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YANKTON, DAKOTA TERRITORY, MONDAY EVENING, FEBRUARY 19, 1877.

No. 252.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Council.

Friday, Feb. 16.

The council convened at 10 o'clock a. m. and was opened with prayer by the chaplain.

Present all the members.

The enrollment committee reported that council bills 55, 41, 12, 17, 50 and 30 had been sent to the governor for his signature and that council bills 42 and 54 had been enrolled.

Council bill 58, amending chapter 12 of the special laws of 1872-3, was reported back with favorable recommendation, and passed, Mr. Pettigrew alone voting in the negative.

House file 73 was taken up and referred to the committee on judiciary.

House file 81, to amend the act incorporating St. John's masonic lodge, was passed by unanimous vote.

House file 80, authorizing the construction of a bridge and drain ditch in Union county, was read twice and referred to the Union county delegation.

House file 72, in relation to a tax for roads and bridges in Union county, was reported favorably from the committee and passed by unanimous vote.

House files 67, 77 and 70 were reported back from their appropriate committees with recommendation that they pass. On motion of Mr. Bailey the rules were suspended and the three bills taken up for consideration.

No. 67, authorizing funding of the indebtedness of Richland county, was read a third time and passed by unanimous vote.

No. 70, was, on motion of Mr. Burleigh, placed upon the table until printed.

No. 77, amendatory to the political code, was passed, Mr. La Moure alone voting in the negative.

House file 69 was referred to the committee on public printing.

Council bill 60, supplemental to the act defining the judicial districts of the territory, was reported adversely from the judiciary committee. The bill then passed by unanimous vote.

Council bill 49 was reported from the committee on territorial affairs without recommendation.

House file 39, providing for registration in cities and towns, was taken up, and, on motion of Mr. Burleigh, the enacting clause was stricken out.

On motion of Mr. Burleigh, house file 4, the political code, was taken up and variously amended.

The council took a recess till 1:30 p. m.

AFTERNOON SESSION.

House file 73 was reported back from the judiciary committee with a recommendation that it pass.

Council bill 49, providing revenue for the counties of Dakota and for the collection thereof, was passed, under suspension of rules, Mr. McHench alone voting in the negative.

House file 4 was taken up and variously amended.

A message was received from the governor giving notice of his approval of council bills 12, 17, 50, 39, 41, 18, 33, 42, 54 and 56 and his veto of council bill 55, for the relief of the ex-treasurer of the territory, who lost about \$150 of territorial money from the failure of the bank in which it was deposited.

The question on the passage of the bill over the governor's veto, being put, was lost.

Mr. Burleigh moved that further action on the political code be indefinitely postponed and demanded the previous question.

The motion was adopted by a vote of nine to two, Messrs. McHench and Wallace voting in the negative.

The council then adjourned.

House.

Saturday, Feb. 17.

The house met at 9 a. m. and was called to order by the speaker.

Prayer by the chaplain.

Roll called, members all present.

Minutes read and approved.

Mr. Van Tassel, from the committee on elections, reported back house file No. 60, relating to railroads in the Territory of Dakota.

Mr. Hagle moved that the vote by which the house yesterday amended the apportionment bill, be reconsidered.

The point of order was raised that the gentleman had voted with the majority on the question sought to be reconsidered, and therefore could not make a motion to reconsider.

The chair, Mr. Inman in the chair, decided the point well taken, and the motion out of order.

COUNCIL BILLS.

No. 60, an act supplemental to an act to establish the boundaries of the judicial districts of this territory, was read three times and passed.

No. 48, to regulate the tolls of certain ferries on the Missouri river, was read a third time, and indefinitely postponed.

No. 81, to regulate the time for burning prairies, was read a third time and passed.

No. 44, for an act to apportion the representation in the legislative assembly, was taken up, amended, read a third time and passed, by a vote of 23 to 2.

No. 49, to provide revenue for the counties of this territory, and for the collection

thereof, was taken up, and amended so as to make it apply only to the county of Yankton. The bill was read a third time and rejected by a vote of 16 to 8.

COUNCIL MESSAGES.

Messages from the council informed the house that the council had rejected house file No. 59, for the annual registration of voters in towns and cities having over five hundred inhabitants.

Passed house file No. 79, a memorial in regard to proceeds of the sales of public lands in certain states and territories.

Rejected house file No. 42, to provide for contesting the election of county officers, and to prescribe the manner of proceeding thereon.

Indefinitely postponed house file No. 41, to locate a territorial road from the village of Swan Lake, by way of Finlay and Howard, to the village of Sioux Falls.

The house then took a recess until 1:30 p. m.

AFTERNOON SESSION.

The house met at 1 1/2 p. m., and was called to order by the speaker.

Mr. Beadle, by unanimous consent, introduced a bill making the rate of territorial tax five mills on the dollar.

Mr. Thompson moved to amend by making the rate three mills, which was lost.

The rules were then suspended and the bill read a third time, and pending its passage a call of the house was demanded and the sergeant at arms, sent after absentees.

The absentees having been brought in, on motion further proceedings under the call were dispensed with.

The bill was then rejected.

On motion of Mr. Beadle the vote by which the bill was rejected was reconsidered.

On motion of Mr. Clarkson the house receded from its amendments to council bill No. 44, being the apportionment bill.

A motion to reconsider the vote last taken was laid upon the table.

On motion the vote by which house file No. 80, in relation to the Sioux bridge, was indefinitely postponed, was reconsidered.

On motion of Mr. Adams the house concurred in the council amendment.

HOUSE BILLS.

No. 76, to establish a territorial road from the city of Yankton to Sioux Falls, was read a third time and passed.

No. 75, to repeal chapters 66 and 88 of the session laws of 1862, was read a third time and passed.

On motion the vote by which the bill passed was reconsidered and the further consideration of the bill indefinitely postponed.

No. 60, relating to railroads in the territory of Dakota—fixing the rates of freight and passenger tariffs—was read a third time and passed.

On motion the house went into committee of the whole on house file No. 40, to fix the time for holding elections for county officers, and for other purposes.

The committee rose and reported the bill back with the recommendation that the bill be indefinitely postponed.

The recommendations of the committee were not adopted.

On motion of Mr. Thompson the bill was amended to apply only to Minnehaha county.

The rules were suspended, and the bill put upon its final passage, and was passed.

Mr. Coddington, by unanimous consent introduced a bill to provide for the payment to the respective chief clerks of the house and council the sum of one hundred dollars for extra services required by law.

On motion the rules were suspended, the bill read three times and passed.

On motion the house took up council bill No. 16, to establish a territorial board of immigration.

Several amendments were offered and rejected, when, on motion the further consideration of the bill was indefinitely postponed.

Message A8 from the governor informed the house that he had approved house files Nos. 12, 69, 79 and 83.

The house then took up house file No. 5, being the political code and considered the amendments thereto made by the council.

Pending the consideration of the amendments, the house took a recess until 7 p. m.

EVENING SESSION.

At 7 p. m., the speaker took the chair, but there not being a quorum present, a call of the house was ordered, and the sergeant-at-arms ordered to bring in the absentees.

When a sufficient number of the absentees came in, the call was dispensed with, and the house resumed the consideration of the council amendments to the political code.

A message was received from the governor returning without his approval.

House file No. 82, a bill defining the duties of the commissioners of Bon Homme county; and

House file No. 68, providing for printing certain laws in the German language.

The question then being shall the bill house file 68, pass the objections of the governor to the contrary notwithstanding; and the roll being called those voting in the affirmative were 12 and in the negative 13.

So the bill did not pass.

No action was taken by the house in regard to the house file No. 32, vetoed by the governor.

The house concluded the consideration of the council amendments to house file No. 4, and as a number were not concurred in, Messrs. Clarkson, Inman and Dunham were appointed a conference of conference.

The conference committee reported that the council had receded from most of amendments in which they had not concurred, and recommended that the house concur in those upon which the conference committee could not agree.

The report of the committee was adopted.

House file No. 82, a general repealing act, repealing all laws embodied in the several codes, was taken up, and under a suspension of the rules, read a second and third times and passed.

A concurrent resolution was passed fixing the time of adjournment *sine die* at 10½ p. m.

Mr. Ziebach introduced the following resolution which was unanimously adopted:

Resolved, That the thanks of this house are due and are hereby tendered to Hon. D. C. Hagle for the able, dignified and courteous manner in which he has discharged the duties of speaker of the house; and the thanks of the house are also hereby tendered to the several subordinate officers for the prompt and efficient discharge of their respective duties.

A committee consisting of Messrs. Clarkson, Inman and Dunham, was appointed to wait upon the governor and ascertain if he had any further communications to make. The committee, after having waited upon his excellency, reported that no further communications would be made, other than the announcement of the executive action upon the few remaining bills.

Eloquent parting remarks were made by Messrs. Clarkson, Beadle and others, and the session closed with the following address by Mr. Speaker Hagle:

Gentlemen of the House of Representatives:

Our labors have drawn to a close, and it only remains for the gavel to announce that the 13th session of the legislative assembly of the territory of Dakota is numbered among the things of the past. Before parting with you, I desire to return you my most profound and heartfelt thanks for your uniform kindness, forbearance, advice and support, so generously given on all occasions. When I entered upon the discharge of the duties to which you called me, at the beginning of the session, I thanked you for the honor then conferred; I thank you now a thousand fold not only for the honor, but for the assistance and support that you have so nobly rendered me, in the discharge of the intricate and delicate duties that have devolved on me from time to time. When we commenced our labors, with one or two exceptions you were strangers to me, now each face, and each voice is familiar, and will never be forgotten. Our relations have been so intimate, that we seem to be friends and associates of years rather than of a few short weeks.

If at any time I have said anything from the chair, that in the slightest degree wounded, or grated harshly on the feelings of any gentlemen, I beg to assure you that nothing was further from my intention and for it, I beg a thousand pardons. I trust that your future conduct in life, may be in keeping with that gentlemanly deportment, and high sense of honor, that has characterized your every action here. I wish you a happy return to your families and friends, and may new honors, and increased prosperity follow you, and each of you, all along the journey of life. I now bid you goodbye and announce that the 13th session of the legislative assembly of the territory of Dakota is duly adjourned *sine die*.