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YANKTON, DAKOTA TERRITORY, WEDNESDAY EVENING, JANUARY 31, 1877.

No. 236.

THE DAKOTA LEGISLATURE,

TWELFTH SESSION.

Twenty-Second Day.

Council.

Tuesday, Jan. 30.

At twelve o'clock the committee rose, reported progress and asked leave to sit again.

The report was received and the council took a recess to two o'clock p. m.

AFTERNOON SESSION.

Mr. Bailey offered the following preamble and resolution.

WHEREAS, Grave doubts have arisen in the minds of members of the legislative assembly in regard to the legal right of territorial officers who have been elected by the people to hold and discharge the duties of their respective offices by virtue of said elections and also in regard to all other territorial officers who have been appointed by the governor to hold and discharge the duties of their respective offices until said appointments shall have been confirmed by the legislative council, as provided for by section 7 of the organic act of this territory, therefore be it

Resolved, That the governor be and is hereby requested to send to the council the names of suitable persons to fill said positions and discharge the duties thereof.

The resolution was adopted on motion of Mr. Back.

Mr. Bailey, from the joint committee on conference, submitted an amendment to section 585 B, of the penal code, which provides that every mortgagor of personal property who destroys, removes, conceals, sells or in any way disposes of or injures property covered by mortgage without the written consent of the holder of the mortgage shall be deemed guilty of felony and upon conviction punished by imprisonment for not more than three years in the territorial prison or one year in the county jail and by a fine not exceeding \$500. The resolution was adopted.

Council bill 16 came up as special order. It is a bill in relation to an immigration board.

Mr. Back offered an amendment in the nature of a substitute, providing for the establishment of the bureau of immigration, which was lost.

The bill was variously amended and in the midst of a discussion the council adjourned.

COUNCIL—TWENTY-SECOND DAY.

Wednesday, Jan. 31.

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

Present—Mr. President and all the members.

REPORTS OF STANDING COMMITTEES.

Mr. Miner, from the judiciary committee, reported back house file 19, to legalize organization of official board of Brookings county, &c., and recommended its passage.

Mr. Mills from the committee on enrollment reported back house file 21, authorizing school district No. 4 to issue bonds, with recommendation that it pass.

From the same committee Mr. Mills reported back council bill 18, a memorial asking for the establishment of an additional land office in Northern Dakota, with report that the same was correctly enrolled.

Mr. Pettigrew, from the committee on railroads, reported back council bill 22, to allow Sioux Falls to vote aid to railroads, with a recommendation that it pass.

Mr. Gunderson, from the committee on highways, bridges and ferries, reported back council bill 20, for the appointment of a commission to survey, locate and construct a wagon road from the Missouri river to the Black Hills, without recommendation.

From the same committee Mr. Gunderson reported back house file 27, to locate a territorial road from Firesteel to Fort Thompson, with a recommendation that it pass.

Mr. Miner, from the judiciary committee, reported back a recommendation of Carl C. P. Myer, with the recommendation that it be filed for future reference.

From the same committee, Mr. Miner reported back house file 19, legalizing the acts by which Brookings county officers were made, with a recommendation that it pass.

MOTIONS AND RESOLUTIONS.

Mr. Bailey introduced the following joint resolution:

WHEREAS, The regular biennial session of the legislative assembly of the territory of Dakota takes place with the short session of congress; and

WHEREAS, It is impossible to present the wants and necessities of Dakota territory to congress in time to get any legislation; and

WHEREAS, It is of the utmost importance that there should be a session of the legislative assembly of Dakota in 1878 to provide for the wants and needs of the rapidly increasing and growing population of the Black Hills; and

WHEREAS, It is impossible for the present session of the legislative assembly to provide for the mining interests of the Black Hills or establish the necessary municipal governments or courts for the protection of individual rights of the rapidly increasing population of that region at the present limited session in the limited time allowed by the act of congress limiting the duration of the sessions of legislative assemblies in the territories, and the treaty with the Sioux nation not having been ratified; therefore

Resolved by the Legislative Assembly of Dakota Territory, That our delegate in congress be requested to present the matter to that honorable body and get the necessary legislation, if possible, authorizing a session of the legislative assembly for Dakota in 1878, and biennially thereafter.

INTRODUCTION OF BILLS, ETC.

Mr. La Moure introduced a bill to provide for the location of the offices of territorial auditor and treasurer at the capital. Referred to the committee on territorial affairs, consisting of Messrs. Pettigrew and Wallace.

Mr. La Moure introduced a bill to incorporate the village of Grand Forks. Re-

ferred to the committee on counties, consisting of Messrs. La Moure, Potter and Miner.

RESOLUTION ADOPTED.

Mr. Bailey called up his joint resolution referring to the change of time for holding legislative sessions in Dakota, and under suspension of the rules the resolution was adopted by the following vote: Ayes—Messrs. Back, Bailey, Gunderson, Miner, Mills, Potter, Valentine, Wallace—8. Noes—Messrs. Duncan, La Moure, Pettigrew, Wilson, Mr. President—5.

A BILL.

By unanimous consent Mr. Mills introduced a bill to locate a territorial road from Sioux Falls to Fort Thompson, via Rockport. The bill received two separate readings and was referred to the committees on highways, bridges and ferries, consisting of Messrs. Gunderson, Back and La Moure.

Council bill No. 20 was brought up for a third reading and ordered to lie over and be printed.

Council bill No. 22 had its third reading and passed by the following votes:

Ayes—Messrs. Back, Bailey, Gunderson, La Moure, Miner, Mills, Pettigrew, Potter, Valentine, Wilson—10. Noes—Messrs. Duncan, Wallace, Mr. President—3.

HOUSE.

Tuesday, January 30, 1877.

House met at 10 o'clock, and was called to order by the speaker.

Prayer by the chaplain.

Roll called, members all present.

Minutes read and approved.

Mr. Beadle from the committee on judiciary reported back the chapter on town sites.

Mr. Ziebach, from the special committee to which had been referred the bill to incorporate the city of Yankton, reported the same back with amendments and recommended its passage.

The conference committee on the matter of the disagreement of the two houses on that part of the penal code relating to chattel mortgages, made a report, and the report was adopted.

Mr. Beadle from the committee on railroads, to which had been referred that part of the Governor's message in regard to railroads made a report, recommending an amendment to the revenue law of the territory, providing for the uniform taxation of railroad property. The report was referred to the committee of the whole having in charge the revenue law.

Mr. Coddington moved to reconsider the vote by which house file No. 26, to authorize the commissioners of the county of Union, to aid in rebuilding a bridge across the Big Sioux river without first submitting the question to the people, was passed.

By a rising vote the motion prevailed, and the vote was reconsidered.

A message from the council informed the house that the council had passed house memorials for increase of mail service on routes Nos. 35,028, 35,029 and 35,050, and council bill No. 18, a memorial asking for an appropriation to improve the navigation of the Red River of the North.

The question then recurred upon the passage of house file No. 26, and a discussion ensued, the bill passed by a vote of 16 to 9.

Mr. Beadle offered a resolution directing the committee on education to provide in the general school law a provision giving school districts the right to issue bonds in proportion to the assessed value of the property of such district. The resolution was adopted.

NOTICES OF BILLS.

By Mr. Hackett: For an act to provide for the payment of counsel fees in certain criminal cases.

INTRODUCTION OF BILLS, &c.

By Mr. Ziebach: A joint resolution providing for the payment of C. J. B. Harris for services and expenses in the revision of the laws of Dakota.

Also, a bill for an act to provide for the location and improvement of highways from the Missouri river to the Black Hills.

Council bills Nos. 15 and 18 were read a first time.

House file No. 34, to provide for the immediate immigration interests of Dakota territory, was read a second time, and referred to the special committee on immigration.

House file No. 17, to incorporate the city of Yankton, was read third time and passed.

The further consideration of the political code was made the special order at 2 p. m. to which hour the house then took a recess.

AFTERNOON SESSION.

The house met at 2 p. m., and was called to order by the speaker.

On motion of Mr. Beadle, the use of this hall was granted for a soldiers' reunion.

A communication from Secretary Hand, in reply to a resolution of the house passed yesterday in regard to the duration of the session, was received and read. The secretary stated that he had forwarded the resolution of the house to the attorney general of the United States, requesting his opinion on the subject referred to in the resolution.

On motion of Mr. Coddington, the chief clerk was directed to request of the council the return of house file, No. 20; and also moved that the vote by which said bill passed be reconsidered, the consideration of which motion was postponed until tomorrow.

The house then went into committee of the whole, Mr. Coddington in the chair, and resumed the consideration of the political code.

And after some time spent therein, the committee rose, and reported sundry amendments.

Whereupon the house adjourned.