

Daily Press and Dakotian.

Vol. 2.

YANKTON, DAKOTA TERRITORY, WEDNESDAY EVENING, FEBRUARY 14, 1877.

No. 248.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Council.

Tuesday, Feb. 13.

At half-past twelve o'clock the committee rose and reported progress and the council took a recess to two o'clock p. m.

AFTERNOON SESSION.

The council went into committee of the whole on the apportionment bill, Mr. Mills in the chair.

After several hours discussion, the committee rose, reported the bill with various amendments and recommended its passage.

On motion of Mr. Valentine the report was adopted.

Mr. Pettigrew moved the previous question.

The motion was sustained.

The bill passed by the following vote: Ayes—Messrs. Back, Bailey, Duncan, La Moure, Mills, Miner, Pettigrew, Valentine, Wallace—9. Noes—Messrs. Gunderson, Potter, Wilson, Mr. President—4.

Mr. Miner gave notice that he would tomorrow move a reconsideration of the vote by which the bill was passed.

Mr. Valentine moved that the vote be reconsidered and the motion to reconsider be laid on the table.

The motion was lost.

Mr. La Moure called up council bill 45, establishing judicial districts in Dakota territory, returned from the house with amendments. The council concurred in all the house amendments except the one placing the court at Fargo instead of Bismarck.

On motion of Mr. Pettigrew, the council proceeded to the consideration of the political code.

Wednesday, Feb. 14.

The council met at 9 o'clock, a. m. Prayer by chaplain.

Members all present.

REPORTS OF COMMITTEES.

Mr. Miner, from the judiciary committee reported back house file 54, with an amendment and a recommendation that it pass as amended.

Mr. Burleigh, (Mr. Mills in the chair) reported back council bill 53, to amend the charter of Yankton, with a recommendation that it pass.

COUNCIL BILLS.

Mr. Back introduced council bill 54, providing for the incorporation of the city of Bismarck. Under a suspension of the rules the bill had its several readings and was passed by a unanimous vote, Mr. La Moure not voting, being absent.

Mr. Wallace introduced council bill 55, for the relief of John Clement as ex-treasurer, who had placed \$166.52 in Hoffman's bank, and the bank having failed that amount of money is involved in the failure.

Mr. Wallace's bill gives authority to the new treasurer to accept the liability of the Hoffman Bank in lieu of cash.

Under suspension of rules the bill had its several readings and was passed by the following vote: Ayes—Messrs. Duncan, Gunderson, La Moure, Mills, Valentine, Wallace—6. Noes Messrs. Back, Miner, Potter, Mr. President—4.

Council bill 53, introduced by Mr. Burleigh, amendatory to the charter of the city of Yankton was read a third time and passed by the following vote: Ayes—Messrs. Back, Bailey, Gunderson, Miner, Mills, Potter, Valentine, Mr. President—8. Noes—Messrs. Duncan, La Moure, Wallace—3.

HOUSE BILLS.

House file 57, reported back from the judiciary committee with an amendment, a bill to repeal chapter 70 of the general laws of 1874-5, so far as it affects the counties of Hutchinson, Richland and Trail, was passed with its amendment.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

Gentlemen of the Council and House of Representatives:

It seems to me important that I should call your attention to the necessity for making some provision for the immediate publication of a limited number of copies of the several codes already adopted and to be hereafter enacted by you at this session. While the value of this compilation of our laws cannot be over-estimated, when their former unwieldy and unsatisfactory shape is considered, it is of no real value to the people until placed where they can have access to it. The old laws being repealed and the newly completed ones take immediate effect and there should be at least one copy placed in the hands of every officer. And the different courts at the earliest possible moment.

The appropriation made by congress is not sufficient to provide for the printing of these laws and with the pressure of other important matters upon congress it has been found impossible, thus far, to secure a deficiency appropriation to provide for this expense. It seems to me evident under the circumstances, that the legislative assembly should at its present session, provide a sufficient appropriation to meet this expense, relying upon congress, at a future session, to reimburse the territory for the outlay thus incurred.

Very respectfully,
JOHN L. PENNINGTON,
Governor.

CONFERENCE COMMITTEE.

The chair appointed Messrs. La Moure, Pettigrew and Potter as a conference committee on council bill 45, defining the judicial districts of Dakota territory.

UNFINISHED BUSINESS.

The political code came up under this order and was considered by sections.

Before the work was finished the council took recess till 2 o'clock p. m.

HOUSE.

Tuesday, Feb. 13.

House met at 6 a. m., and was called to order by the speaker.

Prayer by the chaplain.

Roll called, members all present.

Minutes read and approved.

Mr. Dunham from the committee on

counties and towns, reported back with a recommendation that it pass, No. 61, to legalize the action of the board of county commissioners of Yankton county with the bondsmen of O. F. Odell.

Mr. Beadle, from the judiciary committee, reported back house file No. 59, to amend section 128 of the justice code, with a recommendation that it do not pass.

Also, council bill No. 54, providing for the publication of the decisions of the supreme court, with amendment recommending its passage.

Also, council bill No. 45, to establish the boundaries of the judicial districts of this territory, without recommendation.

The same gentleman, from the committee on the disagreement of the two houses on house file No. 1, the civil code, made a report, stating that the committee had agreed to concur in a number of the council amendments, and that the council records from several of its amendments.

On motion of Mr. Dunham the report and recommendations of the conference committee were adopted.

Mr. Coddington reported house file No. 46 correctly enrolled.

INTRODUCTION OF BILLS, &c.

By Mr. Ziebach—A bill for an act allowing actions to be brought against the territory.

By Mr. Burbank—To enable Richland county to fund its outstanding indebtedness.

By Mr. Iverson—To provide for the printing of certain laws in the German language.

The house then took up house file No. 12, a bill for a code of civil procedure, to which amendments had been made by the council, and a portion of the amendments concurred in and others rejected. A conference committee, consisting of Messrs. Coddington, Inman and Dunham, was appointed.

COUNCIL BILLS.

No. 31, to regulate the time of burning prairies.

No. 37, defining the judicial districts of Dakota territory, read first time.

No. 34, to provide for the publication of the decisions of the supreme court, was read a second and third times, and the question being upon its passage the bill was rejected by a vote of 13 to 12.

No. 29—To empower the county commissioners of Union county, to appoint a drainage commission, was read a third time and rejected, by a vote of 20 to 5.

No. 45—To establish the boundaries of the judicial districts of this territory, was amended by striking out Bismarck and inserting Fargo as the place of holding court in the third district; also, by striking out Lawrence and inserting Pennington county as the place of holding court in the first district, and a few other minor amendments. The bill was then read a third time and passed, by a vote of 19 to 7.

Mr. Beadle moved that the vote by which the bill passed be reconsidered, and that the motion to reconsider lie on the table, which motion prevailed.

HOUSE BILLS.

No. 53—To incorporate the city of Vermillion, was read a second time and referred to the committee on judiciary.

No. 62—Authorizing a special election in Cass and Richland counties in regard to the herd law, was read a second time and referred to the committee on agriculture.

No. 63—Authorizing the county commissioners of Burleigh county to fund its outstanding indebtedness, was read second time and passed.

No. 64—For the preservation of fish in the streams of Richland county, was read a second and third times and passed.

No. 54—Defining the duties of the commissioners of Union county in certain cases, was read a third time and rejected.

Mr. Iverson gave notice of his intention to reconsider the vote by which the bill was lost.

No. 59—Amending section 128 of the justice's code, was laid upon the table.

No. 58—An act to define and limit liabilities of counties for the payment of costs in certain cases, was read a third time and passed.

No. 61—To legalize the action of the county commissioners of Yankton county in settling with the bondsmen of O. F. Odell, was read a third time and passed.

A message informed the house that the council had refused to concur in the house amendments to council bill No. 19, in relation to the city of Fargo, and that Mr. Back has been appointed to confer with a committee of the house.

Mr. Clarkson was appointed on the part of the house to shake hands with Mr. Back.

Also, that the council had concurred in house amendments to council bill No. 23, in relation to funding the indebtedness of Yankton county.

Also, that the council had passed house file No. 55, a memorial in relation to the Indian reservation in Charles Mix and Brule counties.

Also, that the council had passed council bill No. 56, to legalize certain acts of J. F. Folsom as notary public.

The house took up council bill No. 50, and under a suspension of the rules, was read a first, second and third times and passed.

Chapter 38 of the political code, relating to mines and mining, which was reported this morning, by the special committee on Black Hills, was taken up, and the amendments submitted by the committee adopted.

The house then resumed consideration of that part of the political code relating to the fees and compensation of public officers. After concluding its consideration the house took a recess until 2 p. m.

AFTERNOON SESSION.

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

The house took house file No. 4, the

political code, under consideration and sundry amendments were offered and variously disposed of.

Mr. Clarkson moved that the rules be suspended, and house file No. 4, be put upon its passage, which motion was lost.

Mr. Clarkson, from the committee on education, reported a substitute for the bill formerly reported by the same committee; the substitute being substantially the old school law of the territory.

Mr. Van Tassel moved that the report of the committee be adopted, which motion was lost.

The house then adjourned.