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YANKTON, DAKOTA TERRITORY, THURSDAY EVENING, FEBRUARY 15, 1877.

No. 249.

THE DAKOTA LEGISLATURE.

TWELFTH SESSION.

Council.

AFTERNOON SESSION.

Mr. Pettigrew introduced council bill 53, to locate a territorial road from Sioux Falls to a point on the Missouri river between Fort Pierre and Brule City which had its several readings and was passed.

Mr. Pettigrew introduced council bill 57, to exempt chickens from taxation, which had its two readings and was referred to the committee on railroads.

The political code was then taken up and all that had been transmitted from the house was considered.

Mr. Pettigrew moved to recall council bill 44 from the house. This is the bill to apportion representation on the legislative assembly.

The bill was returned and on motion of Mr. Miner the vote by which it was passed reconsidered.

The bill was then taken up subjected to various amendments and passed. Mr. Back alone voting in the negative.

On motion of Mr. Pettigrew the vote by which the bill passed was reconsidered and the motion was laid upon the table.

Mr. Mills moved that the sergeant-at-arms be instructed to ascertain the whereabouts of the engrossing clerk.

Mr. Wallace moved as a substitute that the office of engrossing clerk be removed and the position declared vacant.

The substitute was adopted by the following vote:

Ayes—Messrs. Bailey, Duncan, Gunderson, La Moure, Mills, Valentine, Wallace—7.

Noes—Messrs. Back, Miner, Pettigrew, Potter, Wilson, Mr. President—6.

On motion of Mr. Valentine the council proceeded to elect an engrossing clerk.

Mr. Valentine nominated Thomas F. Marshall and he was elected engrossing clerk of the council.

Mr. Marshall appeared and was sworn in by the president as engrossing clerk.

Mr. Wallace introduced a resolution declaring in substance that McHenry was entitled to the seat for the 7th district.

At the time this resolution was presented the president of the council, Mr. Burleigh, and Messrs. La Moure and Wilson were absent.

The question was called, Mr. Miner in the chair, and just before a vote was reached, President Burleigh returned.

The question was then put and the vote on Wallace's resolution resulted as follows:

Ayes—Messrs. Bailey, Duncan, Mills, Pettigrew, Valentine, Wallace—6.

Noes—Messrs. Back, Gunderson, Miner, Potter and Mr. President—5.

The president called Mr. Mills to the chair and announced his resignation as president of the council.

Mr. Potter gave notice that he resigned his position as member of the council.

On motion of Mr. Wallace, the vote by which Mr. McHenry was declared entitled to the seat for the 7th district was reconsidered and the motion to reconsider was laid on the table.

Mr. Pettigrew moved that the resignations of the president and Mr. Potter be indefinitely postponed.

There was considerable excitement about this time and the motion was not acted upon.

On motion of Mr. Pettigrew, the sergeant-at-arms was instructed to arrest and bring in all absent members.

Mr. McHenry was sworn in by Judge Bennett as member of the council from the 7th district, in place of Mr. Back.

On motion the council adjourned to 9:30 o'clock a. m., to-morrow.

Thursday, Feb. 15.

The council convened at half-past nine o'clock, a. m., and was opened with prayer by the chaplain.

Mr. Mills, of Bon Homme, in the chair. Present—all the members, Mr. Burleigh occupying Mr. Mills' seat.

Mr. Burleigh offered a resolution to the effect that the council proceed to the election of a president to fill the vacancy occasioned by the resignation of the presiding officer of this body.

Mr. Potter moved that the resolution be adopted and Mr. Burleigh seconded the motion.

Mr. Bailey held that the resignation offered yesterday by the president was not accepted, the council could not elect a president and that if the president did not act all that could be done was to elect a president *pro tem*.

Mr. Wallace did not know of any rule by which the president could resign. If the president refused to act the council should be sure that it proceeded in a legal manner in the premises. If there was any law authorizing the president to resign he wanted to see it.

Mr. Pettigrew thought the proceeding a strange one. The council had a president and to proceed to elect one was out of order. Until a vacancy was established the council could not elect.

Mr. Burleigh stated that he had this morning called the council to order because there was no one else to do it. He did it because he did not want the proceedings of the legislature to be obstructed. He hoped there would be no objection to the election of a president. He had yet to learn that there was any law to prevent an officer from resigning. The law provided for filling vacancies. The privilege of resignation was one of the highest guaranteed to an officer, and he insisted on resigning. He would not serve another minute as presiding officer of the council. He would die in chains before he would yield a principle. He had taken this position and would stand by it.

Mr. Valentine held that there was no vacancy. Calling Mr. Mills to the chair made him presiding officer only up to the adjournment for the day.

Mr. Wallace stated that chapter 24 of the political code provided for resignations of officers. He read this and other laws bearing on the subject.

Mr. Burleigh's resolution that the council proceed to the election of a president, was adopted.

Mr. Bailey nominated C. B. Valentine, of Union, for the position.

Mr. Duncan nominated C. A. Mills, of Bon Homme.

Mr. Valentine was elected president of council by the following vote:

Valentine—Messrs. Bailey, La Moure, Miner, Mills, Pettigrew, Wallace, McHenry—7.

Mills—Messrs. Burleigh, Duncan, Gunderson, Potter, Wilson—5.

Mr. Burleigh moved that the oath of office be administered to Mr. Valentine as president of the council.

Judge Bennett then administered the oath of office to Mr. Valentine.

Mr. Valentine took his seat and in a few words thanked the council for the honor conferred upon him. He hoped that harmony and good feeling would prevail during the few remaining days of the session, and then announced that the council would proceed to business.

Mr. Wallace presented a resolution to the effect that the governor be notified of the resignation of Mr. Burleigh as president of the council and the election of Mr. Valentine. The resolution was adopted.

House.

YANKTON, D. T., Feb. 14.

The house met at 10 a. m. and was called to order by the speaker.

Prayer by the chaplain.

Roll called, members all present.

Minutes read and approved.

REPORTS OF COMMITTEES.

Mr. Iman, from the judiciary committee reported back house file No. 53, to incorporate the city of Vermillion, and recommended its passage.

Mr. Coddington reported that house file No. 55 correctly enrolled.

Mr. Hopkins, from the committee on agriculture, reported back council bills No. 17, an act for the protection of game and recommended that it pass.

Also house file No. 63, authorizing a special election in the counties of Cass and Richland in regard to the herd law and recommended its passage.

Mr. Clarkson, from the conference committee on council bill No. 19, to incorporate the city of Fargo, recommended that the house do not recede from its amendment. The report was adopted.

Mr. Adams introduced the following resolution, which was adopted:

Resolved, That the use of this hall be granted to the third house of the sovereign people of Dakota on to-morrow Thursday evening.

INTRODUCTION OF BILLS.

By Mr. Codington—Making appropriations for certain purposes.

By Mr. Ziebach—A bill for an act to amend the charter of the city of Yankton. On motion the rules were suspended, the bill read a first, second and third times and passed.

By Mr. Burbank—An act entitled an act to attach Hanson county to Richland county for election purposes.

By Mr. Adams—For an act in relation to the tax for roads and bridges in Union county.

By Mr. Thompson—To establish the boundaries of the third judicial district upon the division of the territory.

By Mr. Clarkson—To provide for the reenumeration of the house. The rules were suspended and the bill read three times and passed.

A message from the council informed the house that the council refused to concur in the house amendments to council bill No. 45, to establish the boundaries of the judicial districts of this territory.

Mr. Badie moved that the house refuse to recede from its amendments, which motion was lost.

Mr. Clarkson then moved that the house recede from its amendments, which motion was lost. Messrs. Clarkson, Codington and Badie were appointed a committee to confer with the council in regard to the disagreement of the two houses on said bill.

Also, council bill No. 47, to encourage agriculture;

And indefinitely postponed council bill No. 44, to provide representation in the legislative assembly;

Also, that the council passed council bill No. 54, to amend the charter of Bismarck; No. 55, in regard to the territorial treasurer, and

No. 53, to amend the act to incorporate the city of Yankton.

A message was received from the governor calling the attention of the house to the necessity of making the necessary appropriation to print the laws passed at the present session, relying upon congress to reimburse the territory for the same.

On motion the vote by which council bill No. 43 to locate a territorial road from the west line of the state of Minnesota to Fort Thompson by way of Dell Rapids, Madison and Herman, was reconsidered; the bill was then amended and passed.

COUNCIL BILLS.

No. 48—To regulate the tolls of certain ferries on the Missouri river was read the first time.

No. 54—To amend the charter of the city of Bismarck, was read three times and passed.

No. 55—An act relating to the territorial treasurer, was read three times and passed.

No. 56—To amend the act of 1874-5, defining the judicial districts, was read a second time and referred to committee on towns and counties.

No. 31.—To regulate the time of burning prairies, was read a second time and referred the committee on agriculture.

No. 17.—An act for the protection of game, was read a third time and passed.

Mr. Burke offered the following resolution, which was adopted.

Resolved, that no bills, excepting a general repealing bill, be received in this house after the 15th inst.

The house then took a recess until 2 p. m.

AFTERNOON SESSION.

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

Mr. Clarkson, from the conference committee on council bill No. 45, an act to establish the boundaries of the judicial districts of this territory reported in favor of the house receding from its amendments.

On motion the report of the committee was adopted, and a motion made to reconsider the vote and the motion to reconsider to lay on the table was put and carried.

On motion the rules were suspended, and the clerk directed to request from the council chapter 9 of the political code.

A message from the council asked the return to the council, of council bill No. 44, to apportion the representation in the legislative assembly.

On motion the chief clerk was directed to return the bill to the council.

The message also announced that the council had passed council bill No. 56, to locate a territorial road from Rockport to Fort Pierre.

HOUSE BILLS.

No. 66, allowing actions to be commenced and prosecuted against the territory of Dakota, was read a second time and referred to the committee on judiciary.

No. 68, to provide for printing certain general laws of the territory in the German language, was read a second time and referred to the committee on public printing.

No. 65, authorizing school district No. 1, Burleigh county to issue bonds, etc., was read a second time, and on motion the rules were suspended, the bill read a third time and passed.

No. 60, to regulate the tariff for passenger and freight rates upon railroads in the territory, was read a second time and referred to the committee on elections.

No. 67, to fund the outstanding indebtedness of Richland county, was read a second time, and on motion the rules were suspended, the rules were suspended, the bill read a third time and passed.

No. 62, authorizing a special election in the counties of Cass and Richland in regard to the herd law act of 1870-1, was read a third time, and passed.

No. 53 to incorporate the city of Vermillion, was read a third time and passed.

No. 52, to establish the Vermillion graded school or academy, was read a third time and passed.

The committee on enrollment reported house file 47 correctly enrolled.

No. 4 was called up and on motion its further consideration was postponed until 11 o'clock to morrow forenoon.

No. 66, to appropriate money for the publication of the laws passed at the 12th session of the legislative assembly was read a third time and passed.