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YANKTON, DAKOTA TERRITORY, SATURDAY EVENING, JANUARY 13, 1877.

No. 221.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Fifth Day's Proceedings.

Council.

Council convened at ten o'clock, and was opened with prayer by the chaplain. All the members were present.

MESSAGE FROM THE GOVERNOR.

A message was received from the governor, giving a list of pardons granted by him since the meeting of the last legislature, with his reasons therefor.

On motion of Mr. Wallace the message was received and referred to the committee on territorial affairs, of which Mr. Wilson is chair man.

UNFINISHED BUSINESS.

The adoption of the report of the committee on permanent rules, came up as unfinished business from yesterday's session. An error in the record of yesterday upon this point occasioned a lengthy argument, but finally a correction was made satisfactory to all parties.

SPECIAL ORDER.

Mr. Mills enquired if the unfinished business of yesterday took precedence of the special order.

The president read the rules upon this point, which made it the duty of the council to take up the special order unless postponed by vote of the council.

Mr. Miner moved that the special order for the consideration of the governor's message be postponed to 12 o'clock Monday. The motion was adopted.

UNFINISHED BUSINESS.

was then resumed, Mr. Back's motion to adopt the report of the committee on permanent rules being the order.

On motion of Mr. Mills the rules were amended so as to make the previous question the third in order.

Mr. Pettigrew called for the reading of the rules reported by the committee on permanent rules, and that process was once more gone through with.

On motion of Mr. Pettigrew an order of business entitled, "first reading of house bills," was inserted.

Mr. Bailey moved to amend rule thirty-five of the report of the committee.

The rule as proposed to be amended would read:

35—No member of the council shall be removed from his seat except by a majority vote of the council present and with one day's notice of said vote.

The rule as reported by the committee reads:

35—No member shall be removed from his seat except by a majority vote of the whole council.

Mr. Wallace spoke in favor of the amendment and was finally called to order by the president. He had repeated some language used by Mr. Miner, which was deemed objectionable and did not see why he should be called to order for that.

Mr. Miner settled the matter by stating that he took it all back.

Mr. Wallace then continued his remarks. Mr. Bailey withdrew his amendment and substituted the following:

35—No member shall be removed from his seat except by a majority vote of a quorum of the whole council present.

Mr. Valentine moved to amend the motion that the report of the committee on rules be adopted by excepting therefrom rule 35 and that rule 35 be submitted to the supreme court for a decision upon its legality. Mr. Valentine's motion was adopted.

The question recurred on the motion of Mr. Back, as amended, that the select committee on standing rules be adopted.

The motion was adopted by unanimous vote.

On motion recess was taken until two o'clock.

AFTER RECESS.

Action was taken on the joint resolution of the house ordering 240 copies of rules of both bodies printed.

The resolution was concurred in.

PETITIONS AND COMMUNICATIONS.

Mr. Pettigrew presented a communication from A. McHesch giving notice of contest of the council seat of H. S. Back on the ground of fraudulent voting in Stutsman county, in the 7th district.

On motion of Mr. Wallace the contest was referred to a special committee consisting of Messrs. Pettigrew, La Moure and Gunderson.

NOTICE OF BILLS.

Mr. Valentine gave notice of a bill for an act to amend section 3 of chapter 65, of the laws of 1874-5, entitled "An act to provide for the safe keeping of lunatics of the this territory.

Mr. La Moure gave notice of a memorial asking for a new land district in northern Dakota.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Miner introduced bill No. 4, to repeal chapter 51 of the laws of 1874-5. A bill for the repeal of the immigration bureau. Read first and second times and referred to the committee on territories.

Mr. Mills introduced bill No. 5, to create a board of immigration for Dakota, which had its first and second reading, and was referred to the committee on territories.

Mr. Back introduced a memorial for the division of the territory and the establishment of a new territory from the northern part.

THIRD READING OF BILLS.

Council bill No. 1, for an act to incorporate the village of Sioux Falls, had a third reading, and was passed. Ayes 11; noes 1.

SECOND READING OF BILLS.

Council bill No. 2 was read a second time and committed to judiciary committee.

Council bill No. 3 was read second time and referred to committee on judiciary.

Mr. Miner presented a resolution for the appointment of a committee to draft a resolution to the supreme court and obtain an

opinion upon the proposed rule 35. The resolution was adopted, and Messrs. Bailey, Valentine and Miner appointed as such committee.

Council adjourned.

House.

The house met, the members all being present.

Prayer by the chaplain.

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

PETITIONS.

The speaker laid before the house the petition of J. Q. Barbank, contesting the seat of D. M. Kelleher from the 7th district. The petition was referred to the committee on elections.

RESOLUTIONS.

By Mr. Beadle, that the engrossing and enrolling clerks of the house be directed to perform such clerical duties as may be requested of them by the chief clerk of the house. Adopted.

NOTICE OF BILLS.

By Mr. Hexom—To exempt Richland and part of Cass county from the operations of the herd law, passed in 1870-71.

By Mr. Thompson—For the submission to the qualified voters of the respective counties of this territory the question whether license to sell intoxicating liquors as a beverage, shall be granted or refused in such counties.

By Mr. Sargent—To amend sections 43 and 46, chapter 40, of the school laws of this territory.

By Mr. Burke—For an act for the protection of birds in Dakota Territory.

House file No. 2, A bill for a penal code, and house file No. 3, a bill creating a probate code were read a second time.

On motion, house file N. 4, a bill for an act to create a political code, excepting chapters 30 and 41, be printed for the use of the house.

The house then went into committee of the whole on the special order, it being the governor's message, and upon rising reported they had referred the message to appropriate committees, whereupon the house took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Mr. Ziebach, by unanimous consent, introduced a memorial to the congress of the United States, praying for the ratification of agreement with the Sioux Indians for the cession of the Black Hills, was read a first time.

On motion of Mr. Coddington, the rules were suspended for the purpose of placing house file No. 3, a bill for a probate code upon its final passage.

After some discussion the bill was made the special order at 11 o'clock on Tuesday next.

On motion of Mr. Clarkson house file No. 5, a memorial to the congress of the United States praying for the ratification of the agreement with the Sioux Indians for the cession of the Black Hills, was read a second time and referred to a special committee consisting of Messrs. Van Tassel, Inman, Kelleher, Clarkson and Dunham.

The house then adjourned until 10 o'clock a. m., on Monday.