

# Daily Press and Dakotian.

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YANKTON, DAKOTA TERRITORY, MONDAY EVENING, JANUARY 15, 1877.

No. 222.

## THE DAKOTA LEGISLATURE.

### TWELFTH SESSION.

#### Sixth Day's Proceedings.

##### Council.

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

At the suggestion of Mr. Beck, James S. Stack was sworn in as messenger of the council.

##### MOTIONS AND RESOLUTIONS.

Mr. Gunderson moved that the action of the council on Saturday last in referring the contested election case of Mellich against Beck to a special committee, be reconsidered, and that the said case be referred to the standing committee on elections, consisting of Messrs. Potter, Miner and Wilson; and upon the passage of his motion he demanded the previous question. The motion was adopted by a rising vote.

Mr. Wallace objected to the vote of Mr. Beck in a case where he was personally interested, but the president ruled that Mr. Beck had a right to vote for himself.

On motion of Mr. Miner the vote last taken was reconsidered, and the reconsideration laid on the table.

##### NOTICE OF BILLS.

Mr. Bailey gave notice of a bill in reference to the manner of conducting contested cases in the legislature.

##### COMMITTEE OF THE WHOLE.

The council then went into committee of the whole on the governor's message, Mr. Mills in the chair. The message was taken up by sections, and referred as follows:

Grasshoppers—Committee on education, Finance and Taxation—Committee on finance.

Interest on Money—Committee on finance.

Black Hills—Committees on territorial affairs, counties, highways, bridges and ferries.

Immigration—Committee on territorial affairs.

Railroads—Committee on railroads.

Codification of the Laws—Committee on judiciary.

Indians—Committee on territorial affairs.

Public Buildings—Committee on expenditures.

Huron Territory—Committee on engrossed bills.

Territorial Library—Committee on engrossed bills.

Relief Bonds—Committee on judiciary. Public Schools, Deaf and Dumb, Blind and Insane—Committee on education.

Arms—Special committee of one, to be appointed by the president of the council.

The committee arose and reported back the governor's message, with various recommendations.

The report of the committee was accepted.

Mr. Beck moved to refer that portion of the message which speaks of the ship of state to the committee on naval affairs, and proceeded to speak upon his motion. As his motion had not been seconded, he was called to order.

The "conclusion" of the message was referred to the committee on engrossed bills, after a lively debate.

Council adjourned.

House met pursuant to adjournment. Prayer by chaplain.

Roll called. Members all present.

Minutes of Saturday's proceeding were read and approved.

The committee on elections made a report in the case of J. G. Jones vs. T. S. Clarkson from the 10th district, recommending that the sitting member, T. S. Clarkson, be declared the legally elected member from said district.

On motion the report was read and made the special order at 9 o'clock, p. m.

A motion to reconsider the vote by which the report was made the special order for this afternoon, was lost by a vote 12 to 13.

##### NOTICE OF BILLS.

By Mr. Thomson: For the destruction of young grasshoppers by prairie fires and for other purposes.

By Mr. Beadle: To provide a justice's code for the territory.

By Mr. DeBass: Relating to chattel mortgages.

By Mr. Falde: To amend an act entitled an act to prevent the firing of woods, marshes and prairies, approved January 9th, 1869.

By Mr. Kelleher: To attach certain unorganized counties for election purposes.

By Mr. Haxson: To exempt portions of Cass and Richland counties from the operations of the herd law.

Council Bill, No. 1, to incorporate the village of Sioux Falls, was read a first time.

The bill to create a penal code for the territory was referred to the committee on judiciary, and Mr. Coddington presented an amendment and asked its reference to the same committee, to the effect that persons setting out prairie fires shall be re-

sponsible for all damages done by said fires.

The house then took a recess until 2 o'clock p. m.

##### AFTERNOON SESSION.

The house met at 2 o'clock, and the special order, it being the report of the committee on elections on the contested case of Jones vs. Clarkson, was taken up.

Mr. Iverson moved that the resolution accompanying the report of the committee which declares Mr. Clarkson entitled to the seat, be adopted.

Mr. Clarkson made a personal explanation, in which he protested against the action of the contestant, through his attorneys, in coming within the bar of the house after adjournment, and after the report of the committee, and end avowing to influence the votes of members upon the report, and declared that he had himself pursued an honorable course in the matter; that he had not approached or endeavored in any manner to influence the members of the house in reference to this contest. At the conclusion of his remarks, Mr. Clarkson asked leave to retire while the house had the report of the committee under consideration, which was granted, and Mr. Clarkson retired.

Mr. Codrington stated that he had examined the law, and the evidence upon which the committee based its report, and believed the conclusion reached by the committee was correct and in accordance with law and evidence. He believed it to be the duty of every member to rise above the mere partisan, and decide matters of this kind in accordance with right and justice.

Remarks were also made by Messrs. Van Tassel and Dunham, when, on motion of Mr. Thompson, the evidence taken before the committee was read by the clerk.

Gen. Beadle endorsed the remarks of Mr. Codrington, and believed, although all the returns from that district were badly clouded and irregular, yet the report of the committee should be sustained. He hoped the time would soon come when the legislature would not be bothered by these irregularities and loosenesses in conducting elections.

The house then proceeded to vote by ayes and noes upon the report of the committee, with the following result:

Those voting in the affirmative were Messrs. Adams, Boe, Burke, Beadle, Coddington, Dunham, Falde, Hopkins, Haxson, Hockett, Ingham, Iverson, Kelleher, Maywald, Myron, Sellberg, Soderstrom, Stewart, Sargent, Tucker, Taylor, Thompson, Van Tassel, Ziebach, Mr. Speaker—25.

Therefore the report of the committee was unanimously adopted.

On motion of Mr. Beadle, the vote by which a bill for a political code, was ordered printed, was reconsidered; and upon motion of the same gentleman, the parts of the political code not printed in the report of the codifying commission, were ordered printed. On motion, Mr. Burke was excused from attendance at roll call this morning; also Messrs. Soderstrom, Clarkson, Ingham, Beadle and Van Tassel were excused from absence at roll call. On motion the house then adjourned.