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YANKTON, DAKOTA TERRITORY, TUESDAY EVENING, FEBRUARY 6, 1877.

No. 241.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Council.

Monday, Feb. 5.

AFTERNOON SESSION.

After recess house file 35, was taken up and had its second reading.

The civil code came up on the report of the committee of the whole and with amendments was passed by unanimous vote.

House file 35 was read by sections, variously amended and is ready for passage to-morrow.

Council adjourned.

The president announced the following special committees on apportionment:

Messrs. Back, Bailey, Duncan, La Moure, Miner, Mills, Pettigrew, Potter, Wilson; on investigation, Messrs. Wilson, Potter, Mills.

TWENTY-NINTH DAY.

The council met at ten o'clock, a. m. All members present.

REPORTS OF STANDING COMMITTEES.

Mr. Miner, from the judiciary committee, reported back council bill 19, to incorporate the city of Fargo, with a recommendation that it pass.

Mr. Duncan, from the committee on expenditures, reported back council bill 29, to empower the commissioners of Union county to appoint a drainage commission, with a recommendation that it pass.

Mr. Gunderson from the committee on highways, bridges and ferries, reported back council bill 27, to locate a territorial road from Sioux Falls to Ft. Thompson, with amendments, and recommended its passage.

Mr. Wilson, from the committee on territorial affairs, reported back house file 25, to incorporate the city of Bismarck, with amendments and a recommendation that it pass.

MOTIONS AND RESOLUTIONS.

Mr. Miner moved that the vote of yesterday, by which the civil code was passed, be reconsidered. The motion was adopted.

Mr. Miner moved that the bill be laid upon the table. The chair stated that as there was no objection the bill would lie on the table.

COUNCIL BILLS.

Mr. Wilson introduced a bill to amend section 7 of chapter 35 of the laws of 1874-5, to define the judicial districts of Dakota territory. Referred to appropriate committee.

Mr. Pettigrew introduced bill 87, to vacate certain roads. Referred to the committee on highways bridges and ferries.

Mr. Mills introduced bill 38, to exempt the counties of Lawrence, Pennington and Custer from the provisions of the herd law. Referred to the committee on territorial affairs.

Mr. Mills introduced bill 39, to amend section 5 of chapter 15 of the laws of 1874-5, relating to the preservation of fish in the Dakota river. Referred to the committee on enrolled bills, of which Mr. Mills is chairman.

Bill 27 to locate a territorial road from Sioux Falls to Ft. Thompson, reported back from the committee on highways, bridges and ferries, came up for its third reading and was, on motion of Mr. Pettigrew, referred to a committee consisting of Messrs. Pettigrew, Mills and Gunderson, with authority to report by substitute.

Bill 19, to incorporate the city of Fargo as reported back by Mr. Wilson, had its third reading and, after a long debate, was passed by the unanimous vote of those present, Messrs. La Moure and Pettigrew being absent and not voting.

On motion the special order was postponed to half past two o'clock this afternoon.

Bill 29, as reported by Mr. Duncan, had its third reading and was passed by unanimous vote. It provides for the appointment of a drainage commission for Union county.

HOUSE BILLS.

House file 41, to locate a territorial road from Swan Lake to Sioux Falls, had its second reading and was referred to the committee on highways, bridges and ferries, consisting of Messrs. Gunderson, Back and La Moure.

House file 25, to incorporate the city of Bismarck.

On motion a recess was taken until two o'clock.

House.

AFTERNOON SESSION.

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

Mr. Coddington offered the following: "Move to proceed to the consideration of the resolution which was substituted for Mr. Sargent's resolution regarding the contest of Burbank vs. Kelleher.

Mr. Inman moved a call of the house, which was seconded, and the roll being called, Messrs. Adams, Maywald and Soderstrom were absent.

The sergeant-at-arms was directed to bring in the absentees.

The absentees, excepting Mr. Soderstrom, who was excused this morning, were brought in by the sergeant-at-arms. Mr. Coddington moved the adoption of his motion.

Mr. Clark raised the point of order that the house had already taken action

upon the subject matter of the motion, and that the time in which the rules of the house permitted it again to be brought up had intervened.

The point of order was overruled by the chair, and Mr. Clarkson appealed from the decision.

Upon a vote, the ayes and noes being called and ordered, the decision of the chair was sustained.

The motion then being before the house, Mr. Coddington proceeded to address the house and to read a part of the evidence taken before the committee, when he was called to order, and a motion made and carried that all the testimony taken in the case be read to the house, and that the attorneys in the case be invited to seats within the bar of the house as attorneys for their respective clients.

The house then took a recess for thirty minutes, and upon the reassembling of the house the clerk proceeded to read the evidence in the case.

After reading a portion of the testimony, the house adjourned until 9 a. m. to-morrow.

Tuesday, Feb. 6.
The house met at 9 o'clock, a. m. and was called to order by the speaker.

Prayer by chaplain.

Roll called.

Members all present.

Minutes read and approved.

REPORTS OF COMMITTEES.

The committee on enrollment reported that house file No. 2, correctly enrolled.

The committee on ways and means made the following report:

MR. SPEAKER—Your committee on ways and means to whom was referred the matter of investigation of the finances of the Territory, and who were authorized to send for persons and papers, beg leave to submit the following partial report:

Your committee find that the method by which accounts have been kept have not been systematic to the necessary extent in order to show the financial standing of the Territory. No system has been used by which balances can be accurately exhibited, nor by which errors in accounts might be known to exist on accounts of failures in balance accounts. Erroneous entries are found in the day book, and corrections are not discovered.

On page 46 of day book is found an entry stating that on May 12th, 1873, there was paid on warrant No. 153, seventy-five dollars; and on page 47 in an entry showing that on June 30th on the same warrant was paid one hundred dollars, and seventy cents interest. The warrant was drawn for one hundred dollars, dated April 29th, 1873; thus showing that on a warrant for one hundred dollars there was paid one hundred and seventy-five dollars and seventy cents.

These errors are so far back in the past that they are probably beyond our reach. The irregularity of the method of accounts in the later years and especially during

the last fiscal term has not, so far as can be ascertained, resulted in loss to the Territory, and your committee expect to be able by to-morrow to report to this house the amount of outstanding warrants.

Your committee submit with this report a statement made by the territorial treasurer, Hon. E. A. Sherman regarding the cash balance received by him from the former treasurer, Hon. John Clementson, at the hands of his deputy, Alexander Hughes.

Your committee submit also the fact that chapters 7 and 8 of the political code have been prepared, with particular reference to the regulation of the accounts of the auditor and treasurer so that their accounts and the biennial reports required of them shall exhibit the true financial condition of the territory.

Respectfully submitted,
G. S. CODDINGTON, Chn.

The following is the statement alluded to in the foregoing report:

Balance reported January 10th, 1877, by Alex. Hughes, deputy treasurer, on hand January 1st, 1877	\$668.22
Cash remitted by draft on Sioux City	801.70
Balance reported in Hoffman's bank	166.52
	\$1636.44

Mr. Hughes reported that this amount \$166.52 would be forwarded "very soon" by Mr. Clementson. Up to this date, Feb. 1st, 1877, it has not come to hand.

Yours truly,
E. A. SHERMAN,
Treasurer.

The committee on counties and towns reported back house file No. 32, for an act defining the duties of the county commissioners of Bon Homme county in certain cases, and recommended its passage.

The special committee on Black Hills, reported back council bill No. 9, a memorial for a land grant for a railroad from Yankton via Bon Homme and Springfield, to the Black Hills, and recommended its passage.

The committee on enrollment reported that chapters 6, 7 and 8 of house file No. 4 correctly engrossed.

Mr. Ziebach moved that the chief clerk be directed to transmit to the council house file No. 17, an act to incorporate the city of Yankton, which bill was yesterday recalled from that body.

The motion was lost.
Mr. Beadle moved that the vote by which house file No. 17 was passed be reconsidered.

The point of order was raised that the motion was out of order, on the ground of the lapse of time under which motions to reconsider can be made.

The point of order was overruled by the speaker, and the resolution was adopted.

The bill was then recommitted to the members from Yankton county.

Continued to-morrow.