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YANKTON, DAKOTA TERRITORY, THURSDAY EVENING, JANUARY 18, 1877.

No. 225.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Eighth and Ninth Days' Proceedings.

Council.

EIGHTH DAY.

YANKTON, D. T., Jan. 17.

Council opened at ten o'clock, with prayer by the chaplain.

All the members present.

BILLS, RESOLUTIONS AND MEMORIALS.

Under this order of business Mr. Mills introduced a memorial to congress asking for a grant of land to aid in the construction of a railroad from Yankton, via Bon Homme, to the Black Hills of Dakota.

UNFINISHED BUSINESS.

On motion of Mr. Miner council bill No. 2, an act to change the name of Elizabeth and John Smith to Elizabeth and John Devore, was taken up, ordered engrossed and read a third time. The bill then passed under a suspension of the rules.

On motion of Mr. Miner, council bill No. 3—an act to repeal an act providing seed grain for settlers in destitute circumstances by the sale of territorial bonds—was taken up and passed under a suspension of the rules.

The president called the attention of the council to the fact that there was great uneasiness throughout the territory on account of its financial condition and urged upon the council some action for the relief of the people from the burdens of taxation.

A message was received from the house announcing the passage by that body of house file No. 3—an act to establish a code of proceedings in probate courts and to define the limits thereof.

On motion of Mr. Bailey, under suspension of rules, the council went into committee of the whole, Mr. Mills in the chair, on house file No. 3.

At twelve o'clock the committee rose and reported progress to the council.

A reply was received from the members of the supreme court giving an opinion upon the council resolution asking information upon the legality of rule 35 [previously published]. The reply stated that parliamentary law was a peculiar law of a special nature, which should be construed by the legislative body itself. It was only to be acted on by judges when a case was presented to them in the administration of justice. The court declined giving any opinion. The reply was signed by the three justices of the supreme court.

Council, on motion, took recess.

AFTER RECESS.

The council went into committee of the whole on the probate code and was occupied with that work all the afternoon.

NINTH DAY.

The council convened at two o'clock a. m., and opened with prayer by the chaplain.

All the members present. Sergeant at arms elect, Boerig was sworn in by the president.

PETITIONS AND COMMUNICATIONS.

Mr. Wilson presented a petition of citizens of Burleigh and Morton counties asking for a repeal of the herd law or for such modification of the same as shall render it inapplicable to the grazing region included within the counties named and the region of the North Pacific railroad.

REPORTS OF STANDING COMMITTEES.

Mr. Wilson presented the report of the committee on territorial affairs on council bills Nos. 4 and 5, relating to territorial immigration laws, and moved this reference to the council as committee of the whole. They were so referred.

THIRD READING.

The memorial to congress asking for a division of the territory of Dakota and the organization of a new territory out of the northern part thereof, was read a third time and passed. The memorial sets forth various good reasons why the new territory should be established and asks that its name be Pembina.

UNFINISHED BUSINESS.

The petition of Carl C. P. Meyer and others, reported back from committee with a recommendation that it be indefinitely postponed was taken up and the report of the committee adopted.

On motion of Mr. Bailey the council went into committee of the whole on the house codification bill relating to probate court practice and consumed the entire day in its consideration.

House.

EIGHTH DAY.

[Before the adjournment of the house yesterday, the reading of the probate code was completed and the bill passed.]

House met pursuant to adjournment.

Prayer by chaplain.

Roll called.

Members all present.

Minutes of yesterday's proceedings were read and approved.

REPORTS OF COMMITTEES.

The committee on towns and counties reported back council bill to incorporate the village of Sioux Falls, and recommended its passage.

The committee on ways and means submitted a request that the secretary of the territory be asked to furnish the house a statement of the assessments of the several counties of the territory.

RESOLUTIONS.

Mr. Thompson submitted a resolution that the hours of the meeting of the house be 9 o'clock a. m., and 3 o'clock p. m.

On motion the resolution was laid upon the table.

INTRODUCTION OF BILLS.

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

By Mr. Thompson—Providing for the submission to the qualified voters of the respective counties of the territory the

question whether license to sell intoxicating liquors as a beverage shall be granted or refused in such counties.

By Mr. Ziesch—To legalize the assessment in Hanson county, Dakota, for the year 1875.

Mr. Clarkson asked and obtained leave of absence until noon to-morrow.

A message from the council informing the house of the passage of house file No. 5, a memorial asking the ratification of the agreement with the Sioux Indians for the cession of the Black Hills, was received.

Also, that the council has passed council bill No. 2, an act to change the names of Elizabeth and John Smith, and council bill No. 3, an act relating to territorial bonds, and asked the concurrence of the house therein.

SPECIAL ORDER.

The special order, the consideration of house file No. 1, an act for a civil code, was taken up, and on motion the house went into committee of the whole for the consideration of the same, with Mr. Dunham in the chair.

On motion the clerk proceeded to read those portions of the code which had been changed by the codifying committee, which occupied the time until 12 o'clock when the committee rose, reported progress and asked leave to sit again. Leave was granted.

On motion recess was taken until two o'clock.

AN IMPORTANT RESOLUTION.

Just after recess this afternoon Mr. Van Tassel presented the following resolution, which was read, and on motion of Mr. Kelleher, laid on the table.

WHEREAS, Information has just reached this house that a prominent citizen of our co-ordinate body the territorial council has since the meeting of that body been decoyed into secret session by a member of an organization in this city known as the Mulligan Guards; that after being thus decoyed, he was by the said Mulligan Guards frightfully intimidated and brutally bullied; and

WHEREAS, Fears are entertained that other officers and members of the council may at any moment be subject to similar acts of intimidation and bullying, and that, inasmuch as such intimidation, etc., is followed by the resignation of the victim, our said co-ordinate body may speedily become decimated and the business of legislation thus brought to an untimely end; and

WHEREAS, We believe it to be the duty of this house to use its power to throw around the innocent and unsuspecting members of the council and officers of that august body the veil of moral and physical protection; therefore, be it

Resolved, That the sergeant at arms of this house be and he is hereby directed to keep watch upon the members and officers of the council, and that he use every reasonable effort to prevent any member of said Mulligan Guards from approaching or associating with any member or officer of the council unless said Mulligan Guard shall be securely muzzled.

NINTH DAY.

The house met pursuant to adjournment.

The chaplain being absent, the house entered upon its duties without the benefit of praying.

The roll was called, and all the members except Mr. Clarkson answered to their names.

The minutes were read and approved.

The chaplain came in, the regular order was resumed and the house opened with prayer by the chaplain.

REPORTS OF COMMITTEES.

The committee on enrollment reported that it had examined house file No. 5, a memorial praying for the ratification of the agreement with the Sioux Indians and found the same correctly enrolled.

On motion of Mr. Beadle, a joint committee on enrollment, consisting of Messrs. Hexom, Beadle and Kelleher, was appointed.

READING OF BILLS.

Council bill No. 2, changing the names of Elizabeth and John Smith.

Council bill No. 3, relating to territorial bonds, were read a first time.

Council bill No. 1, to incorporate the village of Sioux Falls, was read a second time, and referred to a select committee, consisting of Messrs. Coddington, Hopkins and Thompson.

SECOND READING OF HOUSE BILLS.

No. 8, To attach a certain unorganized counties for election purposes. Referred to committee on counties and townships.

No. 9, To repeal chapter 1 of the special and private laws of 1875.

The rules were suspended and the bill passed.

No. 10, Providing for the submission to the qualified voters of the respective counties of the territory the question whether license to sell intoxicating liquors as a beverage shall be granted or refused in such counties. Referred to committee on elections.

No. 11, To legalize the assessment in Hanson county, D. T. for the year 1875.

The rules were suspended and the bill passed.

The house then took a recess until 3 p. m.