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## THE DAKOTA LEGISLATURE,

TWELFTH SESSION.

Sixteenth and Seventeenth Days

### Council.

YANKTON, D. T., Jan. 27.

Council met at ten o'clock and was opened with prayer by the chaplain.

Present—Mr. President and all the members.

### REPORTS OF SPECIAL COMMITTEES.

Mr. Bailey reported back from special committee council bill No. 12, which is a bill for an act to regulate the mode of procedure in contested seats of members of the legislature. The committee returned certain amendments and asked that the bill be printed. The report was adopted and the bill ordered printed.

### INTRODUCTION OF BILLS, &c.

Mr. Bailey introduced a bill for an act for the protection of game. The bill was read by its title and referred to the judiciary committee, Mr. Miner, chairman.

Mr. Back presented a memorial to congress asking for an appropriation for the improvement of the Red River of the north. Read twice and referred to the committee on territorial affairs, Mr. Wilson, chairman.

### HOUSE BILLS, &c.

House file No. 19, a bill for an act to legalize the election of county officers of Brookings county, was read first and second times and referred to the judiciary committee.

House file No. 27, a bill for an act to establish a territorial road from Firesteel to Fort Thompson, was read first and second times and referred to the committee on highways, bridges and ferries, Mr. Gunderson chairman.

### UNFINISHED BUSINESS.

Council bill No. 16, a substitute for council bills 4 and 5, relating to the establishment of a board of immigration was brought up.

This bill was the report of the special committee of which Mr. Mills was chairman. The committee was appointed for the consideration of bills 4 and 5, the first being a bill to abolish the bureau of immigration and the second a bill to establish a bureau of immigration. The instructions to the committee included authority to report a substitute bill if they saw fit. In accordance therewith the committee yesterday reported council bill No. 16, as substitute for council bills 4 and 5.

The question arising in the course of debate, the president ruled that council bill 16 was a new bill and should therefore be submitted to the regular process by which bills are manufactured into laws.

Messrs. Mills, Bailey, Pettigrew and Wallace agreed that a substitute was not a new bill but that it should be taken up for action where the original bills left off, which was on the third reading. An appeal was therefore made from the ruling of the president.

Mr. Pettigrew rose to speak upon the question when the president ruled that a motion to sustain the appeal was not debatable. There was considerable excitement about this time. Mr. Pettigrew rose to speak against this ruling and the president ordered him to sit down and added that he hoped the gentleman would in the future have the courtesy to remain in his seat when he was ruled out of order.

An appeal was taken from the ruling of the president, and the questions were then put on both appeals, the council sustaining the president, by a vote which was divided by a strip of matting placed from the entrance door of the council to the speaker's desk—eyes on the south side, noses on the north.

An animated debate followed this vote. It was held by Messrs. Bailey, Pettigrew, Wallace and Mills that an appeal was debatable, and numerous authorities were quoted sustaining this proposition.

The chair stated finally, that it did not rule that debate was cut off by an appeal, and it was so placed upon the minutes of the council. The debate on this point was mostly between the members on the north side of the carpet and the president, the southsiders participating only as interested listeners. The contest was spirited and before it ended the lobby was filled by a crowd drawn thither by the tumult of the wordy war.

After the discussion on this point of the right of debate on appeals was ended, another reason of argument occurred upon the propriety of calling a substitute bill a new bill. It terminated by the president adhering to his ruling, and the bill was read first and second times and made the special order for Tuesday at half-past ten a. m.

The council then adjourned to Monday morning.

### House.

SIXTEENTH DAY.

Yankton, Jan. 26.

House met pursuant to adjournment and was called to order by the speaker.

Prayer by chaplain.

Roll called.

Members all present.

### REPORTS OF COMMITTEES.

Mr. Soderstrom, from the committee on territorial affairs, to which that part of the governor's message relating to arms, was referred presented a report.

### INTRODUCTION OF BILLS.

By Mr. Falde—Three memorials for increase of service on certain mail routes.

By Mr. Ziebach—A memorial for the right of way for a railroad from Bismarck to the Little Missouri river.

Several house bills were read a first time.

Council Bill No. 11, granting to Daniel F. Brawley the right to establish a ferry

across the Red River of the North, was read a second time, and on motion of Mr. Beadle was indefinitely postponed.

Council Bill No. 13 a memorial for an additional land office in northern Dakota was read a second time and referred to the committee on counties and townships.

House file No. 23, to repeal sections two and three, chapter five, and sections two and three, chapter 6, private laws of 1874-5, was read a second time and referred to the committee on counties and townships.

House file No. 26, to authorize the county of Union to aid in rebuilding a bridge across the Big Sioux river without first submitting the question to the people, was read the second time, and referred to the committee on highways, bridges and ferries.

House file No. 24, creating new counties, and defining the boundaries thereof, was read a second time, and referred to the committee on counties and townships.

House file No. 26, to locate a territorial road from Firesteel on the Dakota river by way of Chanka and Wessington Springs, to Fort Thompson on the Missouri river, was read a second time.

Mr. Dunham moved that the bill be indefinitely postponed, which motion was lost.

Mr. Thompson then moved that the rules be suspended, the bill read a third time and put upon its passage, which motion prevailed, and the bill was read a third time and passed.

House file No. 19, to legalize the organization of the county commissioners and the qualification of the register of deeds and ex-officio county clerk of Brookings county, was read a third time and passed.

By unanimous consent, the committee on townships reported by house file 22, defining the boundaries and naming certain townships in Dakota territory, and recommended its reference to the special committee on the Black Hills. The report was adopted and the bill so referred.

A petition from a number of Russian citizens asking that Carl C. P. Meyer be employed by the territory in the interest of immigration, was received and filed.

The house was informed in a message from the council that that body had passed council bill No. 7, relative to lunatics, and asked the concurrence of the house thereon.

Also that Messrs. Burleigh and Potter were appointed on the part of the council to act with the select committee of the house to prepare a revenue law for the county of Yankton.

On motion the house took a recess until 2 o'clock p. m.

### AFTERNOON SESSION.

The house met at 2 p. m., and on motion went into committee of the whole Mr. Coddington in the chair, and resumed the consideration of the political code.

After some time spent therein, the committee rose, reported progress and asked leave to sit again.

On motion of Mr. Beadle the vote by which council bill No. 11, was indefinitely postponed, was reconsidered, and the same gentleman then offered a substitute for the bill.

On motion of Mr. Ziebach the bill and substitute were referred to the committee on highways, bridges and ferries.

The house then adjourned.

### SEVENTEENTH DAY.

Yankton, Jan. 27.

House met at 10 a. m., and was called to order by the chair.

Prayer by the chaplain.

Roll called, members all present.

The minutes were read and approved.

### REPORTS OF COMMITTEES.

The committee on enrollment reported that house files Nos. 3 and 11 had been presented to the governor for his signature, also, that the committee had examined house files Nos. 13 and 14 and found them correctly enrolled.

Mr. Dunham, from the committee on counties and townships, reported adversely to the passage of house file No. 16, granting to Geo. H. F. Johnson the right to establish and maintain a ferry across the Red River of the North.

The same committee reported back several bills and recommended their passage.

### RESOLUTIONS.

Mr. Dunham offered a resolution, which was adopted, for the appointment of a committee of three on the part of the house to act with a committee on the part of the council to report an apportionment bill for the territory.

### INTRODUCTION OF BILLS.

By Mr. Maywald defining the duties of the county commissioners of Bon Homme county.

By Mr. Burke—To prohibit the killing of insect destroying birds. Which were read a first time.

Council bill No. 13, a memorial for the establishment of an additional land district in northern Dakota, was read a third time and passed.

House file No. 25, to amend the charter of the city of Bismarck, was, under suspension of the rules, read a first and second times, and passed.

House file Nos. 28, 29 and 30, memorials for increase of mail service on routes Nos. 35,028, 35,029 and 35,030, were read a second and third time and passed.

House file No. 46, granting to Geo. H. F. Johnson a ferry charter across the Red River of the North, was read a third time, and the bill rejected.

House file No. 23, to repeal certain sections of the private laws of 1874-5, was read a third time and passed.

On motion Messrs. Tucker and Rose were excused from attendance until Tuesday morning.

The house then adjourned until Monday morning.