

# Daily Press and Dakotain.

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YANKTON, DAKOTA TERRITORY, FRIDAY EVENING, FEBRUARY 2, 1877.

No. 238.

## THE DAKOTA LEGISLATURE.

### Council.

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

All the members were present.

#### REPORTS OF STANDING COMMITTEES.

Mr. Potter, from the committee on elections, reported that his committee had carefully examined the testimony in the case of the contested seat between McHench and Jack and had found that Mr. Back had received a majority of all the votes cast in the seventh district for member of the council, was elected and is entitled to the seat.

#### INTRODUCTION OF BILLS.

Mr. Wallace introduced council bill 31 to regulate the time for burning prairies. Referred to the committee on education.

#### READING OF COUNCIL BILLS.

Council bill 30, to fix the rate of tax for the years 1878 and 1879, for territorial purposes, and provide for the levy of the same, came up in its regular order and was, on motion of Mr. Bailey, ordered engrossed.

Mr. Bailey offered an amendment which was adopted, and, on motion of Mr. Wallace, the bill was recommitted.

On motion of Mr. Miner, V. E. Prentice of Vermillion, was invited to a seat within the bar of the council.

#### UNFINISHED BUSINESS.

Mr. Miner introduced council bill 32, providing for three wagon roads from the Black Hills—one from Brule City, one from Ft. Pierre and one from Ft. Lincoln. The bill was referred to the committee on highways, bridges and ferries, consisting of Messrs. Gunderson, Back and La Moure.

House file 22, substitute, came up as special order for half-past ten o'clock, a. m. The bill fixes the boundaries of counties in the Black Hills.

On motion of Mr. Bailey, the special order was postponed until 10:30 to-morrow and the bill as amended by the house was ordered printed.

A communication was received from the house giving notice of the passage by the house of a concurrent resolution asking congress to extend the present session of the legislature twenty days and instructing Delegate Kidder to present the matter to congress. The house message asked the concurrence of the council in the resolution.

An amendment to the resolution was offered by Mr. Miner, specifying that the members of the legislature should receive no pay for the twenty days' extra services provided for in the resolution.

Mr. La Moure moved to lay the amendment on the table. Motion adopted.

Mr. Wallace moved to concur in resolution. Motion lost.

Mr. Valentine moved to non-concur in the house resolution. His motion was adopted.

On motion of Mr. Pettigrew, the report of the committee on the contested election case of McHench vs. Back was brought up.

Mr. Wallace asked the president if he ruled that Mr. Back was privileged to vote upon this question.

The president stated that the question would be decided when Mr. Back offered to vote.

Mr. Wallace—I ask if the president refuses to answer.

Mr. President—The president does refuse to answer.

Mr. Miner moved that the report of the committee be adopted, which motion was seconded.

Mr. President—It is moved and seconded.

Mr. Wallace—Mr. President—

Mr. President—Will the gentleman be kind enough to keep his seat until the question is put?

The president then put the question.

Mr. Pettigrew rose to speak, when the chair stated that Mr. Wallace was entitled to the floor.

Mr. Wallace waived his right, and Mr. Pettigrew proceeded.

Mr. Miner moved the previous question.

Mr. Pettigrew held that while he had the floor no motion for the previous question could be accepted, and the chair ruled that Mr. Pettigrew was right.

Mr. Miner withdrew his motion for the previous question.

Mr. Pettigrew asked that the testimony which had governed the committee be read to the council.

Mr. Wallace took the floor and commenced to read authorities in support of the proposition that parties interested in a contest had no right to vote or take part in the proceedings on his case.

The chair ruled that Mr. Wallace was out of order in speaking upon a subject not before the council.

Mr. Wallace kept the floor and asked that Mr. Back be prevented from voting.

The chair ruled that the question was not before the council.

Mr. Back arose and stated that he did not intend to vote on the adoption of the report.

The chair ruled that he was out of order.

Mr. Miner moved to adjourn.

Mr. Wallace wanted to know if he was to be crowded off the floor.

The chair held that he would be when out of order.

Mr. Miner's motion to adjourn was put and adopted by the following vote:

Ayes—Messrs. Back, Gunderson, La Moure, Miner, Potter, Wilson, Mr. President—7; noes—Messrs. Bailey, Duncan,