

Daily Press and Dakotaian

Volume 4.

YANKTON, DAKOTA TERRITORY, MONDAY EVENING, JANUARY 20, 1879.

Number 227

DAKOTA LEGISLATURE.

Thirteenth Session.—Daily Report of the Proceedings of the Council and House of Representatives.

SEVENTH DAY.

GENERAL COMMENTS.

The legislature will be asked to pass a law permitting the counties through which it is proposed to build the Minneapolis & Dakota Northern narrow gauge railroad, the articles of incorporation of which were filed in the secretary's office to-day, to issue bonds to aid the enterprise. Aside from the questionable legality of such an enactment, we believe the sentiment of a majority of the legislature is averse to any such legislation.

Bills were introduced in the council on Saturday for the repeal of section 427 of the penal code, and for the amendment of section 1100 of the civil code. The section of the penal code sought to be repealed makes the taking of a usurious rate of interest a misdemeanor; and section 1100 of the civil code provides for the forfeiture of interest where a higher rate than twelve per cent is taken or contracted for. There is a decided sentiment among certain members in favor of making our interest laws more liberal, and the doing away with all penalties for contracting and receiving any rate of interest which the borrower is willing to pay. It is claimed that the price for the use of money, like produce, should be regulated by the law of supply and demand; that in a territory like ours, with widely separated communities, with varied and dissimilar interests, a uniform law upon the subject of interest is unsatisfactory and injurious to the industrial interests of some parts of the territory. For instance, in the Black Hills where money is loaned for the purchase, development and working of mineral lands, and for use in other hazardous transactions incident to a mining country, it is worth more than in agricultural or manufacturing communities; and as special laws to suit the demands of each community cannot be passed, it is urged that the present laws should be so amended as to make the rate of interest depend upon the contract entered into by the lender and borrower. This sentiment will of course meet with decided opposition, and this opposition may be strong enough to defeat any proposition to change the present system.

Charles E. Simmonds, of the Chicago & Northwestern railroad company, has interviewed many of our legislators upon the subject of railroad legislation and has given them a fair idea of what will be asked for by outside corporations. A general law is wanted, liberal enough in its provisions to enable the schemes now under consideration to be carried out. There is every indication that Dakota will, next season, become the scene of the liveliest railroad operations that have been known for years. All the

great corporations of Illinois, Wisconsin, and Minnesota are looking Dakotaward and they are depending on the present legislature to give them such laws as will enable them to do their part towards developing the territory.

G. B. Wicklin, of Hamlin county, to-day presented his credentials as the man elected to represent the counties of Hamlin, Deuel, Grant and Codington, and urge their claims before the legislature. These four counties were unorganized at the time the last apportionment was made and were unprovided with representation. They have since filled up and now contain one thousand homesteaders, or a population of not less than four thousand people. They ask, through Mr. Wicklin, that they have the privilege of the floor and be permitted to place their claims before the representatives of the people of the territory. Mr. Wicklin is here for that purpose and it seems but just that the claims of his constituents receive all the recognition which can be legally granted. They are a part of the people of Dakota and are interested in all legislation to be enacted this session. More particularly are they interested in legislation needed for their locality and this they have entrusted to the gentlemen who represents them.

THE COUNCIL.

Monday Jan. 20.—The council met at 10 o'clock, and was called to order by the president.

Prayer by the chaplain.

Roll called; members all present except Mr. Day.

The minutes of Saturday's proceedings were read and approved.

REPORTS OF COMMITTEES.

Mr. Wynn, from the committee on education, reported back that part of the governor's message relating to education, which had been referred to that committee, and recommended that the question be referred back for investigation.

Mr. Roberts, from the judiciary committee, reported back council bill No. 2, a bill for an act to increase the number of justices of the peace and constables, and provide for the election of the same, and recommended its passage with the amendments reported by the committee.

On motion of Mr. Kuykendall the amendments were adopted and the bill ordered engrossed.

NOTICE OF BILLS.

By Mr. Roberts—To authorize the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

By Mr. Cuppett—To amend section 46 of the political code relating to public education.

By Mr. McNider—To provide for the registry of electors.

INTRODUCTION OF BILLS.

By Mr. Roberts—A bill for an act to amend section 20, chapter 40 of the political code relating to school district meetings.

By Mr. Kuykendall—A bill for an act to amend chapter 3 of title 2, part 3 of the civil code, in relation to corporations; also, a bill for an act for the protection of stock and to regulate the branding of the same.

By Mr. Pettigrew—A bill for an act to repeal section 660 and article 3, section 666 of the civil code; also, a bill for an act to amend section 3, chapter 38 of the revised codes of 1877.

By Mr. Valentine—A bill for an act to amend section 5 of the justices code in relation to a change of the place of trial.

SECOND READING OF BILLS.

Council bill No. 10.—A bill for an act to remove the cloud from certain titles, was read a second time and referred to judiciary committee.

Council bill No. 11—A bill for an act to amend section 92 of the justices code was read a second time and referred to the committee on judiciary.

Council bill No. 12—A bill for an act to amend section 1100 of the civil code was read a second time and referred to the committee on judiciary.

Council bill No. 13—A bill for an act to amend the penal code, was read a second time and referred to the committee on judiciary.

THIRD READING OF BILLS.

Council bill No. 4—A bill for an act relating to penalty on taxes, was taken up for its third reading, and on motion of Mr. Roberts was referred to the committee on finance and expenditures.

Council bill No. 6—A bill to amend section 1743 of the civil code referring to the renewal of chattel mortgages, came up for its third reading and on motion was referred to the committee on judiciary.

Council bill No. 7—A bill for an act regarding the relations of landlord and tenant was read a third time and referred to the committee on judiciary.

Council bill No. 7—A bill for an act creating a lien for miners and laborers in certain cases, was read a third time and referred to the committee on judiciary.

ASSISTANT CLERK.

E. H. Foster assistant clerk of the council was sworn in and assumed the duties of his position.

Mr. Pettigrew moved that the president appoint a committee of three to investigate the books and accounts of the territorial treasurer, which motion prevailed, and the president appointed as such committee Messrs. Pettigrew, Wynn and Rohr.

Mr. Pettigrew asked to be excused from serving on the committee, which request was granted, and the committee then announced as consisting of Messrs. Wynn, Rohr and MacNider.

ADJOURNMENT.

Mr. Ellis moved that the council take a recess until 2 o'clock p. m., which motion was lost.

On motion of Mr. Pettigrew the council adjourned until ten o'clock to-morrow.

THE HOUSE.

The house met, pursuant to adjournment, at two o'clock p. m.

Mr. Speaker in the chair.

Roll call showed all the members present.

The journal of Saturday's session was read and approved.

Mr. Flick asked that the invitation of the officers of the Dakota Southern railroad company to members of the legislature be read. It was accordingly read by the clerk. The invitation was a tender of the officers of an excursion to members of the legislature, from Yankton to Beloit and return.

MOTIONS AND RESOLUTIONS.

Mr. Flick presented a resolution, and moved its passage, to the effect that a joint special committee of two on the part of the council be appointed to notify the officers of the railroad company that the legislature accepts its invitation and will name a day.

Mr. Gamble strenuously opposed the resolution on the ground that the legislature was here to pass laws and not to ride on railroads. He was further of the opinion that if accepted the president of the road would consider that the legislature was so much indebted to him. He suggested an amendment to refer the invitation to a joint committee with instructions to report upon the propriety of accepting or declining the invitation.

Mr. Gray did not see anything improper in the resolution. It devolved upon the legislature as a body to either accept or reject it. He did not think a little healthy recreation would be injurious, nor did he think that an acceptance would place members in the position indicated by the gentlemen from Yankton.

The eyes and noses were called upon the resolution and it was adopted by a vote of nineteen to seven.

Mr. Burbank offered the following resolution:

Resolved, That E. S. Wicklin, who represents the interests of Deuel, Grant, Codington and Hamlin counties, be admitted within the bar of this house and that he be allowed to speak on any question pertaining to the interests of those counties.

Mr. Gray moved that the resolution lie over. Approved.

NOTICE OF BILLS.

By Mr. Whitfield—For an act to amend chapter thirty-nine of the political code, relating to fees to witnesses; also for an act to amend chapter twenty-seven of the political code, entitled election.

By Mr. Gamble—For an act to amend section 336 of the code of civil procedure; also an act to authorize the secretary of the territory to purchase certain volumes of the first supreme court reports and make exchange with states and other territories.

INTRODUCTION OF BILLS.

By Mr. Gray—House file number two—An act concerning corporations and persons engaged in banking.

By Mr. Gray—By unanimous consent—House file number three—to amend chapter three, title two, of part three, of division seven of the civil code, and to provide for

the organization of railroad companies, to regulate the operation thereof and to provide for the taxation of their property.

SECOND READING OF BILLS.

House file number one was taken up on motion of Mr. Stephens, and referred to committee on ways and means.

UNFINISHED BUSINESS.

Mr. Fockler moved that the assistant clerk be sworn in. Adopted.

The speaker announced as the house members of the joint committee on the invitation of the Dakota Southern railroad, Messrs. Flick and Gray.

Mr. Gamble, from the select committee on the treasurer's supplemental report, reported that he had examined the document and saw nothing in it on which to recommend action by the house.

On motion of Mr. Gray the report was adopted.

The assistant clerk, W. D. Perotval, came forward and was sworn in.

ADJOURNMENT.

On motion of Mr. Gray, at three o'clock p. m., the house adjourned to 10 o'clock a. m., Jan. 21st.