vote of the president.

On motion of Mr. Wallace the council adjourned to ten o'clock Saturday morning. **MCLENSCH VS. BACK.**

Mr. McLench, republican candidate for the council from the seventh district, will serve notice of contest, to-morrow, on Mr. Back. Mr. McLench is supported by all davits to the effect that there was fraudulent voting and fraudulent returns in Statsman county.

##### HOUSE.

House met pursuant to adjournment. Prayer by chaplain.

Members all present.

Minutes read and approved.

The speaker laid before the house a communication from the governor reporting the number of pardons he has granted during the past two years.

##### RESOLUTIONS.

By Mr. Thompson: That the speaker appoint a committee of five members to prepare and report a bill providing for a re-appointment of the council and representative districts of the territory, said committee to report by the 20th inst.

Laid on table.

Objection was made to the adoption of the resolution, for the reason that before action is taken upon the matter of a re-appointment of the territory, the house should have knowledge of the disposition by congress of the treaty with the Sioux Indians for the cession of the Black Hills. According the resolution was laid on the table.

By Mr. Clarkson, That the sergeant-at-arms be instructed to procure at least fifteen chairs in addition to those now in the hall for the use of visitors. Adopted.

By Mr. Beadle, That the questions in reference to a revenue law of the territory, and the several points which the law should contain, be referred to the committee on ways and means. A long

discussion followed, participated in by Messrs. Beadle, Coddington and Clarkson, at the conclusion of which the resolution was laid on the table.

##### NOTICE OF BILLS.

By Mr. Ziebachy, A bill for an act to survey and lay out three wagon roads over the Sioux Indian reservation from the Missouri to the Black Hills.

Also, A bill for an act to amend the charter of the city of Yankton.

Also, A memorial to the president of the United States praying that the roads over the Sioux Indian reservation from the Missouri river to the Black Hills surveyed and established by the authority of the territory of Dakota, may be proclaimed by him as the roads authorized by the recent treaty with the Sioux Indians.

By Mr. Iverson, A bill to provide for the annual registration of voters in precincts, including the whole or part of any city or town having over five hundred inhabitants.

Also, A bill for the funding of the outstanding indebtedness of Yankton county, Dakota Territory.

##### MESSAGE FROM THE COUNCIL.

A message was received from the council informing the house that the council had non-concurred in the joint resolution of the house for a joint committee to which should be referred the report of the commissioners to codify the laws; also, that the council had adopted the joint rules of the 11th legislative session.

On motion the special committee to receive the report of the codifying commission was discharged, and the report referred to the judiciary committee.

On motion the house took a recess until two o'clock p. m.

##### AFTERNOON SESSION.

On motion of Mr. Clarkson, 240 copies of the rules of the house were ordered printed.

The judiciary committee to which had been referred the report of the commission to codify the laws of the territory, introduced as a part of the report of that commission:

1. A bill creating a civil code for the territory; 2. A bill creating a penal code; 3. A bill creating a probate code; 4. A bill creating a political code.

Under a suspension of the rules, house file No. 1, to provide a civil code for the territory of Dakota, was read a first and second time, and made the special order at 11 o'clock a. m. on Wednesday next.

House file No. 4, A bill for a political code, was read a second time and referred as follows:

Of Revenue—To the committee on ways and means.

Of Education—To the committee on education.

Of Counties and Townships—To the committee on counties and townships.

The house then adjourned.