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YANKTON, DAKOTA TERRIFORY, MONDAY EVENING, JANUARY 27, 1879.

Number 233

DAKOTA LEGISLATURE.

hirteenth besten---Daily Report of t Preceedings of the Council and House of Representatives.

FOURTEENTH DAY.

GENERAL COMMENTS.

The local option bill introduced by Mr. Languess comes on to-morrow morning as special order in the house. The chances are that it will pass the house, though there is strong opposition to it from many quar-

The report of the house committee apointed to examine into the accounts of th territorial treasurer was made this morning and appears in the regular pro-ceedings. A substantial point of difference ceedings. between this report and the one emanating from the council is in the strictures placed by the former upon the treasurer for per-mitting large balances to accumulate upon which interest was still running. Mr. Sherman claims that he is operating unde a law which renders this course justifiable while the committee takes an opposite view. He holds that there is a conflict of authority upon this point and that he followed the law which governed his predecessor. The report of the house committee further men-tions the tressurer sent in to the governor an incomplete report upon which to base the financial de-partment of his message. The com-mittee report is made from the supplemental report sent in by the treasurer on the 14th of January, while the strictures con-tained within the governor's message were drawn from the first and materially incom plete report of the treasurer. It was these two reports which caused the difference b tween the governor and the treasurer. Had the latter sent in his last report on the 14th of December, all the late unpleasantness would have been avoided. That it has finally been happily adjusted will be gratifying to all concerned. The governor to-day gave a manifestation of his confidence in Mr. Sherman by recommending his appointment as the agent of the territory making provision for the temporary care of ane, which recommendation was ita ir promptly considered by the legislature. It was a graceful act on the part of the executive

THE COUNCIL.

Monday, Jap. 27.-The council met at 10 o'clock a. m, and was called to order siden t.

by the president. Prayer by the chaplain.

Roll called ; members all present. The minutes of Saturday's proceedings

vere read and approved.

MESSAGE FROM THE GOVERNOR

The governor through his private secre tary transmitted a special message on the care of the insane, which was read. The message will be found at length in the house proceedings.

MESSAGE FROM THE HOUSE.

A message from the house informed the council that the house had passed council bill No. 8 and indefinitely postponed council bill No 6; also, asking the council to

concur in house file No 7. REPORTS OF COMMITTEES.

Mr. Wynn, from the committee on education reported back council bill No. 30 in relation to authorizing school district No 2. in the county of Grand Forks to issue

bonds, and recommended its passage. Mr. MacNider from the committee on enrollment reported joint resolution No. 1 correctly enrolled.

MOTIONS.

Mr. Miner moved that the vote be reconsidered by which council bill No. 29, a bill for an act authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

Mr. Miner stated his reasons for the motion that the bill provides that the election on the question of issuing bonds shall be held in the town of Grand Forks and not in the several election precincts of the county.

Messrs, Roberts and Walsh stated that the bill as passed was perfectly satisfactory to the people of Grand Forks county, and that the bill was drawn as it was in the interest of economy,

At this point Mr. Valentine raised the point of order that the bill had been transmitted to the house and was, therefore, no

longer in the control of the council The point of order was sustained by the chair,

Mr. Pettigrew withdrew the resolution introduced by him on Friday last recom-mending the reappointment of E. A. Sherman to the office of territorial treasurer. stating that he took this action at the request of Mr. Sherman.

Mr. Pettigrew then called up his motion to reconsider the vote by which council bill No. 18 was lost.

The motion to reconsider the vote, after considerable discussion, was carried. The question then being upon the passage of the bill it was passed by the following vote : Ayes-Mesars. Cuppett. Kuykendall, Mac-Nider, Pettigrew, Roberts, Valentine and Mr. President-7, Nays-Measrs. Day, Ed-munds, Ellis, Miner, Bohr and Wynn-6.

NOTICE OF BILLS. By Mr. Rohr-A bill for an act to fund the indebtedness of Union county.

INTRODUCTION OF BILLS. By Mr. Roberts-A bill for an act loca-

ting the county seat of Grand Forks county. By Mr. Kuykendall-A bill for an act amending section 1 of chapter 17 of the political code relating to notaries public.

By Mr. Pettigrew-A bill for an act to provide for the building and government of a territorial penitentiary.

By Mr. Miner-A bill for an act to amend the act creating a bould of education for the city of Vermillion.

FIRST BRADING OF BILLA. Council bill No. 32-A bill for an act lo-cating the county reat of Grand Forks county.

Council bill No. 33-A bill for an act amending section 1 of chapter 17 of the po-litical code relating to notaries public. Council bill No. 34-A bill for an act to

rovide for the building and government of territorial penitentiary. Council bill No. 35-A bill for an act to

ad an act creating a board of education for the city of Vermillion.

SECOND READING OF BILLS.

Substitute for council bill No. 3, in rela-tion to insame. Laid on president's table. Council bill No. 28-A bill for an act to mend the act incorporating the city of Yankton, was read a second time, and referred to the committee on finance and exditures.

Conneil hill No. 31-A hill for an act to amend the act incorporating the city of Ver-million. Referred to committee on countime

THIRD READING AND PASSAGE OF BILLS Substitute for council bill No. 7, a bill for an act to amend sections 1,118 and 1,119 of the civil code. Passed. Council bill No. 30-A bill for an act au-

thorizing school district No. 2 in the county of Grand Forks to issue bonds. Passed. Council bill No. 25-A bill for an act en-

larging the boundaries of the county seat of Clay county Passed.

Council bill No. 26-A bill for an act to mend section 510 of article 11 of the civil code. Passed.

HOUSE BILLS

House file No. 9-A bill for an act to amend sections 8, 92 and 101 of the justice code, was read a first time. House file number six, a bill

for an act to prevent fraudulent banking, was read a second time and referred to the committee on judiciary.

MESSAGE FROM THE HOUSE

A message announced the passage by the house of house file No. 19, a bill for an act appointing E. A. Sherman a special agent to make temporary arrangements with the proper authorities of the state of Minnesota for the care and custody of the insane of this territory.

On motion of Mr. Edmunds the rule were suspended, the bill given its several readings and passed.

ADJOURNMENT. On motion of Mr. Cuppett the council adjourned.

THE HOUSE.

The house convened pursuant to adjourn-

ent, at ten o'clock a. Mr. Speaker in the chair.

Prayer by the chaplain, Rev. J. P. Coff-

Roll call showed all members in Itheir eats, excepting Mesars. Brown, Flick, Gray,

Walton and Weeks. The journal of Saturday's proceedings

vas read and approved.

Mr. Flick and Mr. Gray came in during the reading of the journal

MESSAGE FROM THE GOVENOR.

A special message was received from Gov-ernor Howard upon the subject of the insane of the territory. COUNCIL MESSAGE.

sage was received from the council announcing the passage by that body of council bill number twenty-nine and asking concurrence on part of the house.

THE GOVERNOR'S SPECIAL

Mr. Stephens called for the reading of the special message sent in by the governor. It was read from the clerk's desk and runs as follows :

To the Council and House of Representation of Dakota Territory.

To the Council and House of Representatives of Dakota Territory. The time for removing the insame of this territory from the hospital for the insame of Minnesota expires by its own limitation on the first day of Pebraary, 1879, (next Saturday.) As it is apparently impossible to complete any effective arrangements in time to meet the emergency. I respectfully recommend that you suthorize and direct that application be made to the authorities of the state of Minnesota for an extension of the time for the removal of our insame until arrangements can be perfected, any eixty days. It is believed that sizty days additional time is all that would be re-quired. It would probably involve the necessity of coavening a meeting of the board of trustees of the Minnesota hospital. Would suggest that a pecial measenger or agent be sent to St. Peter to make success more certain. Owing to his personal ac-quaintance with their officers and his official intercourse with them, I would suggest that you secure the ser-vices of Hos. E. A. Sherman, territorial treasurer, for the purpose, if they can be and, and that you make an appropriation sufficient to pay his expines and reasonable compensation for the services. As the law does not provide for an official report from the asylums of the states where our insame are kept, I have prepared the following data, which I submit for your in-formation.

following cashing the present number confined is twenty-The present number confined is twenty five (25), of whom twenty are at St. Peter, and five are at Lincoln. They are from the following counties:

Bon Homme	county,	patient	8
Cans		- 44	9
Pembina		44	
Richland	66	"	1
Burleigh	44	"	
Minnehaha	44	**	
Lincoln	66	**	9
Yankton	"	**	1
Union	66	66	6
Lawrence	"		

Aggregate

Two from Lawrence county have, during the year, been cured and discharged; and one more is reported as cured and ready to be discharged as soon as means can be le-gally provided for transportation from St. Peter to Deadwood. Ww A. Howann

WM. A. HOWARD.

25

A QUICK RESPONSE. Mr. Gamble asked for, and obtained, unanimous consent to introduce, in the proper order, a bill providing for the ap-pointment of E. A. Sherman as the special messenger of the territory to present to Minnesota and arrange for the further care to of Dakota's insame.

COMMITTER REPORTS.

Mr. Burbank, from the special committee appointed to examine the books and ac-counts of the territorial trensurer, made the following report:

Your committee to whom was referred be report of the territorial treasurer and

Your committee to whom was refetred the report of the territorial treasurer and that rart of the governor's message in refer-ence thereto-also the additional report of and treasurer-beg leave to submit the following report: That we have examined asid message and reports together with the treasurer's books, and the said treasurer personally appeared before us during such examination, and af-ter consideration your committee find-list-That the journal and ledger subtan-tially correspond in all things with his additional report and it appears from said journal and ledger and the statement of said treasurer made before us that the has accounted for all money received and dis-bursed by him, as in asid additional report

accounted for all money received and dis-bursed by him, as in said additional report, add—That the warrant register is incom-plete and imperfectly kept, in this: In some insistors the warrants are not regis-tered according to date of presentation, and for a period of several months prior to our examination it falls to ablow the date of notice to bolders of warrants of funds for peyment, as required by law. The treas-urer states that be cannot inform the com-mittee of these dates, without reference to copies of his letters and cannot do so in all instances after such reference. 3dd—That the cash account shows at times harge balances in his hands, without instrest being stopped by him, on outstanding war-rants, as required by law. The territory was thereby the loser of various items of interest, the amounts of which it would be difficult for your committee further finds that the report submitted to the governor December 14, 1978, was incomplete and did not give dates, items and details as required by law. But that his additional report, sub-mitted January 14, 1879, was full and com-plete with the statutes, except as to time of submission to the governor. J. Q. BURBANK, J. H. STEPHENS, A. B. FOCKERE.

J. R. GAMBLE, J. H. STEPHENS, A. B. FOCKLER, Committee

The committee appended to the report the following hy way of explanation :

The treasurer states to your committee that he acted in the matter as he understood the law, and by so acting he claims there was no interest lost to the territory. On motion of Mr. Gray, the report

adopted and the committee discharged. NOTICE OF BILLS.

By Mr. Gunderson-A memorial to congress asking for an appropriation to remove obstructions from the Missouri river at or near Vermillion, Dakota territory.

COUNCIL BILLS.

Council bill No. 29-By Mr. Roberts-to permit the county of Grand Forks to issue bonds to build a court house, had its first reading.

The following council bills had their econd reading and were referred as indicated :

C. B. No. 15—to committee on enrollment. C. B. No. 17—to committee on judiciary, on motion of Mr. Gamble. C. B. No. 19—to committee on judiciary, on motion of Mr. Stephens.

C. B. No. 20-to committee on insurance, banks and banking, on motion of Mr. Gray, C. B. No. 22-to committee on judiciary, on motion of Mr. Gray. C. B. No. 24-to committee on insurance, banks and banking, on motion of Mr. Stenhena.

Stephens. HOUSE BILLS.

HOUSE BILLS. The following house bills had their sec-ond reading and were referred as indicated : H. F. No. 12-To committee an territor-ial affairs, on motion of Mr. Stephens. H. F. No. 13-To committee on judiciary, on motion of Mr. Whitfield. H. F. No. 17-To committee on judiciary, on motion of Mr. Gray. H. F. No. 17-To committee on judiciary, on motion of Mr. Whitfield.

INTRODUCED AND PASSED.

Mr. Gamble introduced house file number nineteen, an act to authorize and ap point E. A. Sherman special agent to make temporary arrangements with the proper authorities of Minnesota for the care and custody of the insane. The bill provides a per diem of four dollars and expenses.

On motion of Mr. Gamble, the rules were uspended, the bill had its several readings and passed by a unanimous vote.

COMMITEE OF THE WHOLE

On motion of Mr. Gamble, the house went into committee of the whole on council bill number twelve, for an act to amend section 1100 of the civil code, Mr. Fockler in the chair.

After consideration, the committee rose and reported back the bill with a recommendation that it pass.

THE BILL DEFEATER

On motion of Mr. Gamble the report of the committee was received and adopted.

Mr. Gamble moved that the bill be read a third time and put upon its final passage. So ordered.

The question being on the final passag of the bill, the ayes and noes were called and the bill was defeated by the following vote :

Ayes-Messrs. Burbank, Flick, Gamble-Gray, Shely, Stephens, Trygstad, Whitfield

Noes -Messrs. Cross, Fockler, Gunder on, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Mauksch, Peterson, Simon on, Stewart, Webber, Mr. Speaker -15. Absent and not voting-Messrs. Brown Walton and Weeks-3.

Mr. Whitfield changed his vote to no.

Mr. Gamble changed his vote to no and gave notice that he would move a reconsideration. DJOURNMENT

On motion of Mr. Stephens, the house, at 11:35 o'clock, adjourned to ten o'clock a. m. January 28th.

CALENDAR OF BILLS.

IN COUNCIL.

Council bill No. 32, by Mr. Roberts-A bill for an act locating the county seat of Grand Forks county. Council bill No. 88, by Mr. Knykendall

tar 17 of the political code relating to nota-ries public. Council bill No. 34, by Mr. Pettigrew-

A bill for an act to provide for the building and government of a territorial penitentiary. nell bill No. 35, by Mr. Miner-A 0 bill for an act to amend an act creating board of education for the city of Vermill lion

House file No. 9, by Mr. Gamble-A bill for an act to amend sections 8, 92 and 101 of the justice code.

IN HANDS OF CONNITTEES

C. B. No. 14, by Mr. Roberts-A'bill for a act to amend section 20 of chapter 40 of the political code, relating to school district meetings-education

C. B. No. 16, by Mr. Kuykendall-A bill for an act for the protection of stock, and to regulate the branding and herding thereof -territorial affairs. Council bill No. 21, by Mr. Cuppett-

A bill for an act to amend chapter 40 of the political code, approved February 17th. 1978, relating to public education-educa.

Council bill No. 23, by Mr. Day-A bill for an act to amend section 324 and 325, of article 13 of the code of civil procedurejudiciary.

Council bill No. 27, by Mr. Edmunde -A bill for an act to amend section 14 of chap-ter 28 of the political code-judiciary.

Council bill No 28, by Mr. Wynn-A bill for an act to amend an act entitled an act to incorporate the city of Yankton, approved January 8th, 1873, as amended-fina expenditures.

Council bill No. 31-A bill for an act to amend the act incorporating the city of Vermillion-counties.

House file No. 6-A bill for an act to prevent fraudulent banking-judiciary. House file No 2, by Mr. Gray-A bill

for an act concerning corporations and persons engaged in the busines: of banking education.

House file No 5, by Mr. Gamble-A bill for an act authorizing the employment of short hand reporters in the district court, of Dakota territory-judiciary.

House file No. 8, by Mr. Gamble--A bill for an act to amend section 336 of the code of civil procedure-judiciary.

IN HOUSE.

ON SECOND READING.

Council bill No. 29-By Mr. Roberts-A bill for an act authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail.

H. F. No. 18-By Mr. Burbank-A memorial to congress praying for a division of the territory and protesting against the passage of the bill for the admission of the whole territory as a state.

IN HANDS OF COMMITTEE.

Council bill No. 15-By Mr. Kuydendall -A bill for an act to amend chapter 3 of title 2, part 3 of the civil code of this territory, in relation to corporations -en rollment and engrossment

Council bill No. 17-By Mr. Pettigrew A bill for an act to repeal section 660 and article 3, section 666 of the civil code—ju-diciary.

Council bill No. 19-By Mr. Valentine-A bill for an act to am nd section 5 of the justices code in relation to a change of the place of trial-judiciary.

place of trial—judiciary. Council bill No. 22—By Mr. Kuykendall —A bill for an act to regulate the rate of interest in certain counties in this territory. —insurance, banks and banking. Council bill No. 22—By Mr. Roberts—A bill for an act to establish the boundaries of the judicial districts of the territory, and for faxing the terms of court therein—judi-ciary. ciary.

ciary. Council bill No. 24—By Mr. MacNider —A bill for an act to fund the outstanding indebtedness of the counties of Mondy, Brookings, Burleigh and Grand Forks— insurance, banks and banking. H. F. No. 12—By Mr. Flick—For an act relating to fences and enclosures—territorial affairs.

fairs.

H. F. No. 13-By Mr. Stewart-For an act to amend section 15, chapter 39, of the revised code, relating to the compensation of public officers-judiciary.

H. F. No. 16-By Mr. Gray-To amend section 325 of chapter thirteen of the code of civil procedure-judiciary.

of civil procedure—judiciary. H. F. 17—By Mr. Stewart—To amend chapter twenty-seven of the political code, relating to elections—judiciary. H. F. No. 15—By Mr. Stewart—For an act to amend section 2 of chapter 5 of the revised code, relating to qualifications for office—engrosment and enrollment. C. B. No. 2, by Mr. Kuykengall—A bill for an act increasing the number of justices of the peace and constables, and providing for the election thereof.—judiciary. Council bill No. 5. By Mr. Pettigreew—

Council bill No. 5, By Mr. Pettigrew-A bill for an act to amend an act relating to funding the indebtedness of Minnehaha and Lincoln counties,—counties and town-ships.

C. B. No. 10, by Mr. Kuykendall-A bill or an act to remove the cloud from certain C. B. No. 10, by Mr. Asyld from certain for an act to remove the cloud from certain titles-judiciary. C. B. No. 11, by Mr. Pettigrew-A bill for an act to amend section 92 of the justice code-judiciary.

C. B. No. 13, by Mr. Pettigrew—A bill for an act to amend the penal code—com-mittee of the whole.

mittee of the whole. House 616 No. 10, by Mr. Gamble—For an act to amend chapter ten of the political code—judiciary. House 616 No. 3.—By Mr, Gray—For an act to provide for the organization of rail-road companies and to regulate the taxilon of their property.—railroads. House 616 No. 7.—By Mr. Flick—For an act to amend section ten of chapter twenty-seven.—judiciary. House 616 No. 1.—By Mr. Weeks—For

seven.-judiciary. House file No. 1-By Mr Weeks-For an act amending the law relating to the time when taxes become delinquet.--com-mittee on ways and means. Council bill No. 1, by Mr. Pettigrew-A bill for an act to amend an act entitled an act to incorporate the village of Sionx Falls. --counties and townships.

SPECIAL ORDER

BFECIAL ORDER. House file No. 4-By Mr. Langness-For an act to provide for the submission to vote in the several counties of the question of granting licenses to acl intoxicating li-quors therein, under chapter thirty-five of the political code-For Tuescay, January 33, at elseven c'clock a. m.

ON SECOND READING