

# HOUSE JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF DAKOTA;

A LIST OF THE MEMBERS AND OFFICERS OF THE HOUSE,  
WITH THEIR RESIDENCE, POST-OFFICE  
ADDRESS, OCCUPATION, AGE, &c.

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PUBLISHED BY AUTHORITY.

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YANKTON, DAKOTA TERRITORY:

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1862.

LIST OF MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES  
OF THE  
FIRST LEGISLATURE OF THE TERRITORY OF DAKOTA,  
WITH THEIR RESIDENCE, AGE, OCCUPATION, &c.

<i>Name.</i>	<i>Residence.</i>	<i>Post-office.</i>	<i>Occupation.</i>	<i>Age.</i>	<i>Nativity.</i>	<i>Settled in Dakota.</i>	<i>Married or Single.</i>
M. K. ARMSTRONG,	Yankton,	Yankton,	Surveyor,	29	Ohio,	1859	Single.
L. BURGESS,	East Vermilion,	Vermilion,	Farmer,	28	Norway,	1860	Married.
H. S. DONALDSON,	St. Joseph,	St. Joseph,	Trader,	29	Canada,	1857	Single.
J. A. JACOBSON,	West Vermilion,	Vermilion,	Farmer,	30	Norway,	1860	Married.
J. C. McBRIDE,	Sioux Point,	Willow,	Farmer,	35	Missouri,	1847	Married.
C. MALONEY,	Sioux Point,	Willow,	Farmer,	29	Ireland,	1855	Married.
A. W. PUETT,	East Vermilion,	Vermilion,	Civil Engineer,	28	Indiana,	1859	Married.
G. M. PINNEY,	Bon Homme,	Bon Homme,	Lawyer,	29	Pennsylvania,	1861	Married.
JOHN STANAGE,	James Crossing,	James Crossing,	Farmer,	33	Ireland,	1855	Married.
J. L. TIERNON,	Fort Randall,	Fort Randall,	Farmer,	22	Indiana,	1855	Single.
G. P. WALDRON,	Sioux Falls,	Sioux Falls,	Laborer,	38	New Hampshire,	1859	Married.
R. WALLACE,	Bon Homme,	Bon Homme,	Farmer,	50	Vermont,	1858	Single.
B. E. WOOD,	West Vermilion,	Vermilion,	Farmer,	35	New York,	1861	Married.

OFFICERS.

G. M. PINNEY,*	Bon Homme,	Bon Homme,	Lawyer,	29	Pennsylvania,	1861	Married.
J. L. TIERNON,* <sup>a</sup>	Fort Randall,	Fort Randall,	Farmer,	22	Indiana,	1855	Single.
J. R. HANSON,†	Yankton,	Yankton,	Farmer,	26	New Hampshire,	1858	Single.
J. M. ALLEN,‡	Yankton,	Yankton,	Explorer,	30	Ohio,	1857	Single.
D. GIFFORD,	Bon Homme,	Bon Homme,	Farmer,	25	New York,	1858	Single.
B. M. SMITH,§	Bon Homme,	Bon Homme,	Farmer,	28	New York,	1856	Single.
M. D. METCALF,¶	Bon Homme,	Bon Homme,	Farmer,	37	New York,	1860	Married.
JAMES SOMERS,**	Big Sioux,	Willow,	Farmer,	23	Maine,	1859	Single.
A. B. SMITH,††	Tower Butte,	Greenwood,	Farmer,	25	Wisconsin,	1857	Single.
OLE ANDERSON,††	East Vermilion,	Vermilion,	Blacksmith,	29	Norway,	1859	Single.

\* Speaker to April 9th. <sup>a</sup> Speaker from April 9th. † Chief Clerk. ‡ Assistant Clerk. || Enrolling Clerk. § Engrossing Clerk. ¶ Chaplain. \*\* Sergeant-at-Arms.  
†† Messenger. ††† Fireman.

# HOUSE JOURNAL.

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## FIRST DAY.

YANKTON, DAKOTA TERRITORY, }  
Monday, March 17, 1862. }

In accordance with the proclamation of the governor of this territory, issued on the 11th day of February, A. D. 1862, designating Monday, the 17th day of March next ensuing as the time at which the first legislative assembly should assemble, the members elect of the house of representatives met in the hall of the house of representatives this day, at twelve o'clock, M.

The house was called to order by the Hon. John Hutchinson, secretary of the territory, who proceeded to call the roll of the members elect. The following members answered to their names:

1st Representative District — John McBride, Christopher Maloney.

4th Representative District — Lyman Burgess.

5th Representative District — Jacob A. Jacobson, Bly Wood.

6th Representative District — John Stanage, M. K. Armstrong.

7th Representative District — George M. Pinney, Reuben Wallace.

8th Representative District — John L. Tiernon.

Absent, from the 2d Representative District — George P. Waldron.

Absent, from the 3d Representative District — Hugh Donaldson.

Absent, from the 4th Representative District — A. W. Puett.

The oath of office was then administered to those present by his honor, P. Bliss, chief justice of the territory.

On motion of Mr. Pinney, the house proceeded by viva voce vote to a temporary organization.

On motion of Mr. Armstrong, Mr. Pinney was chosen speaker, pro tem.

On motion of Mr. Wallace, J. R. Hanson was chosen chief clerk, pro tem.

On motion of Mr. Tiernon, James M. Allen was chosen assistant clerk, pro tem.

On motion of Mr. Stanage, Daniel Gifford was chosen enrolling clerk, pro tem.

On motion of Mr. Malony, James Somers was chosen sergeant-at-arms, pro tem.

On motion of Mr. Burgess, Ole Anderson was chosen fireman, pro tem.

On motion of Mr. McBride, A. B. Smith was chosen messenger, pro tem.

On motion of Mr. Wallace, M. D. Metcalf was chosen chaplain, pro tem.

Messrs. George P. Waldron and A. W. Puett came forward and took the oath of office.

Mr. Armstrong moved that the house now proceed to a permanent organization.

Carried.

Mr. Armstrong nominated George M. Pinney for speaker, who was unanimously elected.

The speaker then addressed the members of the house of representatives as follows :

**GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :**

I do not solicit your attention for the purpose of making a speech, but to express my thanks and gratitude for this mark of your respect and confidence manifested by selecting me to stand for and represent the will of this assembly.

I desire to assure you that I shall endeavor not to be so unmindful of my duty, as to trample on the rights of any member of this house, and that there is no want of feeling in my heart to look strictly after the interests of each individual member as far as it is within my province and capacity so to do.

I can see no reason why we cannot have a session remarkable for its rapid and beneficial transaction of public business ; the best of motives seem to be apparent, party prejudices are out of the way, and the grave influences of the times, in connection with the responsibility which rests upon us, as members of the first legislature of Dakota, ought to be sufficient to invite us to our best efforts.

I trust you will not consider me attempting to pronounce a homily, when I say that if we would succeed as the first law-makers of Dakota Territory, we should have unanimity of energetic action, and that we should also have a mutual and lively friendship existing among us, that generous sentiment not incompatible with honorable emulation, which encourages a member instead of dragging him down, which throbs with delight when he acquits himself fairly in debate, which hastens to pardon his faults and foibles, is as

ready to grant pardon as to accept it, and to award praise as to court it.

Knit together by these manly sentiments, we can fondly hope that, wherever our lots are cast in future years, we will look back with pleasing thoughts upon our relationship in this house, and so long as life lasts, will we regard it with a feeling akin to that which hallows the place of our birth, and consecrates in our memory the scenes of our early years.

Thanking you again for this expression of your kindness and confidence, I accept the position assigned me, assuring you that I shall use every effort commensurate with my ability to discharge the duties of the office in a faithful and impartial manner.

Mr. Wallace nominated J. R. Hanson for chief clerk, who was unanimously elected.

Mr. Waldron nominated Henry Masters for assistant clerk, who was not elected.

Mr. Tiernon nominated James M. Allen for assistant clerk, who was unanimously elected.

Mr. Stanage nominated Daniel Gifford for enrolling clerk, who was unanimously elected.

Mr. Maloney nominated James Somers for sergeant-at-arms.

Mr. Puett nominated Mr. Partridge for sergeant-at-arms.

The vote being taken, Mr. Somers was declared duly elected.

Mr. McBride nominated A. B. Smith for messenger, who was unanimously elected.

Mr. Burgess nominated Ole Anderson for fireman, who was unanimously elected.

Mr. Waldron nominated Rev. S. W. Ingham for chaplain.

Lost.

Mr. Waldron nominated Rev. Mr. Hoyt for chaplain.

Lost.

Mr. Wood nominated Rev. M. D. Metcalf for chaplain, who was unanimously elected.

The chief clerk, assistant clerk, sergeant-at-arms, and messenger then came forward, and were duly qualified.

Mr. Puett moved that the sergeant-at-arms be required to perform the duties of door-keeper.

Carried.

Mr. Armstrong introduced the following resolution :

*Resolved*, That the chief clerk of this house be requested to notify the council that the house is now permanently organized, by the election of the following officers, namely :

George M. Pinney, speaker ; J. R. Hanson, chief clerk ; James M. Allen, assistant clerk ; Daniel Gifford, enrolling clerk ; James Somers, sergeant-at-arms and doorkeeper ; A. B. Smith, messenger ; Ole Anderson, fireman ; Rev. M. D. Metcalf, chaplain.

Adopted.

Mr. Armstrong moved that the rules and regulations of the Nebraska legislature be adopted for the government of this assembly until a code of permanent rules is established.

Adopted.

The secretary of the council now made his appearance, and delivered the following communication :

MR. SPEAKER :

I am instructed by the honorable council to inform your honorable body that they have permanently organized, by the election of the following officers, namely :

John H. Shober, president.

James Tufts, secretary.

E. M. Bond, assistant secretary.

W. R. Goodfellow, enrolling clerk.

Eli Wixson, messenger.

W. W. Warford, fireman.

Charles F. Picotte, sergeant-at-arms.

S. W. Ingham, chaplain.

Mr. Speaker: I am instructed to inform your honorable body, that Hon. D. T. Bramble has been appointed a committee on the part of the council, to confer with a like committee on the part of the house, to wait upon the governor and ascertain when he will be ready to meet the two houses in joint convention.

JAMES TUFTS, *Secretary.*

On motion of Mr. Puett, a committee of three was appointed by the speaker to draft rules for the government of the two houses when in joint convention.

The chair appointed as such committee, Messrs. M. K. Armstrong, A. W. Puett, and Reuben Wallace.

On motion of Mr. Puett, a committee of three was appointed to wait upon the secretary of the territory, to ascertain what number of papers will be paid for out of the contingent fund, and what officers are entitled to receive them.

The chair appointed as such committee, Messrs. Waldron, Puett, and Armstrong.

Mr. Puett introduced the following resolution :

*Resolved,* That when the house adjourn, it adjourn to meet from day to day, at nine o'clock in the morning, until otherwise ordered.

Mr. Waldron moved to amend by adding that the meeting of the house in the afternoon be at two o'clock, until otherwise ordered.

The vote being taken upon the amendment, it was carried, and the resolution as amended was then adopted.

Mr. Armstrong introduced the following resolution :

*Resolved,* That the speaker of this house be requested to appoint

a committee of two, to act in conjunction with a committee from the council to wait upon His Excellency the governor, and inform him that the two houses are permanently organized, and ready to hear any communication he may have to offer.

Adopted.

The speaker appointed Messrs. Wallace and Tiernon, as such committee.

Mr. Waldron moved that a committee of two be appointed by the chair, to consult with the secretary of the territory and ascertain what arrangement can be made relative to postage of members during the session.

Adopted.

The chair appointed as such committee, Messrs. Puett and Maloney.

The following communication was received from the council:

On motion of the council, Messrs. Bramble and Brookings were appointed a committee to confer with a committee of the house, for the purpose of drafting rules for the government of the council and house, in joint convention.

JAMES TUFTS, *Secretary.*

On motion of Mr. Armstrong, the house adjourned.

GEO. M. PINNEY, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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## SECOND DAY.

Tuesday, March 18, 1862.

The house met pursuant to adjournment at 9 o'clock, A. M.

Speaker in the chair.

Roll called — all members present.

The journal of yesterday was read and approved.

Mr. Puett gave notice, that he would on to-morrow, or some subsequent day of the session, introduce a bill to dissolve the bonds of matrimony existing between C. Omeg and Minnie Omeg.

Mr. Puett, on the part of the committee appointed by the chair yesterday to consult with the secretary of the territory relative to postage of members during the session, asked until to-morrow to report.

Granted.

Mr. Armstrong, on the part of the committee appointed by the chair yesterday to wait on the secretary of the territory relative to

the number of papers to be paid for out of the contingent fund, and those entitled to receive them, asked until to-morrow to report.

Granted.

The members then came forward and subscribed to the following oath :

“ We, and each of us, whose names are subscribed hereunto, do solemnly swear to support the constitution of the United States, and faithfully and impartially to discharge the duties devolving on us as members of the house of representatives of the territory of Dakota — So help us God.”

M. K. Armstrong,  
L. Burgess,  
J. A. Jacobson,  
J. C. McBride,  
C. Maloney,  
A. W. Puett,

John Stanage,  
John L. Tiernon,  
Reuben Wallace,  
George P. Waldron,  
B. E. Wood,  
George M. Pinney.

Mr. Daniel Gifford, enrolling clerk, then came forward, and was duly qualified.

The following communication was received from the council :

On motion of Mr. Bramble, the secretary was instructed to inform the house of representatives that the council would be ready to meet them in joint convention on Wednesday, March 19th, at any hour the house shall designate.

E. M. BOND, *Assistant Secretary.*

Mr. Waldron in the chair.

Mr. Pinney introduced the following resolution :

*Resolved*, That when this house adjourn, it adjourns to meet from day to day at nine o'clock in the morning, until otherwise ordered.

Mr. Armstrong moved to amend by making the time of meeting at ten o'clock.

Amendment accepted, and resolution as amended adopted.

Speaker in the chair.

Mr. Puett introduced the following resolution :

*Resolved*, That T. Elwood Clark, be invited to a seat within the bar of this house, at pleasure, as reporter for the Dakota Republican.

Adopted.

Mr. Tiernon, chairman of the committee appointed yesterday to act in conjunction with a like committee on the part of the council, to wait upon the governor of this territory, presented the following report :

MR. SPEAKER :

The committee appointed on yesterday to act in conjunction with a like committee of the council, have discharged their duty, and he



(the governor) is ready to meet us in joint convention, on to-morrow the 19th instant, at any hour we may be pleased to designate.

Report adopted, and committee discharged.

Mr. Waldron introduced the following resolution:

*Resolved*, That the house of representatives will be ready to go into joint convention with the council, at eleven o'clock, A. M., on to-morrow, and listen to such communication as the governor may have to make.

Adopted.

Mr. Puett introduced the following resolution:

*Resolved*, That a committee of three be appointed to wait upon the secretary, and ascertain what amount of stationery will be allowed the house, with a statement of the same.

Adopted.

The chair appointed as such committee, Messrs. Puett, Tiernon, and Stanage.

Leave was granted Mr. Armstrong to introduce the following notice:

Notice is hereby given to the house, that I will on to-morrow, or some future day, introduce a bill to provide for the payment of the direct tax of Dakota territory, amounting to three thousand, two hundred and forty-one dollars.

On motion of Mr. Tiernon, the house adjourned.

GEORGE M. PINNEY, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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### THIRD DAY.

Wednesday, March 19, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called. Absent, Messrs. Puett and Waldron.

Journal of yesterday was read and approved.

Mr. Waldron moved that a committee of three be appointed to wait upon the secretary of the territory and desire him to place a clock in the hall of the house of representatives, which

Motion prevailed.

The chair appointed as such committee, Messrs. Waldron, Jacobson, and Burgess.

Mr. Armstrong, on the part of the committee appointed to confer

with the secretary of the territory relative to the number of papers to be paid for out of the contingent fund, and those entitled to receive them, asked for further time to report.

Leave was granted.

Mr. Puett, on the part of the committee appointed to confer with the secretary of the territory relative to postage of members, asked for further time to report.

Leave was granted.

Mr. Puett, on the part of the committee appointed to ascertain from the secretary of the territory the amount of stationery to be allowed each member, and the description thereof, asked for further time to report, which was

Granted.

Mr. Armstrong, chairman of the committee appointed to draft rules, presented their report.

On motion of Mr. Waldron, the reading of the report was dispensed with.

Mr. Waldron moved that the committee be continued until the final adoption of their report, which

Motion prevailed.

Mr. Puett, moved that the chief clerk be ordered to procure the printing of fifty copies of the rules and joint rules of the house, for the use of the members thereof.

Mr. Tiernon in the chair.

Mr. Pinney moved to amend the motion so that it shall read, that the chief clerk be directed to solicit the secretary of the territory to procure the printing of fifty copies of the rules and joint rules reported by the committee appointed to draft such rules.

Mr. Waldron moved to amend the amendment by striking out the word "fifty," and inserting the word "twelve," in lieu thereof.

The question being put on the amendment, it was adopted.

The question being put on the amendment as amended, it was adopted.

The original motion as amended, was then adopted.

Speaker in the chair.

Mr. Armstrong moved that a committee of three be appointed to notify the council of the readiness of the house to go into joint convention, which

Motion prevailed.

The chair appointed Messrs. Puett, Stanage, and Tiernon, as such committee.

Mr. Puett moved that the seats on the north side of the hall, be vacated for the accommodation of the members of the council, which

Motion prevailed.

The committee appointed to wait upon the council returned, and reported by their chairman, that the members of the council

would repair immediately to the hall of the house of representatives.

The house then adjourned to meet the council in joint convention.

IN JOINT CONVENTION.

The two houses met in joint convention at 11 o'clock, and were called to order by the president of the council.

Mr. Bramble moved that a committee of three be appointed to wait upon His Excellency the governor, and inform him that both houses are now in joint convention, and are prepared to receive any communication he may have to make, which

Motion prevailed.

The chair appointed as such committee, Messrs. Bramble, Puett, and Wallace.

Mr. Armstrong moved that the assistant clerks of the two houses, act as clerks of the joint convention, which

Motion prevailed.

The committee appointed to wait upon the governor, reported by their chairman that His Excellency the governor would communicate by his private secretary immediately.

The private secretary of the governor then made his appearance, and presented to the presiding officer of the convention the following message, which was read by the secretary of the council :

GOVERNOR JAYNE'S MESSAGE.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES :

In assembling at this period of internal dissension and civil war, it would appear that we have especial reason to return thanks to an all-wise and beneficent Providence for the peace and quiet which the people of our territory have enjoyed ; also, for the bountiful harvest we have gathered, and the unparalleled good health we have been blessed with during the past year, throughout our settlements.

Let us express the hope and faith, and offer an earnest prayer that the same Providence which directed our forefathers, more than two centuries since across an unknown, trackless ocean, to plant in the Western World the germ of civil and constitutional freedom, and which directed Washington through all the perils of the American revolution, will direct and guide the federal government through the struggle which now threatens her unity and life, until peace is secured, and the majesty of the constitution and laws are vindicated, and the people of all the world are rejoiced to behold the temple of constitutional liberty safe, secure, resting upon a basis unmoved and immovable — the affections of the people.

By an act of congress, on the second day of March, 1861, the territorial government of Dakota was created.

By virtue of the provisions of that Organic Act you have been chosen by the voters of Dakota to compose the first legislative assembly.

To you they have delegated the authority to enact laws necessary for the protection of property, the security of life, and the efficient guarantee of all social and civil rights, privileges, and immunities pertaining to the citizen under our free, constitutional form of government.

It is well for you to remember that you are not legislating alone for to-day, but also for an indefinite future; not for the few thousand now resident in the territory, but for the tens of thousands who will soon be attracted within our limits.

Impress yourselves with the responsibility resting upon you, and go forward in your labors in founding a civil structure, with liberal and enlarged views of the duties devolving on you.

In judging correctly of the future, and calculating upon the coming wants and necessities of the territory, it is proper to examine our surroundings, to reflect upon our soil, climate, and the natural resources of the country.

Dakota Territory extends from the forty-third to the forty-ninth parallel of latitude, and from the ninety-seventh to the one hundred and thirteenth parallel of longitude, — embracing an area of country greater in extent than all New England combined, with the great states of New York, Pennsylvania, Ohio, Illinois, and Missouri.

Occupying the most elevated section of country between the Arctic ocean and the gulf of Mexico, forming to a great extent the water-shed of the two great basins of North America, the Missouri and Mississippi rivers, and the tributaries of Hudson bay.

Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reach a region of eternal ice, while those flowing southward pass from the haunts of the grizzly bear and the region of wild rice, through the cotton fields and the sugar plantations of the southerner, until their waters are mingled with the blue waves of the gulf.

The general surface of the country east and north of the Missouri, is a beautiful, rich, undulating prairie, free from marsh, swamp, or slough, traversed by many streams, and dotted over with innumerable lakes of various sizes, whose wooded margins, and rocky shores, and gravel bottoms afford the settler the purest of water, and give to the scenery of the territory much of its interest and fascination. West of the Missouri the country is more rolling and gradually becoming broken, hilly, and finally mountainous as the western limits are reached and terminated by the Rocky mountains.

The mighty Missouri runs through the very heart of our territory, and gives us more than one thousand miles of navigable water-

course; thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands to Southern markets, and receive in exchange the trade and commerce of all climes and lands.

We have located on the Missouri, Big Sioux, Red river of the North, Vermilion, Dakota; Niobrara, millions and millions of acres of the richest and most productive lands to be found anywhere within the bounds of the national government.

We have combined the pleasant, salubrious climate of Southern Minnesota, and the fertility of soil of central Illinois.

The incentive to immigration is so great, and the inducements and advantages so promising, that it is no idle fancy which pictures the towns and cities which are soon to cover and enrich our hills and valleys and river sides. In arriving at a correct estimate of the probable settlement of our territory, it is well to bear in mind some very favorable facts, which promise much in the development of our resources and increase of our population. Thermal statistics and experiments prove, that within the limits of our territory are to be found both the climate and soil necessary to produce most successfully the two great leading staples of American agriculture — corn and wheat. We find that, starting from Chicago as a point, that the isothermal line rises to a higher and higher degree of latitude as you go westward.

We find that Fort Benton on the Missouri river, in the extreme northern part of Dakota, possesses the same mean temperature of Chicago, and Albany, New York.

The corn-producing belt of country, which runs through Ohio, Indiana, and Illinois, extends north and west through Iowa, up the valley of the Missouri through Dakota.

According to Blodgett, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn, is a mean temperature of sixty-seven degrees for July, and it may go a little beyond sixty-five for the summer. According to the same authority, the thermal capacity required for the successful cultivation of wheat is a mean temperature of from sixty-two to sixty-five degrees during the ripening months. Statistics prove that our territory possesses a considerable excess of the temperature required, being beyond seventy.

Another fact should be borne in mind, that while we are not flooded with the excessive spring rains which often retard the putting in of crops in the states south-east of us, yet we do have in the late spring and early summer months, copious showers, which supply vegetation with all the moisture needed for the rapid growth which is characteristic of this region. The capacity of our territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat, potatoes, sorghum, melons, fruits and vegetables, demonstrate the ability of our country to sustain a dense population.

Our territory possesses a climate especially conducive to health and longevity; occupying an elevated section of the country, we are free from the humid, raw, chilly weather often prevailing in the central western states, we have a dry, bracing atmosphere, which gives tone and vigor to the physical system.

We have a temperature sufficiently high in July and August to insure the rapid growth and maturity of all our cereal products; yet our hot weather is not continuous enough to engender those malarious diseases, ague, bilious fevers, and dysentery, which prevail in Ohio, Indiana, Illinois, and Missouri.

What were once the great wheat producing states of the country, are becoming less and less so, each succeeding year. The uncertainty of the crop discourages its cultivation in those states, and the growing demand for shipment to western Europe, must be supplied from other sources.

I venture the prediction, that the wheat granary of this continent will yet be found in the valleys of the Red river and Saskatchewan.

The day is not distant when the eye which can now behold only the vast expanse of prairie, and the tall, luxuriant grass waving before the wind, will rest gratified and contented upon the farm and workshop, the school-house and church. We should bear in mind that within the last thirty years, the great states of Indiana, Illinois, Michigan, and Missouri, have been settled up; and that within twenty years Iowa and Wisconsin have been rescued from the possession of the roaming Indian, and subdued to the usages of civilized man.

Thus has one generation witnessed an area of country no less than ours transformed from the hunting ground of the Indian, the scene of the chase and war-dance, and converted and divided into six of the most populous and thriving states of the Union.

Shall we not judge of the future by the past. As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers, upon which to float our cereal products and commercial exchange, what section of country within the broad confines of our Republic is fairer, or lovelier, or richer, or more inviting as the home of the active, intelligent, and industrious citizen? Before a generation shall have passed, more than a million of people will be living in the valley of the Missouri alone. The Pacific railroad will have been long completed, connecting the two oceans with its iron bands. The trade with India and Japan, the commerce of the opulent and gorgeous East, will pass through our borders on its way to the great cities on the Atlantic. By the transit of a world's commerce over a thousand miles of our territory, we will derive incalculable benefit.

The experience of six thousand years, and the verification of all history is pointed and conclusive, that activity, prosperity, and opulence, are inseparably connected with the great lines of intercourse between nations. Along the great highways of the world, where passes and repasses the goods, wares, merchandise, the products,

the commodities and wealth of nations, there towns and cities spring up, manufactures are established, and all the industrial arts are quickened and encouraged, and from these centres, ramify and extend rivulets of business and avenues of wealth.

I congratulate you, gentlemen, as the representatives of the people, who are most fortunately and happily located in a portion of this country which possesses within itself all the elements which are necessary to constitute a great, prosperous, and powerful state. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses which are ample to feed and support cattle enough to supply every market in the Union.

The salt lakes, in the northern part of the territory, can furnish inexhaustible supplies of the best of salt.

The high rolling prairies south and west of the Missouri, seem especially intended for the herdsmen of sheep, and the growth of wool. The falls on the Big Sioux, furnish a motive power, sufficient to drive all the machinery of the New England mills.

The Black hills, and the mountain ranges at the sources of the Wind river, Yellowstone, and Missouri, are rich beyond conception in mineral resources of coal, copper, iron, and gold.

The explorations and discoveries at Pike's Peak, and on Frazer river, connected with the geological formation of the western part of Dakota, would indicate these facts — but what is more satisfactory, we are already in possession of actual knowledge in relation to the mineral deposits of that region, obtained by the discoveries of missionaries and trappers, who, braving all trials and dangers, have visited that region, which has been scarcely marked by the footprints of the white man.

With all the elements of power surrounding us — we need but members combined with industry, intelligence, and virtue, to make Dakota one of the most desirable and potent states of the government.

Gentlemen, upon the result of your legislative action depends in a great measure, the rapidity with which this territory is to be settled up, and her mighty resources developed, and her place claimed as one of the bright stars which shall emblazon our national ensign.

It is your duty, and I doubt not the result of your labors will be, by the exercise of just, wise, and judicious legislative action, to invite and encourage emigration, to stimulate settlement in our midst, and to attract within the limits of our territory, thousands of our people who each year leave their homes in the older states, to seek new homes, and participate in the common benefit incident to all new countries.

Laying the foundations of government, and erecting thereupon a social, civil structure, beautiful and symmetrical in all its parts, will require earnest, thoughtful consideration, based on all the light you can obtain from an examination of the enactments of the different states and territories of our country.

Among the different subjects which will demand your attention,

not the least will be, a system of civil and criminal laws; an educational system; a militia system; the character of your county organization; a county and territorial financial system; the extent of powers proper to be granted to corporations, of a moneyed, mining, manufacturing, or railroad character.

I trust you will give due deliberation to all your enactments of civil and criminal law.

The peace, quiet, and stability of society, depend upon the protection and security of property, liberty, and life. In a natural state of society, without any form of government, every man is compelled to rely upon his own individual prowess for the maintenance of his rights, and the enjoyment of his property and security of his life. With the organization of society, law and government, every one concedes and gives up a portion of his natural rights, and defers to law and authority for the adjustment of questions and the decision of claims which otherwise could only be settled by force. Therefore it is due from the government to the citizen, that what he has relinquished of his natural rights, should be more than compensated in the security of person and property by the guarantee of law. Therefore it becomes your duty to secure to every citizen the peaceful possession and enjoyment of all his rights of property and person; also enact laws which shall deal out prompt punishment to all evil doers and violators of law.

Criminal law should not be so harsh and cruel as thereby to defeat itself, but it should be just in its retributions, and severe in proportion to the offence committed. I trust and believe that your record of doth civil and criminal law will be such as shall commend itself to the approval of an enlightened age, and an advanced civilization.

I believe in the truthfulness of the remark of one of the most sagacious of our revolutionary statesmen, "that the great hope of a free people was dependent upon her educational and militia systems." There is no subject more essential and vital to the prosperity and general welfare of the territory, than the subject of education. The virtue, intelligence, and public happiness of a people, and all that conduces to the advancement of the prosperity, wealth, and power of a country, is intimately associated with, and dependent upon, the development of the educational interest of the state.

In communities where truth, virtue, intelligence, and knowledge prevail, there crime is rare, and poverty almost unknown. Every dollar of taxes levied for the support of schools, lessens, by many dollars, the taxes which would be assessed for the support of prisons and poor-houses. If attention to one interest more than another has made Massachusetts the first of the great, rich, proud, and powerful commonwealths of the Union, it has been the ever watchful, constant, liberal encouragement and aid given to her educational interest.

I recognize the difficulties you must encounter in your efforts to establish a practical and efficient system in our (at present) sparsely



settled territory. Let us, at least, take the first steps, and show to all who may be looking to our territory for a future home, that we are not unmindful of the great interest of education and the proper moral and intellectual training of the youth of our land.

Every nation relies more or less upon her militia system for the maintenance of her authority at home, and vindication of her national rights and honor abroad. A free people are and should be ever jealous of a large standing army. Those nations who enjoy a constitutional form of government, are more dependent upon their militia than those ruled by arbitrary power. A free people, whose laws and government are the expression and creation of the popular will, are averse to a regular army which eats up the resources of the industrial classes; they rely chiefly upon the citizen soldier in any emergency which shall give occasion for the use of military force. Holding, as we do, the most advanced outposts of settlements; having a widely extended frontier exposed to the hostile incursions of a savage foe, it is imperative that we institute and cultivate a plain, economical, and thorough militia system, adapted to our situation, and adequate to the necessities of our people.

The slavery question has been an exciting and distracting subject of dispute, of late years, in the territories. I hope we may be free from it. I would recommend to your body that you pass a law prohibiting, for all time to come, in this territory, slavery or involuntary servitude except for crime. I should hope to see such a law passed without a dissenting voice. I hope that the free air of Dakota may never be polluted, or her fair virgin soil pressed, by the footprint of a slave. Congress having seen proper to create this territory without exercising her authority in prohibiting slavery, to us, therefore, has devolved the welcome task of recording our approval of the sentiment of Jefferson, when he declared slavery was a "moral, social, and political evil." There is a conflict between the principles of freedom and slavery. That conflict has existed from the creation of the human race. There is an eternal antagonism between the principles of freedom and slavery. The constitution of the human heart and human mind makes the conflict inevitable, and sooner or later one or the other must gain the supremacy. Liberty is neither a cheat, a delusion, or a lie, but a vital principle of the human heart, born of the nature of man and the revelation of God—it is eternal and cannot die. Recognizing these self-evident truths, I trust that we shall start right. Let us by a prohibitory enactment express our repugnance to an institution which to-day convulses the continent; arrays a million of men in arms; interrupts our commerce, suspends business, prostrates trade, and paralyzes all the industrial interests of the country; which has darkened the home, widowed the wife, and made fatherless the children of some of the bravest and noblest in the land, and bequeathed to our children and children's children an untold burden of taxation and debt. In this great and rich territory, possessing extent of country and natural resources sufficient to make an empire, let

freedom rule — let this be the home of the white man. Declare by legislative enactment that here labor shall be honored, respected, and rewarded. Let us make room in our territory for no privileged class, spurning labor and the laborer — exalted above common sympathies and cares — sacred against vulgar necessities and scorning honest occupation. Let us pass this law, and then we shall be done with slavery so far as we have any authority over the question; leaving it where the constitution has left it, and the fathers of the constitution left it, with the states where it exists, to be by them regulated as they deem best.

I take this occasion to warn you against falling into the snares of bank men. Too often it has been the case that legislative sanction has been given, in the new territories, to the design of cunning men, who, unwilling to labor, have endeavored by plausible schemes of finance, to put afloat worthless bank paper, which soon depreciates and becomes valueless after it is in the hands of the laboring men of the country. I hope you will turn a deaf ear to all their applications for bank charters, and that you will, to the best of your ability, secure our citizens against the evil of a pernicious paper currency.

Elections in the new territories, of late years, have been so fraudulently conducted, that the word election has almost become, in the territories, a synonym of fraud, deception, and corruption. Upon the purity of the elective franchise rests the basis of our government. I trust that you will enact a stringent election law, one which shall secure to our people immunity from fraud.

At the present time we are suffering inconvenience for want of proper accommodation for the various departments of our territorial government; but they are but temporary. I have no doubt but what congress, with her accustomed liberality and fostering care to her territories, will make provisions by appropriating as liberal an amount as the state of the treasury will justify, for the purpose of erecting buildings for the use of the various departments of our government.

Some appropriations which I think it is very necessary should be made, may be neglected by the general government, unless we bring them to the notice of congress and show the propriety and the advantages to be received by the territory and the government in return for the expense.

It would seem to me very proper that the legislative assembly should memorialize congress on the subject of an appropriation for military roads, and a geological survey of the territory, and a Pacific railroad. There should be a military road from the mouth of the Big Sioux to Fort Randall, and from Randall to Fort Laramie; also, one from the Red river of the North to the Missouri.

Every man who is acquainted with the country west of the Missouri river, is aware of the fact that Fort Randall should be the distributing military post west of the Missouri, and north of the Kansas rivers. Thousands and tens of thousands could and would

be saved to the treasury, by making Fort Randall, instead of Fort Leavenworth, the distributing post for supplying Laramie, and the military posts in Utah. There would be thus saved to the government the expense of more than three hundred miles of land transportation.

No better road can be found to Laramie than one running along the Niobrara river. As we have good water communication from St. Louis to Fort Randall, goods and army stores would be delivered at Randall at but a trifling cost more than the government pays for freight to Leavenworth. It is only necessary for this matter to be brought to the attention of congress to have the change effected. The economy of the change, in connection with the present excessive demands on the treasury, is an imperative reason why it should be done promptly and at once.

I would recommend that you memorialize congress on the subject of the Pacific railroad. The only route to the Pacific, along the line of which the country is capable of sustaining a continuous and prosperous settlement, is through this territory. By any other route, hundreds of miles of the railroad must pass through a barren, sterile country, not susceptible of settlement. The cost of construction of such parts of a railroad, would necessitate an immense outlay in the original cost, as would also the annual expense of repairs. Through Dakota is to be found the most direct route; one easy and cheap of construction, and the character of the country through which the road would pass, insures a rapid and prosperous settlement along the whole line. A direct route from New York city along the shore of the lakes, would pass through Chicago, Dubuque, and Sioux city, up the valley of the Missouri to the mouth of the Niobrara, and then up the valley of the Niobrara to the South pass. Chicago and Dubuque must extend the hand of welcome to us, and coöperate with us in securing the early completion of a railroad to this territory, if they would avail themselves of the trade of the tens of thousands who will soon occupy the valley of the Missouri. Otherwise our trade and travel will seek New Ulm and Mankato for an outlet, and St. Paul as the centre of the trade and commerce of the territory, St. Paul being only two hundred miles distant from the town of Sioux Falls, situated near the eastern line of the territory.

The propriety of a geological survey of the territory, has already been brought to the notice of the government in a very able manner by our efficient surveyor-general, George D. Hill, Esq. Feeling a great interest in this survey, I cannot refrain from urging on you that you should coöperate in securing by congress a liberal appropriation for that purpose. I am confident that there is west of the Missouri river, untold wealth in the mineral resources of Dakota Territory. The recorded opinion of some of the most eminent geologists in the United States, and information gathered from missionaries and trappers who have visited that part of the country, confirm that belief. Every dollar appropriated will be re-

turned a hundred fold, by the addition of our population, the increase of business, and the amount of land sold.

I hope you will memorialize congress upon the subject of the homestead law, and urge its immediate passage. That question is no longer an open one and subject to debate. The American people have declared almost unanimously in favor of the justice, wisdom, and necessity of such a law — the grant of one hundred and sixty acres of land to every actual settler who is willing to go out on the public lands, and settle upon and occupy the same. If such a bill fails to become a law at the present session of congress, it can only be by the neglect of those who are the most vitally interested in its enactment.

Agriculture being for some time to come the leading interest in our territory, I should deem it proper in you to give to that interest the benefit, fostering care, and protection of just and wise legislation. Proper laws should be passed to prevent, as far as possible, those extensive prairie fires which sweep over the country in the fall months, and have destroyed crops and fences and houses, and have injured to so great extent the young timber, which is so rapidly growing along all our streams. If these fires can be prevented, a few years will suffice to make Dakota a well-timbered country.

Territorial roads should be surveyed and established by law at an early day, between the different towns and settlements, by the most direct and eligible routes. Proper attention to this will secure our settlers from much trouble and annoyance, which otherwise will hereafter arise upon the location of roads at a later day.

Having within our territory a large Indian population, it would seem desirable that you should enact some law regulating intercourse between our citizens and the different tribes. As our citizens are excluded from going upon the Indian lands without a permit, it would seem to me just that the Indians should not be allowed to roam at will over the ceded lands. I believe that all Indians should be restricted to the unceded lands and their reservations. I believe that such a requirement would conduce to the peace and quiet of the territory, and free the settlers from the annoyance of these straggling Indians who are wandering about the country. Such an exclusion from the ceded lands would do away with the opportunity, which now tempts bad white men to carry on an iniquitous liquor traffic with the Indians.

I would recommend to you that a law be passed, securing to every family exemption from execution and sale of their homestead; if residents of a town, a house and lot of a fixed value; if resident in the country, a house and so many acres as your wisdom may determine.

I believe that such a law is eminently just and proper. I would have every man know, and especially every wife and child feel, that there was one spot on earth that they could call home; one

place that the cruel and remorseless creditor could not tread upon; that one fireside was sacred, and that one roof should shelter and protect the innocent and unfortunate.

I hope never in Dakota to see the harsh creditor darken the door, and drive from the home the wife, or it might be the widow and her children, because, forsooth, he could, in his wily brain and bloodless heart, overreach in trade the honest but improvident husband and father.

The vast expense of the federal government incurred in the prosecution of the war, will necessarily impose upon all the people of this country a burden of taxation hitherto unknown in our government. As the expenses of the executive, judicial, and legislative departments of our territorial government are defrayed by congress, with the exception of our proportion of the war tax, the taxes levied on our people should be very light.

I hope that the form of our county organization, and the powers granted to the county authorities for the levying of taxes, will be so guarded as to confine them to the strictest economy consistent with efficiency. The great error committed in other territories has been the disposition to incur debt, and to issue territorial warrants and county orders. Sound public policy forbids such a system of finance. A depreciated currency increases the price paid, and the enhanced price necessitates an additional issue, which again contributes to lower the county or territorial credit.

Our proportion of the war tax, our people will cheerfully pay. There being as yet no titles to real estate in this territory—no land-office having yet been opened, much is left to your body, to decide as to the proper system of taxation to adopt.

I would recommend the passage of a law, which shall secure to every citizen of Dakota, who shall volunteer to go into the service of the United States, upon the requisition of the War Department upon our executive, his right of voting without regard to where he may be stationed on election day.

I would not have his patriotism be the means of depriving him of the proudest right of the citizen—the enjoyment of the elective franchise. This proposition is so plainly just that it need only be suggested to be approved.

I take this occasion to express my gratification at the prompt response made by our loyal citizens to the requisition made by the War Department upon the executive of Dakota for volunteers to garrison Fort Randall, and thus relieve the regulars who were stationed there, who were needed South to aid in crushing this most accursed rebellion. In a few weeks the requisition was filled, and we now have a volunteer force of which we have just reason to be proud. Every citizen felt it a privilege that Dakota, in common with her older sisters, should be allowed to contribute her mite to aid the federal government in this, the darkest day of her life.

If the exigencies of the war should demand it, I believe that every male citizen within our limits, would abandon the field and

workshop, and with his musket upon his shoulder, would rush to the tented field to the rescue of the constitution. That, I trust, will not be necessary.

I believe the dawn of a better and brighter day is upon us. This most infamous rebellion, born and bred of an aggressive, domineering interest, must die — must perish, that faith in the justice of God shall be vindicated. He is but a superficial observer of political events, who does not recognize as the primary cause of this rebellion, the institution of slavery. Can it be possible, that, in the providence of God, an institution founded in error, injustice, and despotism, shall become the instrument for the destruction of a government, the wisest and best ever framed by the inventive genius of man? I cannot believe so.

I recognize in the darkness that now clouds our beloved country, and the heavy hand which presses upon her, the inscrutable workings of a Divine Providence, "who doeth all things well." I believe that we shall come out of this rebellion better, purer, and and stronger — that the American Union will continue to move upward and onward in her destined path in the history of the world. I have never entertained any fear of the disruption of our government, the division of our Union, and the overthrow of the constitution. A glance at the map of North America, should satisfy any one that nature made this country for one people to dwell in, from the Atlantic to the Pacific, from the lakes of the north to the gulf of the south.

The great North-west, the region of the lakes, and the valleys of the Mississippi and Missouri, whose waters divide and seek the ocean, to the east through chains of the great lakes and the St. Lawrence, to the south through the Mississippi and the Gulf of Mexico, forbids a division. The millions who live upon the Upper Mississippi and its tributaries, can never consent to a division of the Union. To them, an imperative political and commercial necessity forbids a division. To allow the mouth of the Mississippi to belong to a foreign power, would be to subject ourselves to trouble and annoyance, and all our commerce to unjust and arbitrary taxation. An absolute, overwhelming necessity compels us to remain one people — one nation — with the flag of our fathers floating over every state.

Six hundred thousand freemen are to-day in martial array — citizen soldiers — not an unwilling conscript among them all — a prouder army than Napoleon, in the plenitude of his power, ever reviewed; each and every man crying aloud to be led on to battle and to victory.

The men composing that army, are men of peace, who prefer the peaceful walks of life, who love to tread in the paths of agriculture, the mechanic arts, trade, and commerce; but they are men, who, when treason opened its batteries upon Sumpter and its little band of devoted men, inspired by the noblest impulses which are planted in the human heart, bid farewell to home and its comforts,

to father and mother, wife and children, and rushed to the tented field, with willing hearts and strong arms, offering all upon the altar of their country, ready to pour out their blood like water, and yield their lives, if need be, in defence of the supremacy of law and the constitution.

With such an army, engaged in such a cause, who can doubt the final result? Though they were not the first to seek the arbitrament of the sword, they will be the last to leave it. Though they did not provoke or commence the conflict, they will be the last to abandon it. Let the war be prosecuted vigorously, and in deadly earnest, with but one object in view, the unity of the country, the preservation of the Union, and the assertion and supremacy of the constitution, over every foot of our widely extended domain. Let nothing cramp or hamper the noble efforts of our army; whatever stands in the way of success, let it be trampled under foot.

Let us commit no blunder, by placing any interest before or above the Union, least of all that interest which is solely and entirely responsible for the rebellion which to-day convulses the nation.

If slavery stands in the way of a successful subjugation of this hellish rebellion, let slavery die. If in the providence of God it should come to pass, that through the efforts for the preservation of constitutional liberty, the institution of human slavery should be blotted out of existence, no lover of humanity, civilization, and Christianity, will drop a tear over its grave.

The events of the last forty days have given heart and hope to the whole country. The advent of Secretary Stanton into the War Department, with the declaration that the business of the army was "to attack, pursue, and destroy the rebellious enemy," electrified the nation. The late glorious victories in Kentucky, Tennessee, North Carolina, and Missouri, have made good the declaration. Manassas and Columbus are evacuated—the two great strongholds of the enemy.

This is due to the new vigor infused into the War Department, by the act of the president in placing in that department, a man of will and purpose. Upon the accession of Stanton into the war office, a cabinet meeting was called. The country had furnished six hundred thousand men, and six hundred millions of money; and was clamorous and impatient for an advance. The zeal and patriotism of the people were likely to become paralyzed, unless something was done to justify the immense outlay of men and money.

The president, rising with the occasion, asserting his rights and duties as commander-in-chief of the army and navy, having, with his far-sighted and sure-footed judgment, surveyed the whole field of military operations, he declared that the backbone of the enemy was to be broken, by a vigorous advance in the West, and that the just expectations of the people should be fulfilled.

Abraham Lincoln directed that Buell and Grant and McClelland and Curtis should advance, and make good the declaration of Stanton that the business of the army was "to attack, pursue, and destroy the rebellious enemy."

The terrible energy of those armies, drawn from the bone and sinew of the West, led by Generals Grant, McClelland, Curtis, and Buell, have not only won the most fiercely contested battle fields, but have compelled the evacuation of Columbus and Manassas, without the sacrifice of a life.

We already see the beginning of the end. The haughty and rebellious enemy have been driven, at the point of the bayonet, from behind their own chosen and well-fortified entrenchments.

These victories do not prove that the men of one section are any braver or better than those of a different section of our common country; but it proves that "he is thrice armed who hath his quarrel just:" it evidences that the ingrate and wicked and rebellious citizen, seeking to destroy the priceless legacy of constitutional liberty, bequeathed by Washington and his noble compatriots, cannot withstand, on the battle field, the indomitable will and determined valor of the citizen, who, giving his life to his country, and his soul to God, fights to "preserve, protect, and defend" that rich political inheritance, purchased by the struggles of our fathers, on the bloody fields of Trenton, Monmouth, Saratoga, and Yorktown.

The glorious victory won by the unparalleled bravery and heroism of the army of the North-west—the men of Illinois, aided by their fellow-soldiers of Iowa and Indiana, and other Western states, have won imperishable honor. The attack and capture of Fort Donelson, is the most brilliant military victory ever won on the American continent. To every officer and soldier of that gallant army, the whole American people owe a lasting debt of gratitude, and they will ever live in their hearts.

This victory has given us possession of the state which holds the honored remains of the great chieftain, who so heartily hated and despised this cursed heresy of secession. Standing by the grave of Jackson, may our brave soldiers renew their faith and redouble their will, and swear "by the Eternal," secession shall die.

Andrew Johnson, the purest of patriots and the most courageous of men, who in the darkest hour, and amid the thickest gloom, when reverses attended our arms, and hope almost fled the stoutest heart, he faltered not—despaired not—proscribed and exiled from his home for months, by the hellhounds of secession, to-day he revisits his home, and stands upon the soil of Tennessee, with the "stars and stripes" floating over the capital. Let the energy of the last sixty days continue—as it will continue—and a few months will witness the end of this monstrous and stupendous slaveholders' rebellion.

Gentlemen, I trust that when your labors are over, and you shall have passed away from the field of legislative action, that those who shall come after you, may remember you as not un-



mindful of the responsibilities imposed upon you. It is well you should bear in mind the age in which you live, and the nation of which you are a part.

Let your memories run back a little over two centuries, and there is present before you a small band of refugees, hated, despised, and oppressed, about to set sail upon an angry sea, seeking a home in the unknown western world, bearing with them the germ of civil and religious liberty, which to-day has expanded, until it has become the first nation of the world.

Let your imagination run forward only half a century, and you behold the American Union dictating the law to all nations. You behold her without a parallel in the history of nations; first in the arts and sciences, in religion and literature, in peace and arms, the pride of all governments, the hope of the oppressed, the asylum of the refugee, a nation kind to the weak, firm to the strong; a republic which will stand unmoved amidst the throes of revolutions, while thrones totter and empires pass away; beautiful as Cytherea, as she arose from the flashing foam of the Ægean; more powerful than Rome in the days of the Cæsars, or France under the imperial sway of Napoleon; a government with a hundred millions of loyal subjects, carrying the beneficent influence of her arts and her civilization upon the wings of her commerce, over every sea and ocean, to every continent and isle, which smiles beneath the genial rays of the sun.

In conclusion, allow me to assure you that it will be my endeavor to cordially, earnestly, and faithfully coöperate with you, in the enactment of all laws which your wisdom may suggest, which shall prove kind in their influence, and tend to advance the honor and greatness and glory of Dakota.

W. JAYNE.

YANKTON, DAKOTA TERRITORY, }  
Executive Department, March 17, 1862. }

After the reading of the message,

Mr. Waldron moved that the convention adjourn, which motion prevailed.

After the council had retired, the speaker called the house to order.

Mr. Armstrong introduced the following resolution:

*Resolved*, That the chief clerk of the house be directed to request the secretary of the territory to procure the publication of eight hundred copies of the governor's message, three hundred of which to be printed in the Norwegian language, for the use of the members of the house.

Adopted.

On motion of Mr. Waldron the house adjourned.

GEO. M. PINNEY, *President*.

J. B. HANSON, *Chief Clerk*.

## FOURTH DAY.

THURSDAY, March 20, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday read and approved.

Mr. Waldron moved that a committee of three be appointed by the speaker to wait upon the honorable secretary of the territory and desire him to furnish the members with knives, according to the custom of furnishing legislative bodies.

Mr. Armstrong moved to amend so that the motion should read, "pocket-knives."

The amendment was adopted.

The original motion as amended then prevailed.

The speaker appointed as such committee, Messrs. Waldron, Puett, and Armstrong.

Mr. Pnett introduced the following resolution :

*Resolved*, That when this house adjourn, it adjourn to meet from day to day at nine o'clock in the morning, until otherwise ordered.

The resolution was adopted.

Mr. Puett, on the part of the committee appointed by the speaker to wait upon the secretary of the territory relative to postage, submitted the following report :

MR. SPEAKER :

Your committee, appointed to wait upon the secretary and ascertain what amount of postage would be allowed to each member of this body to be paid out of the contingent fund of the territory, have discharged their duty, and respectfully submit the following communication from the secretary of the territory, and ask to be discharged :

DAKOTA TERRITORY, SECRETARY'S OFFICE, }  
Yankton, March 18, 1862. }

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :

Having been called upon by your committee, appointed to inquire of me how much postage I am authorized to pay for the legislative assembly, I have to say that I am authorized to furnish reasonable postage (to be restricted to official use), and have therefore made arrangements with the postmaster in this place for the payment of postage, not to exceed ninety-six (96) dollars, or four dollars for each member (there being twenty-four in both houses, including the chief clerk in each house).

You will write your name on each document, with the words, "House of Representatives;" also the number of papers in each package.

I am, very truly, your ob't servant,  
JOHN HUTCHINSON, *Secretary.*

The report was adopted, and committee discharged.

Mr. Armstrong, chairman of committee appointed to ascertain from the secretary of the territory what number of papers would be supplied to the members of the house, asked for further time to report.

Leave was granted.

Mr. Waldron, chairman of committee appointed to wait upon the secretary of the territory, and solicit that a clock be placed in the hall of the house of representatives, reported that the duty had been attended to, and that a clock would be furnished by the secretary.

Report adopted, and committee discharged.

Leave was granted Mr. Armstrong to introduce

House file No. 1: "A bill to provide for the payment of the direct tax of Dakota," which passed its first reading.

Mr. Armstrong moved that the house proceed to consider the business on the speaker's table, which

Motion prevailed.

The house proceeded to consider the report of the committee appointed to draft rules for the government of the house, and to act with a like committee on the part of the council, to draft rules for the government of the two houses when in joint convention.

The following was then read by the clerk.

MR. SPEAKER:

Your committee, appointed to draft rules for the government of this house, and also to act in conjunction with a like committee on the part of the council, beg leave to submit the following report:

#### RULES OF THE HOUSE OF REPRESENTATIVES.

##### [ORDER OF BUSINESS.]

1. Presentation of petitions.
2. Resolutions, notices, and motions.
3. Reports from standing committees.
4. Reports from select committees.
5. Messages and other executive communications.
6. Messages from the council, and amendments proposed by the council to bills of the house.

7. Bills and resolutions from the council on their first and second readings.
8. Engrossed bills and bills from the council on their third reading.
9. Bills from the council and of the house on the speaker's table.
10. Special orders of the day.
11. General orders of the day.
12. Unfinished business.

OF THE DUTIES OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journals of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the house by any two members, on which appeal no member shall speak more than once, unless by leave of the house.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be), say aye;" and after the affirmative is expressed, "As many as are of the contrary opinion, say no." If the speaker doubts, or a division be called for, the house shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. When any motion or proposition is made, the question, "Will the house now consider it?" shall not be put, unless it is demanded by some member, or it is deemed necessary by the speaker.

6. The speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond the adjournment.

7. All committees shall be appointed by the speaker, unless otherwise specially directed by the house, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the house shall proceed to further ballot or ballots.

8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be

repeated until a majority be obtained. And in all ballotings, blanks shall be rejected, and not taken into the count in the enumeration of votes, or reported by the tellers.

9. In all cases of an election by the house, the speaker shall vote; in other cases he shall not vote, unless the house be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

10. In all cases where other than a member of the house shall be eligible to an office by the election of the house, there shall be a previous nomination.

11. In all cases of election by the house of its officers, the vote shall be taken viva voce.

12. All acts, addresses, and joint resolutions shall be signed by the speaker; and all writs, warrants, and subpoenas, issued by order of the house, shall be under his hand and seal, attested by the clerk.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the speaker (or chairman of the committee of the whole house) shall have power to order the same to be cleared.

14. No person except members of the council, their secretary, governor, secretary, judges of the supreme court, marshal, attorney-general of the territory, and chaplain of the legislative assembly, and such other persons as the house may deem it proper to admit, shall be admitted within the hall of the house of representatives.

#### ORDER OF BUSINESS OF THE DAY.

15. As soon as the journal is read, the speaker shall call for petitions from the members of each county, and if, on any day, the whole of the counties shall not be called, the speaker shall begin on the next day where he left off the previous day.

16. All the counties shall be called for resolutions on each day during the session of the legislative assembly, and all resolutions which shall give rise to debate, shall lie over for discussion one day.

17. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the house do now proceed to dispose of the business on the speaker's table and to the orders of the day, which being decided in the affirmative, the speaker shall dispose of the business on his table in the following order, namely:

- (1) Messages and other executive communications.
- (2) Messages from the council and amendments proposed by the council to bills of the house.
- (3) Bills and resolutions from the council on their first and second reading, that they be referred to the committees, and put

under way ; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the house, they are to be laid on the table in the general file of bills on the speaker's table, to be taken up in their turn.

(4) Engrossed bills and bills from the council on their third reading.

(5) Bills of the house and from the council, on the speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications, and bills on his table, having been disposed of, the speaker shall then proceed to call the orders of the day.

#### OF DECORUM AND DEBATE.

18. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personalities.

19. If any member, in speaking, or otherwise, transgress the rules of the house, the speaker shall, or any member may, call to order, in which case, the member so called to order, shall immediately sit down, unless permitted to explain ; and the house shall, if appealed to, decide on the case, but without debate ; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed ; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the house ; and, if the case require it, he shall be liable to the censure of the house.

20. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table, and no member shall be held to answer, or be subject to the censure of the house, for words spoken in debate, if any member has spoken, or other business intervened after the words spoken, and before exception to them shall have been taken.

21. When two or more members happen to rise at once, the speaker shall name the member who is first to speak.

22. No member shall speak more than once to the same question, without leave of the house, unless he be the mover, proposer, or introducer of the matter pending ; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

23. If a question pending be lost by adjournment of the house, and revived on the succeeding day, no member who shall have

spoken on the preceding day, shall be permitted again to speak without leave.

24. While the speaker is putting any question, or addressing the house, none shall walk out of or across the house; nor, in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the chair. Every member shall remain uncovered during the session of the house. No member or other person shall visit, or remain by the clerk's table while the yeas and noes are calling, or ballots are counting.

25. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the house when the question was put. And when any member shall ask leave to vote, the speaker shall propound to him the question, "Were you within the bar when your name was called?"

26. Upon a division and count of the house on any question, no member without the bar shall be counted.

27. Every member who shall be in the house when the question is put shall give his vote, unless the house, for special reasons, shall excuse him. All motions to excuse a member from voting, shall be made before the house divides, or before the call of the yeas and noes is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

28. When a motion is made and seconded, it shall be stated by the speaker; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

29. Every motion shall be reduced to writing, if the speaker, or any member, desire it.

30. After the motion is stated by the speaker, or read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

31. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

32. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:— The committee of the whole; a standing committee; a select committee.

33. A motion to adjourn, and a motion to fix the day to which

the house shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate.

34. The hour at which every motion to adjourn is made, shall be entered on the journal.

35. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the house to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

36. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

37. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the house. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

38. Motions and reports may be committed at the pleasure of the house.

39. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the house.

40. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day; and such motions shall take precedence of all other questions except a motion to adjourn.

41. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the house.

42. The unfinished business in which the house was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received without special leave of the house until the former is disposed of.

43. Every order, resolution, or vote, to which the concurrence of the council shall be necessary, shall be read to the house, and laid on the table, on a day preceding that in which the same shall be moved, unless the house shall otherwise expressly allow.



44. Any two members shall be authorized to compel the attendance of absent members, and also to call the yeas and nays.

45. Upon calls of the house, or in taking the yeas and nays on any question, the names of members shall be called alphabetically.

46. No member shall absent himself from the service of the house, unless he have leave, or be sick, or unable to attend.

47. Upon the call of the house, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall be again called over; the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if five in number, be taken into custody, as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

48. When a member shall be discharged from custody, and admitted to his seat, the house shall determine whether such discharge shall be with or without paying fees, and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expenses of such special messenger.

49. A sergeant-at-arms shall be appointed, to hold office during the pleasure of the house, whose duty it shall be to attend the house during its sittings; to execute the commands of the house from time to time; together with all such process issued by authority thereof, as shall be directed to him by the speaker.

50. The fees of the sergeant-at-arms shall be — for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one tenth of a dollar per mile.

51. The sergeant-at-arms and doorkeeper shall be sworn to keep the secrets of the house.

52. Eleven standing committees (consisting of three members each, except the committee on enrolled bills, which shall consist of two members), shall be appointed by the speaker at the commencement of each session, to wit:

- (1) Privileges and Elections.
- (2) Ways and Means.
- (3) Judiciary.
- (4) Agriculture and Manufactures.
- (5) Military Affairs.
- (6) Internal Improvements.
- (7) Engrossed and Enrolled Bills.
- (8) Counties.
- (9) Corporations.
- (10) Library.
- (11) Common Schools, Colleges, and Universities.

53. It shall be the duty of the committee of elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this house; and to take into

their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the house.

54. The several standing committees of the house shall have leave to report by bill or otherwise.

55. It shall be the duty of the clerk of the house, at the end of each session, to send a printed copy of the journals thereof to the executive, and to each branch of the legislature of every state.

56. All questions of order shall be noted by the clerk, with the decision, and put together at the end of the journal of every session.

#### OF BILLS.

57. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed.

58. Every bill shall receive three several readings in the house previous to its passage, and bills shall be despatched in order as they were introduced, unless where the house shall direct otherwise; but no bill shall be twice read on the same day, without the special order of the house.

59. The first reading of the bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

60. Upon a second reading of a bill, the speaker shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole house; if to a committee of the whole house, the house shall determine on what day; if no motion be made to commit, the question shall be stated on its engrossment, and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the speaker's table, to be taken up in its order; but if the bill be ordered to be engrossed, the house shall appoint the day when it shall be read the third time.

61. After commitment and report thereof to the house, or any time before its passage, a bill may be recommitted.

62. All bills ordered to be engrossed, shall be executed in a fair round hand.

63. When a bill shall pass, it shall be certified by the clerk, noting the passage at the foot thereof.

64. No standing rule or order of the house shall be rescinded, changed, or suspended, except by a vote of at least two thirds of

the members present. Nor shall the order of business as established by the rules of the house be postponed or changed, except by a vote of at least two thirds of the members present.

65. It shall be in order for the committee on enrolled bills to report at any time.

66. The rules of parliamentary practice comprised in Cushing's Manual, shall govern the house in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the house, and joint rules of the council and house of representatives.

67. No bill or question which has been once passed or rejected, shall be called up for consideration during the same session, unless two thirds of the house shall be in favor of taking up the same.

68. No amendment by way of rider shall be received to any bill on its third reading.

#### JOINT RULES—COUNCIL AND HOUSE.

1. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement.

They shall meet at a convenient time to be agreed upon by their chairman, and having conferred freely, each shall report to their respective house the result of their conference.

2. When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent, by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

3. All messages between the two houses shall be communicated by the secretary or chief clerk, or their respective assistants.

4. When a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the indorsement of the secretary or clerk thereof.

5. When bills are enrolled, they shall be examined by a joint committee of two from the council and two from the house of representatives; who shall be a standing committee for that purpose, and who shall carefully compare the enrolment with the engrossed bills, as passed in the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first, by the speaker of the house of representatives, and then by the president of the council, in the presence of their respective houses.

7. After the bill shall have been thus signed in each house, it shall be presented by said committee to the governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the house in which the bill originated.

8. All orders, resolutions, memorials, or other votes which are to be presented to the governor for his approval, shall be enrolled, examined, signed, and presented in the same manner as bills.

9. When any bill, joint resolution, or memorial which shall have passed in one house is rejected in the other, notice of said rejection shall be given to the house which passed the same.

10. When a bill, resolution, or memorial, which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days' notice, and leave of two thirds of the members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the chief clerk of the house of representatives, and the secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. In all elections in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

Mr. Waldron moved to amend the 14th rule by striking out the word "hall," and inserting the word "bar," in lieu thereof.

Adopted.

Mr. Waldron moved to amend the 15th rule by adding to the first line thereof, the words, "the roll is called," after the words "as soon as," and in the second and third lines, by striking out the word "county," and inserting the words "representative district," instead thereof.

The amendment was adopted.

Mr. Armstrong moved to amend the 16th rule by striking out the word "counties," and inserting the words "representative districts," in lieu thereof.

Adopted.

Mr. Waldron moved to amend the 22d rule by striking out the word "once," and inserting the word "twice," in lieu thereof.

Adopted.

Mr. Waldron moved to amend the 23d rule by striking out the word "again," in the third line, and after the words "to speak," to insert the words "more than twice."

Mr. Armstrong moved to amend the amendment by striking out the word "twice," and inserting the word "once," in lieu thereof.

The question being put on the amendment to the amendment, it was adopted.

The amendment as amended was then adopted.

Mr. Puett moved to strike out the word "five," where it occurs in rule 47, and insert the word "two," in lieu thereof.

Adopted.

Mr. Tiernon moved to amend the 52d rule by adding "a committee on federal relations."

Adopted.

Mr. Puett moved that the report of the committee, as amended, be adopted, which motion prevailed, and the committee was discharged.

Mr. Puett, chairman of the committee appointed to wait upon the secretary of the territory relative to stationery for the use of the members of the house, made the following report:

MR. SPEAKER:

Your committee, appointed to wait upon the secretary of the territory, have acted in conformity with their instructions, and have received the following communication in reply:

DAKOTA TERRITORY, SECRETARY'S OFFICE, }  
Yankton, March 20, 1862. }

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

In reply to your committee, appointed to wait upon me and inquire of me as to the quantity of stationery intended to be furnished by me, I have to say that I shall furnish from time to time, at the respective desks, stationery in such quantities as required, giving the same to each member; also to the chairman of each committee, an additional amount.

I am, very truly,

Your obedient servant,

JOHN HUTCHINSON, *Secretary.*

On motion of Mr. Stanage, the house adjourned.

GEO. M. PINNEY, *Speaker.*

J. R. HANSON, *Chief Clerk.*

## FIFTH DAY.

FRIDAY, March 21, 1862.

House met pursuant to adjournment at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday read and approved.

Mr. Puett gave notice that he would on to-morrow, or some subsequent day of the session, introduce the following bills, to wit:

An act to prevent the firing of woods, marshes, and prairies.

Also, an act to establish a ferry across the Missouri river, opposite Ionia, Nebraska Territory.

Also, an act creating the office and defining the duties of the territorial librarian, auditor, and treasurer.

Also, an act to prevent trespasses upon claims on the public lands.

Also, an act regulating the admission of attorneys.

Also, an act defining the manner of surveying and establishing the lines of public roads.

Also, an act relative to money of account and interest.

Also, an act concerning horses, and other animals.

Also, an act regulating marriages.

Also, an act to establish a common-school system.

Mr. Waldron gave notice that he would on Monday next, or on some future day, introduce a memorial to congress, asking that a garrison be established in the vicinity of Sioux Falls, on the Big Sioux river.

Also, a memorial asking the establishment of a military road from Fort Ridgley in Minnesota, to Fort Randall in Dakota, by the way of Sioux Falls.

Mr. Waldron introduced the following resolution:

*Resolved by the Council and House of Representatives,* That the Hon. P. Bliss, chief justice of this territory, be appointed a commissioner to prepare a full code of laws for the territory, and report the same at as early a day as possible during this session of the legislature.

Mr. Waldron moved a suspension of the rules for the purpose of considering the resolution.

Lost.

Mr. Donaldson, member elect from the third representative district, presented himself and was duly qualified.

Mr. Wood introduced the following resolution:

*Resolved*, That a committee of three be appointed to wait upon the secretary of the territory, and request him to furnish covering for the desks uncovered in this hall.

Adopted.

Chair appointed Messrs. Wood, Tiernon, and Jacobson, as such committee.

The speaker announced the following

#### STANDING COMMITTEES.

*Privileges and Elections*,—Messrs. Tiernon, Wallace, and Wood.

*Ways and Means*,—Messrs. Armstrong, Donaldson, and McBride.

*Judiciary*,—Messrs. Armstrong, Puett, and Donaldson.

*Agriculture and Manufactures*,—Messrs. McBride, Maloney, and Burgess.

*Military Affairs*,—Messrs. Stanage, Waldron, and Maloney.

*Internal Improvements*,—Messrs. Armstrong, Puett, and McBride.

*Engrossed and Enrolled Bills*,—Messrs. Puett and Donaldson.

*Counties*,—Messrs. Tiernon, Wallace, and Maloney.

*Corporations*,—Messrs. Puett, Armstrong, and Jacobson.

*Library*,—Messrs. Waldron, Tiernon, and Burgess.

*Common Schools, Universities, and Colleges*,—Messrs. Puett, Wallace, and Jacobson.

*Federal Relations*,—Messrs. Waldron, Wood, and Tiernon.

Mr. Armstrong presented the following report :

MR. SPEAKER :

Your committee, appointed to wait upon the secretary of the territory relative to the number of papers to be allowed to each member of the house, and to what officers of the same, would report that they discharged their duty, and have received for an answer, that a credit of three dollars will be allowed to each member and the chief clerk, to be expended for newspapers published within the territory.

Report adopted, and committee discharged.

Mr. Waldron, chairman of committee appointed to wait upon the secretary of the territory relative to pocket-knives, asked for further time to report.

Granted.

House file No. 1: "An Act to provide for the payment of the direct tax of Dakota Territory," was taken up, and

Passed its second reading, and

On motion of Mr. Tiernon, was

Referred to committee of ways and means.

Mr. Wallace introduced the following resolution :

*Resolved*, That the chief clerk be directed to solicit the secretary of the territory to procure the printing of one hundred copies of the rules and joint rules, to be printed in pamphlet form.

Adopted.

Mr. Armstrong introduced the following resolution :

*Resolved*, That so much of the governor's message as relates to the elective franchise be referred to the committee on elections.

That so much of the governor's message as relates to taxation, be referred to the committee on ways and means.

That so much of the governor's message as relates to judicial matters, be referred to the committee on judiciary.

That so much of the governor's message as relates to agriculture, be referred to the committee on agriculture and manufactures.

That so much of the governor's message as is of a military character, be referred to the committee on military affairs.

That so much of the governor's message as relates to the Pacific railroad and military highways, be referred to the committee on internal improvements.

That so much of the governor's message as relates to banking, be referred to the committee on corporations.

That so much of the governor's message as relates to education, be referred to the committee on schools, colleges, and universities.

That so much of the governor's message as relates to the state of the Union, be referred to the committee on federal relations.

Mr. Puett moved that the further consideration of the resolution be postponed until next Wednesday, which

Motion prevailed.

The following communication was received from the council :

MR. SPEAKER :

I am directed to inform your honorable body that the council have adopted, without amendment, the report of the joint committee appointed to draft rules for the government of both houses.

JAMES TUFTS, *Secretary*.

On motion of Mr. Puett the house adjourned.

J. R. HANSON, *Chief Clerk*.

GEO. M. PINNEY, *Speaker*.



## SIXTH DAY.

SATURDAY, March 22, 1862.

House met pursuant to adjournment at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday read and approved.

Mr. Waldron gave notice that he would on Monday next, or on some subsequent day, introduce a memorial to congress, asking that the military raised for the protection of the territory, be placed under the control of the governor of the territory.

Mr. Wallace gave notice that he would on Monday next, or on some future day, introduce a bill entitled, "An Act to regulate the rate of interest."

Mr. Puett introduced the following resolution :

*Resolved*, That James McFetridge, of the Red river of the North, be invited to a seat within the bar of the house at pleasure.

Adopted.

Mr. Armstrong gave notice that he would on next Tuesday, or some subsequent day of the session, introduce a bill to provide a territorial and county revenue.

Also, a bill to prevent the traffic in ardent spirits, with the Indians.

Also, a bill to provide for the protection of hedges, fences, fruit and ornamental trees.

Also, a bill to secure a homestead to each head of a family within the territory.

Mr. Donaldson introduced the following resolution :

*Resolved*, That the chief clerk be directed to solicit the secretary to procure the printing of two hundred copies of the governor's message in the French language.

Adopted.

Mr. Waldron gave notice that he would on Monday next, or some subsequent day, introduce a bill to exempt from levy or execution, for the payment of debts contracted out of the territory, and prior to the party becoming a citizen of the territory, all property acquired within the territory.

The following communication was received from the council :

MR. SPEAKER :

I have to inform your honorable body, that the council have adopted the following resolution :

*Resolved*, That the secretary of the territory be requested to have

printed for the use of the council, fifteen hundred copies of the governor's message in the English, three hundred in Norwegian, and two hundred in German languages.

JAMES TUFTS, *Secretary.*

Mr. Armstrong in the chair.

Mr. Wallace gave notice that he would on Monday next, or some future day, introduce a bill entitled "An Act to prevent the sale of ardent spirits on the Sabbath, and also on election days."

Mr. Waldron gave notice that he would on Monday, or on some future day, introduce a bill for the establishment of a territorial road from Sioux Falls down the valley of the Big Sioux, to some point on the Missouri river.

Mr. Pinney introduced the following resolution :

*Resolved,* That the chief clerk be directed to inform the honorable council, that the message received from their honorable body in regard to the printing of the governor's message, is out of order, and that it is the duty of this house to refuse to enter the same upon their journal.

Adopted.

Speaker in the chair.

Mr. Waldron, chairman of the committee appointed relative to pocket-knives, presented the following communication from the secretary of the territory :

SECRETARY'S OFFICE; }  
March 22, 1862. }

HON. GEORGE P. WALDRON AND OTHERS :

GENTLEMEN, — In reply to your request that I shall furnish pocket-knives for the members of the house, I have to say that I am disposed to furnish the legislature with every thing which my instructions authorize me to furnish.

The general government has, in its beneficence, assumed the payment of all legitimate legislative expenses, but they have either overlooked this item, or else have deemed it unnecessary for purposes of legislation.

In my opinion they have regarded it unnecessary stationery. Every thing ordinarily used in legislatures is furnished, while nothing is furnished for the pocket except the per diem.

I shall therefore decline to comply with your request.

Very truly yours,

JOHN HUTCHINSON, *Secretary.*

Mr. Wood, chairman of the committee appointed to confer with the secretary of the territory, relative to the uncovered tables in this hall, reported that the committee had attended to their duty, and that the secretary would have the tables covered at the earliest possible period.

Report adopted, and committee discharged.

Mr. Puett introduced house file No. 3: A bill entitled "An Act to dissolve the bonds of matrimony between Minnie Omeg, and C. Omeg," which

Passed its first reading.

On motion of Mr. Puett, joint resolution No. 1 was taken up, and Passed its first and second readings, and Referred to the committee on judiciary.

The following communication was received from the council:

MR. SPEAKER:

I am directed by the council to furnish your honorable body with a copy of rule fourteen, of the joint rules for the government of the two houses, as follows:

RULE 14. It shall be the duty of the chief clerk of the house of representatives, and the secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, *forthwith* to communicate such order to the other house.

JAMES TUFTS, *Secretary, Council.*

On motion of Mr. Waldron, a vote of thanks was extended to the council, for a copy of the fourteenth rule of the joint rules.

Leave was granted Mr. Waldron to introduce the following resolution:

*Resolved*, That two hundred copies of the governor's message be printed in the German language, for the use of this house.

Adopted.

On motion of Mr. Puett, the following resolution was reconsidered and rescinded:

*Resolved*, That the chief clerk be directed to inform the honorable council, that the message received from their honorable body in regard to the printing of the governor's message, is out of order, and that it is the duty of this house to refuse to enter the same upon their journal.

Mr. Puett introduced the following resolution:

*Resolved*, That the chief clerk be directed to inform the council, that the house have passed a vote of thanks to the council for furnishing the house with a copy of rule No. 14, of the joint rules governing the council and house of representatives.

Also, to inform the council that the house has ordered twelve hundred copies of the governor's message to be printed. Five hundred to be printed in the English language, three hundred in the Norwegian language, two hundred in the French, and two hundred in the German languages.

Adopted.

Leave of absence was granted Mr. Wood until next Tuesday.

Mr. McBride moved to adjourn until next Monday, at 9 o'clock. The vote being taken, it was decided in the affirmative.

Mr. Waldron called for a division of the house, which being ordered, the

Motion to adjourn prevailed.

GEORGE M. PINNEY, *Speaker*.

JAMES R. HANSON, *Chief Clerk*.

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## EIGHTH DAY.

MONDAY, March 24, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

Speaker in the chair.

Roll called. All members present.

Journal of the 22d read and approved.

Mr. Puett gave notice that he would on to-morrow, or on some subsequent day of the session, introduce a bill to organize and define the boundary lines of the county of Vermilion in Dakota Territory.

Mr. Donaldson gave notice that he would on to-morrow, or on some future day, introduce a memorial to congress for a treaty with the Pembina and Red lake Indians.

Mr. Wallace gave notice that he would on to-morrow, or on some future day, introduce a bill for an act, entitled "An Act to define the boundaries of the county of Bon Homme, and to locate the county seat thereof."

Mr. Wallace gave notice that he would on to-morrow, or on some future day, introduce a bill for an act, entitled "An Act to apportion and increase the representation in the council and house of representatives from several of the council and representative districts."

Mr. Donaldson moved that Byron M. Smith be elected engrossing clerk.

The vote being taken, he was unanimously elected.

Mr. McBride gave notice that he would on next Wednesday present a joint memorial to congress, asking for an appropriation to construct a wagon road from some point on the Big Sioux river, by the way of Elk point, Vermilion, James river, Yankton, Smutty

Bear, Bon Homme, Springfield, Tuftsville, Yankton agency, to Fort Randall.

Mr. McBride gave notice that he would on Tuesday introduce a joint memorial to congress, asking an appropriation to carry out a geological survey of the territory.

Mr. Maloney gave notice that he would on to-morrow, or on some future day, present a bill to locate the boundary lines of the counties of the Big Sioux district.

Mr. Waldron gave notice that he would on to-morrow, or on some future day, introduce a bill defining what property should be subject to taxation, and what should be exempt from taxation.

Mr. Stange gave notice that he would on Thursday introduce a bill regulating ferries on James, or Dakota river.

Mr. Puett gave notice that he would on to-morrow, or on some subsequent day of the session, introduce a bill relative to the elective franchise of Dakota Territory.

Mr. Waldron gave notice that he would on to-morrow, or on some future day, introduce a bill defining the causes for which divorce from the bonds of matrimony shall be allowed.

Mr. Stange gave notice that he would on Tuesday introduce a bill defining the boundaries of the county of Yankton.

The following report was received from the chairman of the committee on judiciary, Mr. Armstrong:

**MR. SPEAKER:**

Your committee, to whom was referred joint resolution relating to a civil and criminal code, have had the same under consideration, and report the same back with the following amendment, and recommend its passage: strike out the words, "be appointed a commissioner to prepare a full code of laws," and insert the following: "be invited to prepare a civil and criminal code for the territory."

The resolution, as amended, was adopted, and

On motion of Mr. Puett, it was ordered to be engrossed, and read the third time to-morrow.

Mr. B. M. Smith now appeared, and was duly qualified as engrossing clerk.

The following communication was received from the council:

COUNCIL HALL, }  
March 14, 1862. }

**MR. SPEAKER:**

The council have passed a joint resolution, council file No. 1, in relation to the style of the heading of the laws of the territory. In which the concurrence of the house is requested.

I have also to inform you that the council have ordered printed, one hundred copies of the joint rules for the government of the two houses.

JAMES TUFTS, *Secretary.*

Joint resolution, council file No. 1, relative to the heading of the laws, then passed its first reading, and

On motion, rules were suspended, and it was

Read a second time, and

Referred to the committee on judiciary.

Mr. Puett was granted leave to introduce the following bills :

House file No. 4: "An Act to prevent the firing of woods, marshes, and prairies."

House file No. 5: "An Act to prevent stallions and other animals from running at large."

House file No. 6: "An Act regulating the admission of attorneys."

House file No. 7: "An Act relative to money of account and interest."

All of which bills passed their first reading.

Mr. Puett, in the chair.

Mr. Waldron introduced the following memorials which were read the first time :

House file No. 7: "A memorial for the establishment of a fort at Sioux Falls."

House file No. 8: "A memorial to establish a road from the eastern line of the territory near Sioux Falls to Yankton."

House file No. 9: "A memorial to congress to have the cavalry company enlisted within the territory, to be placed under the control of the governor."

The speaker in the chair.

Mr. Armstrong, chairman of the committee on ways and means, reported an amendment to house file No. 1: "A bill to provide for the payment of the direct tax of Dakota Territory," as follows:

MR. SPEAKER:

Your committee to whom was referred house file No. 1, relative to the direct tax, have had the same under consideration, and report the same back with the following amendment, and recommend its passage. Strike out the words, "the sum of two thousand seven hundred and fifty-four dollars and thirteen cents, and apply the same to the payment," and insert in lieu thereof, "such an amount out of the \$20,000 appropriated to Dakota for legislative purposes,

as will, after the usual deduction of fifteen per cent. in such case made and provided, be sufficient for the payment.

M. K. ARMSTRONG, *Chairman*.

The amendment was adopted, and

On motion of Mr. Puett, the bill was ordered to be engrossed and read a third time to-morrow.

The following communications were received from His Excellency, governor William Jayne :

YANKTON, }  
March 24, 1862. }

TO THE HOUSE OF REPRESENTATIVES :

As several bills have been presented for payment at the executive department on account of expenses incurred by the holding of an election on the 10th day of September, 1861, for the purpose of choosing members of the legislature and a delegate to congress ; and in view of the fact that those expenses can only be defrayed from the territorial treasury, I would recommend such legislation by the legislative assembly at this session, as you may deem proper.

W. JAYNE.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :

By the provisions of the organic act, I was directed, previous to the first election, to cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken.

In obedience to that direction, I appointed Henry D. Betts, Wilmot W. Brookings, Andrew J. Harlan, Obed Foote, George M. Pinney, and J. D. Morse, census agents. I assigned to H. D. Betts, that portion of the territory embracing all the settlements on or contiguous to the Red river, and at St. Joseph and vicinity. Wilmot W. Brookings was assigned to the Sioux Falls district, embracing settlements on the Sioux river north of the Brule creek settlement, and south of Big Stone lake. Andrew J. Harlan was assigned to that part of the territory, embracing all the settlements from the Brule creek settlement to the mouth of the Big Sioux ; and all settlements on the Missouri river between the mouth of the Big Sioux, and east of the line between ranges 53 and 54. Obed Foote was assigned to that part of the territory lying on the Missouri, bounded on the east by the range line between 53 and 54, and bounded on the west by the range line between 57 and 58. George M. Pinney was assigned that part of the territory lying on the Missouri, bounded on the east by the range line between 57 and 58, and bounded on the west by Choteau creek. J. D. Morse was assigned that portion of the territory lying between the Missouri and Niobrara rivers ; and that portion on the Missouri, bounded on the east by Choteau creek, and running west and north

to include the settlements known as the Pease and Hamilton settlements.

The following is a summary of the census returns now on file in the executive department:

## RED RIVER DISTRICT.

Whole number white males, . . . . .	51	
Whole number white females, . . . . .	25	
	<hr/>	76
Mixed males, . . . . .	264	
Mixed females, . . . . .	260	
	<hr/>	524—600

## VERMILION AND BIG SIOUX DISTRICT.

## BRULE CREEK.

Whole number white males, . . . . .	31	
Whole number white females, . . . . .	16	
	<hr/>	47

## POINT ON BIG SIOUX.

Whole number white males, . . . . .	47	
Whole number white females, . . . . .	32	
Half breeds, . . . . .	25	
	<hr/>	104

## ELK POINT.

Whole number white males, . . . . .	35	
Whole number white females, . . . . .	21	
Half breeds, . . . . .	5	
	<hr/>	61

## VERMILION.

Whole number white males, . . . . .	152	
Whole number white females, . . . . .	106	
Half breeds, . . . . .	7	
	<hr/>	265

## BOTTOM AND CLAY CREEK.

Whole number white males, . . . . .	131	
Whole number white females, . . . . .	88	
	<hr/>	219—696

## SIOUX FALLS DISTRICT.

Whole number white males, . . . . .	50	
Whole number white females, . . . . .	10	
	<hr/>	60

Amount carried forward, . . . . .	<hr/>	1356
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Amount brought forward, . . . . . 1356

YANKTON DISTRICT.

Whole number white inhabitants, . . . . . 278  
 Half breeds, . . . . . 9  
 ——— 287

BON HOMME DISTRICT.

Whole number white males, . . . . . 102  
 Whole number white females, . . . . . 61  
 ——— 163

WESTERN DISTRICT.

PEASE AND HAMILTON SETTLEMENTS.

White population, . . . . . 53  
 Half breeds, . . . . . 128  
 ——— 181

FORT RANDALL.

Whole population, . . . . . 210

YANKTON AGENCY.

White population, . . . . . 29  
 Half breeds, . . . . . 47  
 ——— 76

PONCA AGENCY AND VICINITY.

White population, . . . . . 95  
 Half breeds, . . . . . 34  
 ——— 129—596

Total population of territory, . . . . . 2,402

In transmitting the census returns, I deem it proper to state that from information received from gentlemen living in the Red river district, and also from the fact that many of the residents were absent on the usual summer hunts, when Mr. Betts was taking the census of that district, that I am satisfied that the population returned is underrated.

I also deem it proper and obligatory upon me to state, that in my opinion the returns of the western district taken by Mr. Morse cannot be relied on as correct. He having, in my opinion, returned more population than there was in that district.

I do not doubt Mr. Morse's integrity, but think he was deceived by representations made to him.

W. JAYNE, *Governor.*

YANKTON, March 24, 1862.

Mr. Maloney gave notice that on next Friday, he would introduce a bill for an act to locate the seat of government of Dakota territory.

On motion of Mr. Puett, the governor's communication relative

to election expenses, was referred to the committee on ways and means.

Mr. Puett also moved that the governor's communication relative to the census returns, be referred to the committee on federal relations.

Which motion prevailed.

Mr. Puett gave notice, that he would to-morrow, or on some subsequent day of the session, introduce a bill to provide for taking the census of Dakota territory.

On motion of Mr. Puett, the house adjourned.

GEORGE M. PINNEY, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## NINTH DAY.

TUESDAY, March 25, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

Speaker in the chair.

Roll called. All members present.

Journal of yesterday read and approved.

Mr. Waldron gave notice that he would on to-morrow, or on some future day, introduce a resolution for the appointment of joint committee to divide the territory into council and representative districts, and apportion the same.

Also, a resolution to appoint a committee to divide the territory into judicial districts, and assigning the judges to the same.

Mr. Tiernon gave notice that he would on to-morrow, or on some subsequent day, introduce a bill defining the counties, boundaries, and seats of the Territory of Dakota.

Mr. Donaldson moved an amendment to the joint rules of the house of representatives, by striking out in rule 62, all words after "all bills," and inserting the following: "of a general nature, shall, after their second reading, and being reported back by the committee, be printed without a special order of the house," which

Amendment was adopted.

Mr. Waldron, chairman of the committee on federal relations, to whom was referred the governor's message relative to the census taken prior to the last territorial election, reported that in their opinion said message contains no matter that requires any action of this house.

The report was adopted.

Mr. Armstrong, chairman of the committee on judiciary to whom was referred joint resolution (council file No. 1) relative to the style of the heading of the laws of this territory, reported the same back without amendment, and recommended its passage.

Mr. Armstrong introduced house file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians."

Also, house file No. 12: "An Act to provide for the protection of hedges, fences, grain, fruit and ornamental trees," both of which bills passed their first reading.

Mr. Puett, chairman of the committee on engrossed and enrolled bills presented the following report:

MR. SPEAKER:

Your committee, on engrossed and enrolled bills, have examined house file No. 2: "A joint resolution relative to a civil and criminal code."

Also, house file No. 1: "A bill to provide for the payment of the direct tax of Dakota Territory," and report the same back as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

On motion of Mr. Waldron, the rules were so amended, that in lieu of No. 5, in the order of business, it shall be, "Introduction of bills."

Mr. Waldron introduced, by permission, the following bill, house file No. 13: "A bill to regulate divorce and alimony," which passed its first reading.

Mr. Waldron moved the indefinite postponement of house file No. 1: "A bill to provide for the payment of the direct tax of Dakota Territory," which

Motion did not prevail.

The yeas and nays being called for and ordered, on the final passage of the bill,

There were, yeas 10, and nays 2, as follows:

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and Wood.

In the negative, Messrs. Puett and Waldron.

So the bill passed, and its title agreed to.

House file No. 2: "A joint resolution to invite the Hon. P. Bliss, chief justice, to prepare a civil and criminal code," was taken up, and adopted.

Council file No. 1: "Joint resolution relative to the heading of laws," was taken up and adopted, and title agreed to.

House file No. 3: "A bill for an act to dissolve the bonds of matrimony between Minnie Omeg and C. Omeg," was read second time, and referred to the judiciary committee.

House file No. 4: "An Act to prevent firing of woods, marshes, and prairies," was ordered to be engrossed for its third reading.

House file No. 5: "An Act to prevent stallions and other animals from running at large," ordered to be engrossed for its third reading.

House file No. 6: "An Act regulating the admission of attorneys," was read a second time, and referred to the judiciary committee.

House file No. 7: "An Act relative to money of account and interest," was read a second time, and referred to the committee on ways and means.

House file No. 8: "A memorial for the establishment of a fort at Sioux Falls," was read a second time, and referred to the committee on military affairs.

House file No. 9: "A memorial to establish a road from the eastern line of the territory, near Sioux Falls to Yankton," was read a second time, and referred to the committee on internal improvements.

House file No. 10: "A memorial to congress to have the cavalry company enlisted within the territory, to be placed under the control of the governor," was read a second time, and referred to the committee on military affairs.

House file No. 11: "A bill to prevent the traffic in ardent spirits with the Indians," was read a first time.

House file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit, and ornamental trees," was read a first time.

House file No. 13: "A bill to regulate divorce and alimony," was read a first time.

House file No. 14: "Joint memorial and resolution relative to the construction of a wagon road from Big Sioux to Fort Randall," was read a first time.

House file No. 15: "Joint memorial and resolution relative to a geological survey in the territory," was read a first time.

Mr. Waldron introduced the following resolution:

*Resolved*, That one hundred copies of the organic act be printed and bound with the rules and joint rules of this house.

Mr. Armstrong moved to amend, by inserting after the words

"of this house," the words "already ordered," which amendment prevailed.

The resolution, as amended, was then adopted.

On motion of Mr. Wood the house adjourned.

J. R. HANSON, *Chief Clerk.*

GEO. M. PINNEY, *Speaker.*

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TENTH DAY.

WEDNESDAY, March 26, 1862.

House met pursuant to adjournment at 9 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday was read and approved.

Mr. Wallace gave notice of his intention to introduce the following bill, on to-morrow or on some future day, "A bill fixing the time for holding general elections, and to regulate the manner of making returns thereof."

Mr. Puett introduced the following resolution :

*Resolved,* That the council be requested to return to this body house file No. 1: "A bill in relation to the payment of the direct tax."

The yeas and noes being called for, and ordered on the adoption of the resolution,

Resulted as follows: yeas 7, noes 6.

Those who voted in the affirmative were Messrs. Burgess, Donaldson, Jacobson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative were Messrs. Armstrong, McBride, Maloney, Stanage, Tiernon, and Wallace.

So the resolution was adopted.

Mr. Puett gave notice, that he would introduce on to-morrow, or on some subsequent day of the session, "A bill for an act to fix the time of holding the next general election."

Also, "A bill for an act to fix the time for the convening of the legislative assembly."

Mr. Waldron introduced the following resolution :

*Resolved,* That a joint committee of three from the house and two from the council, be appointed to divide the territory into council and representative districts, and to make an apportionment of the same.

The resolution was adopted.

The chair appointed, on the part of the house, Messrs. Waldron, Armstrong, and Wallace, as such committee.

Mr. Burgess gave notice that he would on Friday or on some future day, introduce a bill for the purpose of establishing a territorial road from Fort Randall to Sioux city, via Vermilion and Yankton.

Mr. Waldron introduced the following resolution :

*Resolved*, That a joint committee, consisting of three members of this house and two members of the council, be appointed to divide this territory into three judicial districts, and assigning the judges to each of them.

The resolution was adopted.

The chair appointed as such committee on the part of the house, Messrs. Waldron, Armstrong, and Wallace.

Mr. Donaldson gave notice, that on to-morrow or on some future day, he would introduce a memorial to the Secretary of War, to expend the fifty thousand dollars appropriated in 1861, for the erection of a fort in the valley of the Red river.

Also, a memorial for an appropriation to build a road from the west side of Red river, opposite Georgetown, in Minnesota, to Pembina, in Dakota.

The committee on engrossed and enrolled bills, made the following report :

MR. SPEAKER :

Your committee on engrossed and enrolled bills, report the following bills back as correctly engrossed :

House file No. 5: "An Act to prevent stallions and other animals from running at large."

And house file No. 4: "An Act to prevent the firing of woods, marshes, and prairies."

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The following communication was received from the council:

COUNCIL CHAMBER, }  
March 26, 1862. }

MR. SPEAKER :

The council have passed council bill No. 2, entitled "A bill exempting property from execution, writ of attachment, or any other final process of a court.

The concurrence of the house is respectfully requested thereto.

JAMES TUFTS, *Secretary.*

Mr. Donaldson introduced house file No. 16: "A memorial to

congress for a treaty with the Chippewa Indians of Red lake and Pembina on the Red river of the north."

Which was read the first time, and on leave being granted, read a second time.

Mr. Tiernon moved that the memorial be referred to a select committee of three, which

Motion prevailed.

The chair appointed Messrs. Tiernon, Wood, and Puett, as such committee.

Mr. Stanage introduced house file No. 17: "A bill regulating ferries and rate of toll on James river," which passed its first reading.

Mr. Waldron introduced house file No. 18: "A bill specifying what property be liable to taxation, and what is exempt therefrom," which was read a first time.

Mr. Wallace introduced house file No. 19: "A bill legalizing marriages in the territory of Dakota," which was read first time.

Mr. Puett introduced house file No. 20: "A bill to prevent trespasses upon claims upon the public lands," which passed its first reading.

Council bill No. 2: "A bill exempting property from execution, writ of attachment, or any other final process of a court," was read the first time.

On motion, the rules were suspended, and the bill read a second time.

Mr. Armstrong moved that the bill be referred to a select committee, which motion prevailed, and Messrs. Wood, Puett, and Waldron, were appointed such committee.

House file No. 11: "A bill to prevent the traffic in ardent spirits with the Indians," was taken up, and read a second time, and

On motion, ordered to be engrossed.

House file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit and ornamental trees," was read a second time, and

On motion, referred to the committee on agriculture and manufactures.

House file No. 13: "A bill to regulate divorce and alimony," was read a second time, and

On motion, referred to the judiciary committee.

House file No. 14: "Joint memorial and resolution, relative to the construction of a wagon road from the Big Sioux to Fort Randall," was read a second time, and

On motion, referred to the committee on internal improvements.

House file No. 15: "A joint memorial and resolution relative to a geological survey in the territory," was read a second time, and On motion, referred to the committee on internal improvements.

House file No. 1: "A bill to provide for the payment of the direct tax of Dakota," was read for information.

Mr. Donaldson moved a reconsideration of the vote by which the bill passed.

Which motion prevailed.

The question being taken on the final passage of the bill, it was lost.

The house then proceeded to consider the resolutions introduced by Mr. Armstrong, referring portions of the governor's message to various committees.

The resolution was adopted.

Mr. Puett introduced the following resolution:

*Resolved*, That all that portion of the governor's message relating to counties, be referred to the committee on counties.

Also, that all that portion relating to homesteads, be referred to the select committee on the homestead bill.

The resolution was adopted.

Mr. Waldron moved to adjourn.

Which motion prevailed, and the house adjourned at 11 o'clock.

GEORGE M. PINNEY, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## ELEVENTH DAY.

THURSDAY, March 27, 1862.

House met at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday was read and approved.

Mr. Jacobson gave notice that he would on Monday next, introduce a memorial to congress relative to the passage of a homestead bill.

The committee on engrossed and enrolled bills, reported house file No. 11: "A bill to prevent the traffic in ardent spirits with the Indians," as correctly engrossed.

The report was adopted.

The committee on ways and means, to whom was referred house



file No. 7: "An Act relative to money of account and interest," reported favorably to the passage thereof, without amendments.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*

The report was adopted.

Mr. Armstrong presented the following report :

MR. SPEAKER :

Your committee, to whom was referred joint memorial to establish a road from the eastern line of the territory near Sioux Falls to Yankton, have had the same under consideration, and would report the same back and recommend its passage, with the following amendment :

Strike out the words "two thousand dollars," and insert the words "five thousand dollars."

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*

The report and amendments were adopted.

Mr. Armstrong, chairman of the committee on judiciary, to whom was referred house file No. 6: "An Act regulating the admission of attorneys," also, a bill for "An Act to dissolve the bonds of matrimony existing between Minnie Omeg, and C. Omeg, reported that they have had the same under consideration, and report the same back to the house without amendments, and recommend that they be passed.

M. K. ARMSTRONG, }  
H. S. DONALDSON, } *Committee.*  
A. W. PUETT, }

The report was adopted.

Mr. Wood, chairman of the select committee to whom was referred council file No. 2, asked leave to report.

The chair refused to receive the report for want of proper formality.

Mr. Puett appealed to the house, on the decision of the chair.

The ayes and noes being called for, and ordered on the appeal, Resulted, ayes 9; noes 3, as follows :

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

Those who voted in the negative, were Messrs. Puett, Waldron, and Wood.

So the decision of the chair was sustained.

House file No. 21: "An Act to fix the time for convening the legislative assembly," passed its first reading.

House file No. 22: "An Act to exempt certain property from mesne process, and levy of taxation," was read a first time.

The following bills were read the second time :

House file No. 17: " A bill regulating ferries on James river."

Referred to committee on internal improvements.

House file No. 18: " An Act specifying what property is liable to taxation, and what is exempt therefrom."

Referred to the committee on ways and means.

House file No. 19: " A bill legalizing marriages in the territory of Dakota."

Referred to the committee on the judiciary.

House file No. 20: " An Act to prevent trespass upon claims on the public lands."

Ordered to be engrossed.

The following communication was received from the council :

COUNCIL CHAMBER, }  
March 27, 1862. }

MR. SPEAKER :

The council have passed council bill No. 9, entitled " An Act to exempt the property of married women from execution, in certain cases."

Also, council bill No. 10, entitled " A bill for an act regulating marriages."

Also, council bill No. 11, entitled " A bill for an act to grant the right to establish certain ferries, and maintain the same, to certain persons in this territory."

Also, council bill No. 12, entitled " A bill for an act to locate a territorial road from Yankton to the Big Sioux river."

The concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary, Council.*

House file No. 4: " An Act to prevent the firing of woods, marshes, and prairies," was read a third time.

The vote being taken on the final passage of the bill,

Resulted as follows, yeas 11 ; noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, and Wood.

So the bill passed, and its title agreed to.

Mr. Armstrong gave notice that he would on to-morrow introduce a joint memorial and resolution relative to the payment of the direct tax of Dakota territory.

Mr. Burgess moved that the house take a recess of one hour.

Mr. Waldron moved to amend, by changing the time from one hour, to one half hour.

The chair decided that Mr. Waldron's motion was out of order.

Mr. Waldron appealed from the decision of the chair.

The vote being taken, the decision of the chair was not sustained.

The question being put on the amendment, it was adopted.

The original motion as amended was then adopted.

After a recess of one half hour, the house was called to order by the speaker.

House file No. 5: "An Act to prevent stallions and other animals from running at large," was read a third time.

Mr. Donaldson moved to recommit the bill, and it be referred to a select committee of three.

Which motion prevailed.

The chair appointed as such committee, Messrs. Donaldson, Jacobson, and Maloney.

Council bill No. 9: "An Act to exempt the property of married women from execution in certain cases," was read a first time.

On motion, rules were suspended, and the bill read a second time, and referred to the committee on judiciary.

Council bill No. 10: "A bill for an act regulating marriages," was read a first time.

Council bill No. 11: "A bill for an act to grant the right to establish ferries and maintain the same, to certain persons in this territory," was read a first time.

Council bill No. 12, a bill entitled "An Act to locate a territorial road from Yankton to the Big Sioux," was read a first time.

By permission, Mr. Tiernon introduced the following resolution:

*Resolved*, That His Excellency the governor be requested to furnish a correct account of the last September election returns of the Territory of Dakota, to this house.

The resolution was adopted.

On motion of Mr. Jacobson, the house adjourned.

GEO. M. PINNEY, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## TWELFTH DAY.

FRIDAY, March 28, 1862.

House met, pursuant to adjournment, at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Tiernon, Wallace, Waldron, and Wood.

Journal of yesterday read and approved.

Mr. Waldron introduced house file No. 23: "A memorial to congress for the establishment of a mail route from Mankato in Minnesota to Fort Randall in Dakota," which was read a first time.

Mr. Puett gave notice that he would on to-morrow, or on some subsequent day of the session, introduce a bill for an act to provide for an estray law.

Mr. McBride, from the committee on agriculture and manufactures, to whom was referred house file No. 12, "An Act to provide for the protection of hedges, fences, grain, fruit, and ornamental trees,"

Reported the same back to the house without amendment, and recommended that it be passed.

The report was adopted.

The committee on engrossed and enrolled bills reported House file No. 20: "An Act to prevent trespass upon claims on the public lands," as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Armstrong, from the committee on internal improvements, to whom was referred house file No. 17, "An Act regulating ferries on James, or Dakota river," reported the same back to the house, with the following amendment, and recommended that it be passed, to wit:

After the words "premises of another person," insert the words "for the space of fifteen years."

The report and amendment were adopted.

Mr. Armstrong, from the committee on ways and means, to whom was referred house file No. 18, "An Act to specify what property shall be liable to taxation, and what is exempt therefrom," reported the same back to the house, with the following amendment, and recommended that it be passed, to wit:

Strike out the words "all sheep, and the wool shorn therefrom," and insert the words "thirty sheep, and the wool shorn therefrom."

The report and amendment were adopted.

The committee on internal improvements, to whom was referred house file No. 15, "A joint memorial relative to a geological survey of the territory," and

Also, house file No. 14, "A joint memorial relative to the construction of a wagon road from the Big Sioux to Fort Randall," reported the same back, and recommended their passage with the following amendment to house file No. 14, to wit: strike out the words "12,000 dollars," and insert the words "8,000 dollars."

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*

The report and amendment were adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }  
March 28, 1862. }

MR. SPEAKER:

The council have passed the following bills :

Council file No. 2: " Memorial to congress for a mail route from Sioux Falls city to Vermilion."

Also, council bill No. 3, entitled " An Act for the establishment of Cole county, in the Territory of Dakota."

Also, council bill No. 7, entitled " A bill for an act to establish the county of Bon Homme, and locate the county seat thereof."

Also, council bill No. 5, entitled " An Act for the establishment of Clay county in the Territory of Dakota."

Also, council bill No. 13, entitled " A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's Camp, Bon Homme, Springfield, and Neshuda, to mouth of Choteau creek."

Also, council bill No. 17, " entitled " A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate the county seats.

Also, council bill No. 18: " A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundaries of the same, and for other purposes."

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary.*

The following was also received from the council :

COUNCIL CHAMBER, }  
March 28, 1862. }

MR. SPEAKER:

The following resolution has passed the council, to wit:

*Resolved,* That a committee of three be appointed to confer with a similar committee from the house of representatives, to report a bill for dividing the territory into council and representative districts, and the number of councilmen and representatives each district shall be entitled to.

In compliance with said resolution, Messrs. Stutsman, Deuel, and Cole, have been appointed said committee.

I also return to your honorable body, joint resolution, house file No. 2, which has passed the council with amendments.

JAMES TUFTS, *Secretary.*

The committee on judiciary to whom was referred house file

No. 13, "An Act to regulate divorce and alimony," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
 A. W. PUETT, } *Committee.*  
 H. S. DONALDSON, }

The report was adopted.

Mr. Armstrong, from the committee on judiciary, to whom was referred house file No. 19, "An Act legalizing marriages in the Territory of Dakota,"

Also, council bill No. 9, "An Act to exempt the property of married women from execution in certain cases," reported the same back to the house without amendments, and recommended that they be passed.

The report was adopted.

Mr. Wood, from the special committee to whom was referred council bill No. 2, "An Act exempting property from execution, writ of attachment, or any other final process of a court," reported the same back to the house without amendment, and recommended that it be referred to a committee of the whole on Monday next, at 11 o'clock, A. M.

The report was adopted.

House file No. 24: "An Act to establish a ferry across the Missouri river opposite Ionia, in Nebraska," was read a first time.

House file No. 25: "A joint memorial and resolution relative to the payment of the direct tax of Dakota," was read a first time.

Mr. Puett in the chair.

Mr. Maloney introduced house file No. 26: "An Act locating and establishing the seat of government of Dakota territory," which was read a first time.

Mr. Pinney moved to postpone further action on the bill, until the first Monday in May.

Mr. Armstrong moved to amend, by substituting first Monday in April.

The chair decided the amendment not in order.

Mr. Pinney called for the yeas and noes on the original motion, which being ordered,

Resulted as follows: yeas 7, noes 5.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, Puett, Waldron, Wood, and Pinney.

Those who voted in the negative, were Messrs. Armstrong, McBride, Maloney, Tiernon, and Wallace.

So the motion to postpone until the first Monday in May prevailed.

The speaker in the chair.

House file No. 2: "Joint resolution to appoint the Hon. P. Bliss a commissioner to draft a code," and which had been returned from the council with amendments, was taken up for consideration.

Mr. Waldron moved that the amendments of the council be disagreed to.

Mr. Puett called for the yeas and noes on the motion, which being ordered,

Resulted as follows: yeas 10, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, Puett, Tiernon, Waldron, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. McBride and Maloney.

So the motion prevailed.

Council file No. 2: "Memorial to congress for a mail route from Sioux Falls city to Vermilion," was read a first time.

Council bill No. 3, a bill entitled "An Act for the establishment of Cole county, in the territory of Dakota," was read a first time.

Council bill No. 7: "A bill for an act to establish the county of Bon Homme, and locate the county seat thereof," was read a first time.

Council bill No. 13: "A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, Springfield, and Neshuda, to mouth of Choteau creek," was read a first time.

Council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate county seats," was read a first time.

Council bill No. 18: "A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundary lines of the same, and for other purposes," was read a first time.

Council bill No. 5, a bill entitled "An Act for the establishment of Clay county, in the territory of Dakota," was read a first time.

Council bill No. 10: "A bill for an act regulating marriages," was read at length a second time.

Council bill No. 11: "A bill for an act to grant the right to establish ferries, and maintain the same, to certain persons in this territory," was read a second time, and

On motion, referred to the committee on internal improvements.

Council bill No. 12, a bill entitled "An Act to locate a territorial

road from Yankton to the Big Sioux river," was read a second time, and

On motion, was referred to the committee on internal improvements.

House file No. 21: "An Act to fix the time for convening the legislative assembly," passed its second reading, and

On motion, was referred to the committee on federal relations.

House file No. 22: "An Act to exempt certain property from mesne process, and levy of taxation," was read a second time, and

On motion, was referred to the judiciary committee.

House file No. 3: "A bill for an act to dissolve the bonds of matrimony between Minnie Omeg and C. Omeg," was taken up for consideration.

Mr. Waldron moved to amend, by striking out the word "is," and substitute the word "are" in lieu thereof.

Which amendment was adopted.

On motion of Mr. Puett, the bill was ordered to be engrossed.

House file No. 6: "An Act regulating the admission of attorneys," was read a third time.

The yeas and noes being taken on its final passage,

Resulted, yeas 12; noes 0, as follows:

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wood, and the speaker.

So the bill passed, and its title agreed to.

Mr. Puett in the chair.

House file No. 7: "An Act relative to money of account and interest," was taken up for consideration.

Mr. Waldron offered the following amendment:

In the first line of section 3, strike out the word "ten," and insert the word "six;" and after the words expressed in "writing," in the second line of section 3, insert the words, "in no case to exceed ten per cent.;" and after the word "ten," in the fourth line of section 4, insert the word "six" in lieu thereof.

The yeas and noes being called for and ordered on the adoption of the amendment,

Resulted, yeas 10; noes 2, as follows:

Those who voted in the affirmative were, Messrs. Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wood, and the speaker.

Those who voted in the negative were, Messrs. Armstrong and Tiernon.

So the amendment was adopted.

On motion of Mr. Pinney, the bill was ordered to be engrossed.



Permission was granted Mr. Tiernon to introduce the following resolution :

*Resolved*, That Gen. J. B. S. Todd be invited to a seat within the bar of this house at pleasure.

The resolution was adopted.

Mr. Pinney introduced the following amendment to house rule 62:

I move to strike out rule 62, in the code of laws for the government of this house, and insert in its stead the following : All house bills of a general nature shall, after their first reading, be printed without a special order of the house.

The amendment was adopted.

The speaker in the chair.

Mr. Donaldson begged to be excused from serving on the judiciary committee; and,

On motion of Mr. Puett, he was excused from serving on such committee.

On motion of Mr. Tiernon the house adjourned.

GEO. M. PINNEY, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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### THIRTEENTH DAY.

SATURDAY, March 29, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll called. All members present.

Journal of yesterday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
March 29, 1862. }

MR. SPEAKER:

The council have passed council file No. 3: "A memorial for an appropriation for a military road from Fort Randall to Sioux city."

Also, council bill No. 4, entitled "A bill for an act to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel."

Also, council bill No. 15, entitled "A bill for an act to author-

ize Michael McCue and Frank Verzani to keep a ferry on the Missouri river."

All of which the concurrence of the house is respectfully requested.

I have also to inform your honorable body that Messrs. Stutsman and Boyle have been appointed a committee on the part of the council to act with your committee, in dividing the territory into judicial districts, and assigning judges to each.

JAMES TUFTS, *Secretary of Council.*

Mr. Jacobson gave notice that he would to-morrow, or on some subsequent day of the session, introduce a bill for an act to prevent swine from running at large in the territory.

Mr. Stanage gave notice that he would on Wednesday, introduce a bill for an act to regulate the sale of spirituous liquors.

The select committee to whom was referred house file No. 16, "A memorial to congress, asking for a treaty to be made with the Chippewa Indians of Red lake and Pembina on the Red river of the North, reported the same back without amendment, and recommended its passage.

JOHN S. TIERNON, }  
A. W. PUETT, } *Select Committee.*  
B. E. WOOD, }

The report was adopted, and the committee discharged.

Mr. Stanage, from the committee on military affairs, to whom was referred house file No. 8, "A memorial to congress asking that the cavalry company raised in this territory, be placed under the control of the governor," reported the same back to the house without amendment, and recommended that it be passed.

The report was adopted.

Mr. Stanage, from the committee on military affairs, to whom was referred house file No. 10, "A memorial to congress asking the establishment of a garrison near Sioux Falls on the Big Sioux river," reported the same back to the house without amendment, and recommended its passage.

The report was adopted.

Mr. Waldron gave notice that he would on Monday next, introduce a bill to prevent illegal interest.

The committee on ways and means to whom was referred council bill No. 11, "A bill for an act to grant the right to establish ferries and maintain the same, to certain persons in the territory."

Also, council bill No. 12: "An Act to locate a territorial road from Yaukton to the Big Sioux river, reported the same back to

the house without amendment, and recommended that they be passed.

M. K. ARMSTRONG, }  
 J. C. MCBRIDE, } *Committee.*  
 H. S. DONALDSON, }

The report was adopted.

Mr. Burgess introduced house file No. 27: "An Act to establish a territorial road from the Big Sioux river, via Vermilion, to Yankton, Dakota Territory," which was read a first time.

Mr. Jacobson introduced house file No. 28: "A joint memorial and resolution relative to the passage of a homestead bill by congress," which passed its first reading.

On motion of Mr. Armstrong, the rules were suspended, and the bill read a second time, and

On motion, referred to the committee on agriculture and manufactures.

The chair announced that he had appointed Mr. Waldron, on the judiciary committee in place of Mr. Donaldson, who had been excused from serving on that committee.

Mr. Puett introduced house file No. 29: "An Act to provide for an estray law," which was read a first time.

Council file No. 3: "A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city," was read a first time.

Council bill No. 4: "A bill to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel," was read a first time.

Council bill No. 15: "A bill for an act to authorize Michael McCue and Frank Verzani to establish and keep a ferry on the Missouri river," was read a first time.

Council file No. 2: "Memorial to congress for a mail route from Sioux Falls city to Vermilion," which was read a second time, and

On motion, ordered to be committed.

Council bill No. 3: "A bill entitled an act for the establishment of Cole county, in the Territory of Dakota," was read a second time, and

On motion of Mr. Waldron, the bill was referred to a select committee of three.

The chair appointed as such committee, Messrs. Waldron, Tiernon, and Donaldson.

Council bill No. 5: "A bill entitled an act for the establishment of Clay county in the Territory of Dakota," passed its second reading.

Mr. Puett moved that the bill be referred to the before-mentioned select committee.

Which motion prevailed.

Council bill No. 7: "A bill for an act to establish the county of Bon Homme, and locate the county seat of thereof," was read a second time, and

On motion of Puett, referred to the committee on counties.

Council bill No. 15: "A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, Springfield, and Neshuda, to mouth of Choteau creek," was read a second time, and

On motion of Mr. Waldron, referred to the committee on internal improvements.

Council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate county seats," passed its second reading, and

On motion of Mr. Tiernon, was referred to the committee on counties.

Council bill No. 18: "A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundary lines, and for other purposes," was read a second time, and

On motion of Mr. Waldron, it was referred to the select committee previously appointed.

Council bill No. 9: "An Act to exempt the property of married women from execution in certain cases," was read a third time.

Mr. Waldron moved to amend, by striking out the word "a" in third line, and inserting the word "any" in lieu thereof.

Which amendment was adopted.

Mr. Waldron also moved to amend, by striking out the word "decent" in the sixth line of section 1, and inserting the word "descent" in lieu thereof.

Which amendment was adopted.

Mr. Waldron moved that the bill be recommitted to the committee on judiciary.

Which motion did not prevail.

The bill, as amended, then passed by the following vote:

Yeas 11, noes 2.

Those who voted in the affirmative were, Messrs. Armstrong, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, and Wood.

Those who voted in the negative were, Messrs. Burgess and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 10: "A bill for an act regulating marriages," was read a third time, and

The vote being taken on its final passage,  
Resulted as follows : yeas 12, noes 1.

Those who voted in the affirmative were, Messrs. Armstrong, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, Wood, and the speaker.

Mr. Burgess voted in the negative.

So the bill passed, and its title agreed to.

House file No. 8: "A memorial for the establishment of a fort at Sioux Falls," was read a third time.

The vote being taken on its final passage,

Resulted as follows : yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial passed, and its title agreed to.

House file No. 9: "A memorial to establish a road from the eastern line of the territory, near Sioux Falls, to Yankton," was read a third time, and

The vote being taken on its final passage,

Resulted as follows : yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial passed, and the title agreed to.

House file No. 10: "A memorial to congress to have the cavalry company enlisted within the territory, to be placed under the control of the governor," was read a third time, and

The vote being taken on its final passage,

Resulted as follows : yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial was passed.

Mr. Waldron moved to amend the title by striking out the words "to be."

Which amendment was adopted.

The title was then agreed to.

House file No. 11: "A bill to prevent the traffic in ardent spirits with the Indians," was read a third time.

Mr. Waldron moved to amend, by striking out the word "ten" in the third line of section 4, and insert the word "twenty," in lieu thereof.

Which amendment was adopted.

The vote being taken on the final passage of the bill,

Resulted as follows, yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 16: "A memorial to congress, asking for a treaty to be made with the Chippewa Indians of Red Lake and Pembina, on the Red river of the North," was read a third time.

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial passed, and its title was agreed to.

House file No. 24: "An Act to establish a ferry across the Missouri river opposite Ionia, in Nebraska," was read a third time, and the yeas and noes being taken on the final passage of the bill,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

The committee on internal improvements, to whom was referred house file No. 17: "An Act regulating ferries on James or Dakota rivers," reported the same back to the house, with the following amendment, and recommended that it be passed, to wit:

After the words "premises of another person," insert the words "for the space of fifteen years."

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*

The report and amendment were adopted.

The committee on ways and means, to whom was referred house file No. 18: "An Act to specify what property shall be liable to taxation, and what is exempt therefrom," reported the same back to the house, with the following amendment, and recommended that it be passed, to wit:

In section 8, strike out the words "all sheep and the wool shorn therefrom," and insert the words "thirty sheep, and all the wool shorn therefrom."

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*

Mr. Armstrong moved to amend the amendment by striking out the word "thirty," and inserting the words "one hundred," in lieu thereof.

Which amendment prevailed.

The amendment as amended was adopted.

The report was then adopted.

The following report was read.

MR. SPEAKER:

The committee on engrossed and enrolled bills, report back the following bills as correctly engrossed:

House file No. 7: "An Act relative to money of account and interest,"

And house file No. 3: "An Act to dissolve the bonds of matrimony between Minnie Omeg, and C. Omeg."

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

On motion of Mr. McBride, the house adjourned.

J. B. HANSON, *Chief Clerk.*

GEO. M. PINNEY, *Speaker.*

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## FIFTEENTH DAY.

MONDAY, March 31, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

The roll was called. All members present.

Journal of Saturday was read and approved.

Mr. Wallace gave notice that on to-morrow, or on some future day, he would introduce "A bill for an act to locate the penitentiary."

The following communication was received from the council:

COUNCIL CHAMBER, }  
March 31, 1862. }

MR. SPEAKER:

The council have passed council file No. 4: "A memorial to the secretary of the treasury."

Also, council bill No. 14, entitled "A bill for an act to provide county officers."

In all of which, the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett introduced the following resolution:

*Resolved,* That the sergeant-at-arms, fireman, and messenger elect to this house, shall be entitled to the sum of three dollars each, per day. The chaplain elect to this house shall be entitled to receive the sum of one dollar and fifty cents per day.

Mr. Armstrong moved that the resolution be laid on the table. Which motion prevailed.

Mr. Puett, from the committee on engrossed and enrolled bills, reported

House file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians," as correctly engrossed.

The report was adopted.

Mr. Waldron in the chair.

Mr. Armstrong, from the committee on internal improvements, to whom was referred

Council bill No. 13: "A bill for an act to locate a territorial road from Yankton, via Smutty Bear's Camp, Bon Homme, Springfield, and Neshuda, to the mouth of Choteau creek," reported the same back without amendment, and recommended its passage.

The report was adopted.

The speaker in the chair.

Mr. Puett introduced house file No. 30: "An Act apportioning the representatives and members of the council of the legislature of Dakota Territory," which was read a first time.

Mr. Tiernon introduced house file No. 31: "An Act apportioning the representatives and councilmen of the counties of Todd, Gregory, Charles Mix, and Bruguier, which was read a first time.

Mr. Puett in the chair.

Mr. Pinney introduced house file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and return of the same, which was read the first time.

The speaker in the chair.

Mr. Waldron introduced house file No. 33: "An Act to prevent illegal interest," which passed its first reading.

The following communication was received from His Excellency the governor:

EXECUTIVE OFFICE, }  
Yankton, March 29, 1862. }

TO THE HOUSE OF REPRESENTATIVES:

In compliance with your request, I transmit to your honorable body the following returns of an election, holden on the 16th day of September, 1861, for the purpose of electing a delegate in congress, and members of the first legislative assembly of Dakota Territory.



## ELECTION RETURNS FOR DELEGATE TO CONGRESS.

## FIRST REPRESENTATIVE DISTRICT.

*Maloney Precinct.*

J. B. S. Todd	received . . . .	24 votes.
A. J. Bell	" . . . .	2 "
Chas. P. Booge	" . . . .	9 "

*Elk Point Precinct.*

J. B. S. Todd	received . . . .	2 votes.
A. J. Bell	" . . . .	15 "
Chas. P. Booge	" . . . .	11 "

## SECOND REPRESENTATIVE DISTRICT.

J. B. S. Todd	received . . . .	2 votes.
A. J. Bell	" . . . .	7 "
Chas. P. Booge	" . . . .	3 "
C. Booge	" . . . .	1 "

## THIRD REPRESENTATIVE DISTRICT.

*Pembina Precinct.*

J. B. S. Todd	received . . . .	15 votes.
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*St. Joseph Precinct.*

J. B. S. Todd	received . . . .	171 votes.
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## FOURTH REPRESENTATIVE DISTRICT.

J. B. S. Todd	received . . . .	22 votes.
A. J. Bell	" . . . .	27 "
Chas. P. Booge	" . . . .	4 "

## FIFTH REPRESENTATIVE DISTRICT.

J. B. S. Todd	received . . . .	17 votes.
A. J. Bell	" . . . .	26 "

## SIXTH REPRESENTATIVE DISTRICT.

J. B. S. Todd	received . . . .	86 votes.
Chas. P. Booge	" . . . .	1 "

## SEVENTH REPRESENTATIVE DISTRICT.

J. B. S. Todd	received	. . . . .	2 votes.
A. J. Bell	"	. . . . .	1 "
Chas. P. Booge	"	. . . . .	52 "

## EIGHTH REPRESENTATIVE DISTRICT.

*Western Precinct.*

J. B. S. Todd	received	. . . . .	27 votes.
Chas. P. Booge	"	. . . . .	28 "

*Ponka Precinct.*

J. B. S. Todd	received	. . . . .	29 votes.
Chas. P. Booge	"	. . . . .	1 "

## RECAPITULATION.

The whole number of votes cast			
For	J. B. S. Todd	. . . . .	397
"	A. J. Bell	. . . . .	78
"	Chas. P. Booge	. . . . .	109
"	C. Booge	. . . . .	1

## ELECTION RETURNS FOR REPRESENTATIVES,

## IN THE FIRST REPRESENTATIVE DISTRICT.

*Elk Point Precinct.*

A. R. Phillips	received	. . . . .	12 votes.
John McBride	"	. . . . .	11 "
McBride	"	. . . . .	3 "
Christopher Maloney	"	. . . . .	10 "
John R. Wood	"	. . . . .	18 "

*Second Precinct.*

A. R. Phillips	received	. . . . .	10 votes.
John McBride	"	. . . . .	23 "
Christopher Maloney	"	. . . . .	25 "
John R. Wood	"	. . . . .	11 "

## IN THE SECOND REPRESENTATIVE DISTRICT.

G. P. Waldron	received	. . . . .	9 votes.
G. W. Waldron	"	. . . . .	1 "
Jas. McCall	"	. . . . .	1 "

## IN THE THIRD REPRESENTATIVE DISTRICT.

*Pembina Precinct.*

Hugh S. Donaldson	received . . . . .	15 votes.
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*Second Precinct.*

Hugh S. Donaldson	received . . . . .	165 votes.
Louis Lacarter	" . . . . .	1 "

## IN THE FOURTH REPRESENTATIVE DISTRICT.

Lyman Burgess	received . . . . .	44 votes.
A. W. Puett	" . . . . .	32 "
Hans Gunderson	" . . . . .	24 "

## IN THE FIFTH REPRESENTATIVE DISTRICT.

Jacob A. Jacobson	received . . . . .	41 votes.
Bligh Wood	" . . . . .	27 "
Christian Lawson	" . . . . .	12 "
Ole Boltolfson	" . . . . .	4 "

## IN THE SIXTH REPRESENTATIVE DISTRICT.

M. K. Armstrong	received . . . . .	53 votes.
John Stanage	" . . . . .	32 "
J. M. Stone	" . . . . .	39 "
Ole Sampson	" . . . . .	22 "
Otis B. Wheeler	" . . . . .	28 "

## IN THE SEVENTH REPRESENTATIVE DISTRICT.

George M. Pinney	received . . . . .	53 votes.
Reuben Wallace	" . . . . .	51 "

## IN THE EIGHTH REPRESENTATIVE DISTRICT.

*Western Precinct.*

John L. Tiernon	received . . . . .	27 votes.
Henry Price	" . . . . .	27 "

*Ponka Precinct.*

John L. Tiernon	received . . . . .	28 votes.
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## ELECTION RETURNS FOR COUNCILMEN,

## IN THE FIRST COUNCIL DISTRICT.

*First Precinct.*

Austin Cole	received . . . .	27 votes.
Eli B. Nixon	" . . . .	15 "
William Mathews	" . . . .	15 "
W. W. Brookings	" . . . .	13 "

*Elk Point Precinct.*

Austin Cole	received . . . .	16 votes.
E. B. Nixon	" . . . .	15 "
W. W. Brookings	" . . . .	12 "
W. Mathews	" . . . .	10 "

*Sioux Falls Precinct.*

W. Brookings	received . . . .	9 votes.
Austin Cole	" . . . .	5 "
Eli B. Nixon	" . . . .	3 "

*Pembina Precinct.*

James McFetridge	received . . . .	15 votes.
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*St. Joseph Precinct.*

James McFetridge	received . . . .	158 votes.
Charles Grant	" . . . .	130 "
Louis Lacerte	" . . . .	45 "

## IN THE SECOND COUNCIL DISTRICT.

H. D. Betts	received . . . .	34 votes.
J. W. Boyle	" . . . .	30 "
Nelson Minor	" . . . .	25 "
Miles Hall	" . . . .	12 "

## IN THE THIRD COUNCIL DISTRICT.

J. Deuel	received . . . .	43 votes.
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## IN THE FOURTH COUNCIL DISTRICT.

Enos Stutsman	received . . . .	81 votes.
D. T. Bramble	" . . . .	76 "
William Thompson	" . . . .	5 "
John B. Greenway	" . . . .	6 "

## IN THE FIFTH COUNCIL DISTRICT.

John H. Shober received . . . 52 votes.

## IN THE SIXTH COUNCIL DISTRICT.

*Western Precinct.*

J. Shaw Gregory received . . . 26 votes.  
Freeman Norval " . . . 30 "

*Ponka Precinct.*

J. Shaw Gregory received . . . 29 votes.  
James Norval " . . . 1 "

By the census returns I was furnished with a list of the voters in each precinct.

I determined that in any precinct, where the vote returned was largely in excess of the numbers of voters in that precinct, according to the census returns, that I would reject such returns when I made the canvass, to decide who was entitled to a certificate of election.

The vote returned from the two precincts on the Red river being more than four times the number returned by the census, I rejected those returns for councilmen, and awarded the certificate of election to Austin Cole and W. W. Brookings, believing them to be duly and legally elected.

W. JAYNE.

Council file No. 4: "A memorial to the Secretary of the Treasury," was taken up for consideration.

Mr. Waldron moved that it be rejected.

Which motion prevailed.

Council bill No. 14: "A bill for an act to provide for county officers," was read a first time.

Council file No. 3: "A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city," passed its second reading, and

On motion, referred to the committee on internal improvements.

Council bill No. 15: "A bill for an act to authorize Michael McCue and Frank Verzani, to establish and keep a ferry on the Missouri river," was read a second time, and

On motion, referred to the committee on internal improvements.

Council file No. 2: "A memorial to congress for a mail route

from Sioux Falls city to Vermilion," passed its third reading, and the vote being taken on its final passage,

Resulted as follows, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 11: "A bill for an act to grant the right to establish ferries, and maintain the same, to certain persons in this territory," was taken up for consideration, and

On motion of Mr. Waldron, ordered to be recommitted to the committee on internal improvements.

Council bill No. 12, a bill entitled "An Act to locate a territorial road from Yankton to the Big Sioux," was taken up for consideration, and

On motion of Mr. Waldron, ordered to be recommitted to the committee on internal improvements.

On motion of Mr. Puett, the house resolved itself into a committee of the whole, for the purpose of considering council bill No. 2: "A bill exempting property from execution, writ of attachment, or any other final process of a court."

Mr. Puett in the chair.

After some time spent therein, the committee arose, and through their chairman made the following report:

MR. SPEAKER:

The committee of the whole have had under consideration council bill No. 2: "An Act exempting property from execution, writ of attachment, or any other final process of a court," and report the same back with the following amendments, and ask leave to sit again.

Strike out the words "one hundred and sixty," in the first section, and insert "eighty" in lieu thereof. Also, in the same section, strike out the word "forty" and insert "three" in lieu thereof.

The report was adopted, and leave was granted to sit again.

Mr. Armstrong moved that twenty-five copies of council bill No. 2, as amended, be printed.

Which motion prevailed.

House file No. 23: "A memorial to congress for the establishment of a mail route from Mankato in Minnesota, to Fort Randall in Dakota," was read a second time, and

On motion of Mr. Armstrong, ordered to be engrossed.

House file No. 25: "A joint memorial and resolution relative to the payment of the direct tax of Dakota," was read a second time, and

On motion of Mr. Tiernon, was referred to the committee on ways and means.

House file No. 11: "A bill to prevent the traffic in ardent spirits with the Indians," was read a third time, and the yeas and noes being taken on its final passage, there were yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 12: "A bill for the protection of hedges, grain, fruit and ornamental trees," was read a third time, and the vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 13: "An Act to regulate divorce and alimony," was read a third time, and the vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 7: "An Act relative to money, of account and interest," was read third time.

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 3: "A bill to dissolve the bonds of matrimony between Minnie O'Meg and C. O'Meg," was read a third time.

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 20: "An Act to prevent trespass upon claims on the public lands," was read a third time, and

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 14: "A joint memorial and resolution relative to the construction of a wagon road from the Big Sioux to Fort Randall," was taken up for consideration.

Mr. Armstrong moved to amend by striking out the words "twelve thousand dollars," and insert the words "ten thousand dollars" in lieu thereof, which

Amendment was adopted.

On motion, the bill was ordered to be engrossed.

House file No. 15: "A joint memorial and resolution relative to a geological survey in the territory," was read a third time.

And the vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 18: "An Act specifying what property is liable to taxation, and what is exempt therefrom, was taken up for consideration, and

On motion of Mr. Armstrong, was ordered to be engrossed.

House file No. 17: "A bill regulating ferries on James river," was reported back with an amendment, and

On motion of Mr. Donaldson, was ordered to be engrossed.

Mr. Maloney offered the following resolution:

*Resolved*, That Mr. Shuster be invited to a seat within the bar of this house at pleasure.

The resolution was adopted.

Mr. McBride offered the following resolution:

*Resolved*, That Theopolis Bruguier, Esq., be permitted to a seat within the bar of this house at pleasure, which

Resolution was adopted.

On motion of Mr. Puett, the house adjourned.

J. R. HANSON, *Chief Clerk*.

GEORGE M. PINNEY, *Speaker*.



## SIXTEENTH DAY.

TUESDAY, April 1, 1862.

House met at 9 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Members all present.

Journal of yesterday was read and approved.

The following report from the committee on counties was read :

**MR. SPEAKER :**

The committee to whom was referred council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate county seats, report the same back, with the following amendments :

In the fifth line of section 3d, strike out the word "Ponka," and insert the word "Gregory," in lieu thereof. In the first line of section 4th, strike out the word "Ponka," and insert the word "Gregory," in lieu thereof. In the fifth line of section 5th, strike out the word "Gregory," and insert the word "Charles Mix," in lieu thereof. In the second line of section 6th, strike out the word "Gregory," and insert the words "Charles Mix," in lieu thereof." In the fifth line of section 7th, strike out the word "Cedar," and insert the word "Bruguier," in lieu thereof. In the first line of section 8th, strike out the word "Cedar," and insert the word "Bruguier," in lieu thereof. In the second line of section 8th, strike out the word "Gregory," and insert the words "Charles Mix," in lieu thereof.

JOHN L. TIERNON, )  
REUBEN WALLACE, } *Committee.*  
C. MALONEY,

The committee on counties, to whom was referred council bill No. 4, "An Act to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel, reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, )  
C. MALONEY, } *Committee.*  
REUBEN WALLACE,

The committee on counties to whom was referred council bill No. 7, "An Act to establish the county of Bon Homme, and locate the county seat thereof," reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, )  
C. MALONEY, } *Committee.*  
REUBEN WALLACE,

The report was adopted.

Mr. McBride, from the committee to whom was referred house file No. 2, "A memorial and resolution relative to the passage of a homestead bill by congress," reported the same back without amendment, and recommended its passage.

J. C. McBRIDE, }  
C. MALONEY, } *Committee.*  
L. BURGESS, }

The report was adopted.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 1, 1862. }

MR. SPEAKER:

I have to inform your honorable body, that the council have passed council bill No. 6: "A bill establishing the county of Yankton."

Also, council bill No. 19: "A bill establishing territorial roads."

Also, council bill No. 24: "An Act to incorporate the town of Bon Homme."

The council have also concurred in house amendments to council bill No. 9: "An Act exempting the property of married women from execution."

Also, I herewith return joint resolution, house file No. 2, inviting Judge Bliss to prepare a criminal and civil code, and I have to inform you, that the council have receded from their amendment in the third line, inserting the words "and all other persons," but adhere to their other amendment. In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of the Council.*

The following report was read:

MR. SPEAKER:

The committee on engrossed and enrolled bills, report house file No. 14: "Joint resolution relative to a wagon road from the Big Sioux to Fort Randall."

Also, house file No. 17: "An Act regulating ferries on James river."

Also, house file No. 18: "An Act relative to property liable to taxation, and what is exempt therefrom, as correctly engrossed."

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The select committee to whom was referred council bill No. 3: "A bill entitled an act for the establishment of Cole county, asked for further time to report, which was granted."

Mr. Armstrong introduced the following bills, which were read a first time:

House file No. 34: "A bill for an act to apportion the representation to the counties of Cole, Lincoln, Minnehaha, Brookings, and Deuel."

House file No. 35: "A bill for an act to apportion the representation to Clay and Vermilion counties."

House file No. 36: "A bill for an act to apportion the representations to Yankton and Jayne counties."

House file No. 37: "A bill for an act to apportion the representation to Bon Homme and Hutchinson counties."

House file No. 38: "A bill for an act to apportion the representation to Charles Mix and Bruguier counties."

House file No. 39: "A bill to apportion the representation to Todd and Gregory counties."

And house file No. 40: "A bill for an act to apportion the representation to the Red river district."

House file No. 2: "Joint resolution to appoint P. Bliss a commissioner to draft a code as amended," was taken up for consideration.

Mr. Waldron moved that the house adhere to the original resolution.

The yeas and noes being called for and ordered on the motion,

The vote resulted as follows: yeas 7, noes 6.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, Maloney, Stange, Tiernon, and Wallace.

So the motion prevailed.

Council bill No. 19: "An Act to establish certain territorial roads," was read a first time.

Council bill No. 6: "A bill for an act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof," was read a first time.

Council bill No. 24: "A bill for an act to incorporate the town of Bon Homme," was read a first time.

Council bill No. 14: "A bill for an act to provide for county officers," was read a second time, and

On motion of Mr. Donaldson, referred to the committee on counties.

House file No. 6: "An Act to establish a territorial road, from the Big Sioux river, via Vermilion, to Yankton," was read a second time, and

On motion of Mr. Waldron, was referred to a special committee.

The chair appointed as such committee, Messrs. Waldron, Jacobson, and Burgess.

House file No. 29: "An act to provide for an estray law," was read a second time, and

On motion of Mr. Donaldson, was referred to the judiciary committee.

Mr. Waldron introduced the following resolution:

*Resolved*, That the Hon. P. Bliss, chief justice of this territory, be appointed a commissioner to draft a civil code, and report the same to this house, at as early a day as may be, during this session.

Mr. Armstrong moved to amend by striking out "be appointed a commissioner," and insert, "be solicited to draft a civil code," which amendment was adopted.

The resolution, as amended, was then adopted.

House file No. 14: "A joint memorial and resolution relative to the construction of a wagon road from the Big Sioux to Fort Randall," passed its third reading.

The vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 17: "An Act regulating ferries on James river," was read a third time, and

The vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 18: "An Act specifying what property is liable to taxation, and what is exempt therefrom," was read a third time, and

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 23: "A memorial to congress for the establishment of a mail route from Mankato in Minnesota, to Fort Randall in Dakota," was read a third time, and

The vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 19: "An Act legalizing marriages in Dakota Territory," was,

On motion of Mr. Waldron, recommitted to the judiciary committee.

On motion of Mr. Puett, the resolution relative to the sergeant-at-arms, fireman, messenger, and chaplain, was taken up from the table and adopted.

Mr. Puett moved that the house resolve itself into a committee of the whole, to consider council bill No. 2.

Which motion prevailed.

Mr. Puett in the chair.

After some time spent therein, the committee arose, and through their chairman made the following report:

**MR. SPEAKER:**

The committee of the whole have had under consideration council bill No. 2: "An Act exempting property from execution," and report the same back with amendments, and recommend its passage.

A. W. PUETT, *Chairman.*

Mr. Waldron moved that council bill No. 2, as amended, be engrossed for its third reading.

Which motion prevailed.

On motion of Mr. Donaldson the house adjourned.

GEORGE M. PINNEY, *Speaker.*

JAMES R. HANSON, *Chief Clerk.*

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## SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
April 2, 1862.

House met at 9 o'clock, A. M.

President in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
 April 2, 1862. }

MR. SPEAKER:

I have to inform your honorable body that the council have passed house file No. 6: "An Act regulating the admission of attorneys."

Also, house file No. 24: "A bill for an act to establish a ferry across the Missouri river, with accompanying amendments."

Also, council bill No. 26: "An Act to establish the width of territorial roads."

Also, council bill No. 20: "A bill establishing the seat of government of Dakota."

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett gave notice that he would, on to-morrow, or on some subsequent day of the session, introduce a bill for an act to incorporate the town of Vermilion.

Also, a bill for an act to locate a territorial university.

Also, a bill for an act to locate the county seat of Clay or Vermilion county.

The committee on engrossed and enrolled bills, reported council bill No. 2: "An Act exempting property from execution," as correctly engrossed.

A. W. PUETT, }  
 H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Waldron, chairman of committee on federal relations, to whom was referred house file No. 21: "An Act to fix the time for convening the legislative assembly," reported the same back to the house without amendment, and recommended its passage.

The report was adopted.

The following report was read:

MR. SPEAKER:

Your committee, to whom was referred house file No. 25: "Joint memorial relative to the payment of the direct tax of Dakota," report the same back without amendment, and recommend that it be passed.

M. K. ARMSTRONG, }  
 J. C. McBRIDE, } *Committee.*  
 H. S. DONALDSON, }

The report was adopted.

The following report was received:

MR. SPEAKER:

Your committee, to whom was referred council bill No. 3:

"Joint memorial for a military road from Sioux city to Fort Randall."

Also, council bill No. 12: "An Act to locate a territorial road from Yankton to Big Sioux river."

Also, council bill No. 11: "An Act to grant the right to establish ferries and maintain the same to certain persons in this territory."

Also, council bill No. 15: "An Act to authorize Michael McCue and Frank Verzani to establish and keep a ferry on the Missouri river," report the same back without amendment, and recommend that they be passed.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*  
A. W. PUETT, }

The report was adopted.

Mr. Waldron, chairman of the select committee to whom was referred house file No. 27: "An Act to establish a territorial road from the Big Sioux river, via Vermilion, to Yankton, D. T.," reported the same back to the house, with the following amendment, and recommended that it be passed: "Said commissioners shall receive the sum of one dollar and fifty cents per day each, for their services, to be paid by the several counties through which said road passes, in proportion to the length of time taken to locate said road in each county."

The report and amendment were adopted.

Council bill No. 26: "A bill for an act to establish the width of territorial and county roads," was read a first time.

Council bill No. 20: "A bill for an act to locate the seat of government of the territory of Dakota," was taken up for consideration.

On motion of Mr. Armstrong, it was laid on the table.

Council bill No. 6: "A bill for an act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on counties.

Council bill No. 19: "An Act to establish certain territorial roads," was read a second time, and

On motion of Mr. Tiernon, was referred to the committee on internal improvements.

Council bill No. 24: "A bill for an act to incorporate the town of Bon Homme," was read a second time, and

On motion of Mr. Puett, was referred to the committee on corporations.

Council file No. 3: "A memorial for an appropriation for the construction of a military road from Fort Randall to Sioux city," passed its third reading, and

The vote being taken on its final passage,  
Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 11: "A bill for an act to grant the right to establish ferries and maintain the same, to certain persons in this territory," was read a third time, and

The vote being taken on its final passage,  
Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 13: "A bill for an act to locate and establish a territorial road from Yankton, via Smutty Bear's camp, Bon Homme, Springfield, and Neshuda, to mouth of Choteau creek," was read a third time, and

The vote being taken on its final passage,  
There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Wallace, Waldron, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 12: "A bill entitled an act to locate a territorial road from Yankton to the Big Sioux river," was read a third time.

The vote being taken on the final passage of the bill,  
Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 15: "A bill for an act to authorize Michael McCue and Frank Verzani to establish and keep a ferry on the Missouri river," was read a third time, and

The vote being taken on its final passage,  
Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, Wallace, Wood, and the speaker.



So the bill passed, and its title agreed to.

House file No. 30: "An Act apportioning the representatives and members of the council of the legislature of Dakota Territory," was read a second time.

Mr. Tiernon moved that it be referred to the committee on privileges and elections.

Mr. Puett called for the yeas and noes.

On the motion, which being ordered,

Resulted as follows: yeas 12, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

In the negative, Mr. Puett.

So the motion prevailed.

House file No. 31: "An Act apportioning the representatives and councilmen of the counties of Todd, Gregory, Charles Mix, and Bruguier," was read a second time, and

On motion of Mr. Puett, was

Referred to the committee on privileges and elections.

House file No. 33: "An Act to prevent illegal interest," passed its second reading, and

On motion of Mr. Armstrong, was

Ordered to be engrossed for its third reading.

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and returns of the same," was read a second time, and

On motion of Mr. Armstrong, was

Referred to the committee on privileges and elections.

House file No. 21: "An Act to fix the time for convening the legislative assembly," was read a third time, and

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and title agreed to.

House file No. 25: "Joint memorial and resolution relative to the payment of the direct tax of Dakota," was read a third time, and

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial and resolution passed, and its title agreed to.

Council bill No. 2: "A bill exempting property from execution, writ of attachment, or any other final process of a court," was read a third time, and

The vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 28: "Joint memorial and resolution relative to the passage of a homestead bill by congress," was read a third time, and

The vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the memorial and resolution passed, and its title agreed to.

Council bill No. 7: "A bill for an act to establish the county of Bon Homme, and locate the county seat thereof," was read a third time, and

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

The report of the committee on counties on

Council bill No. 4: "A bill to establish the counties of Lincoln, Minnehaha, Brookings, and Deuel," was adopted.

The bill being put upon its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

The report of the committee on counties, to whom was referred

Council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties," as amended, was read.

Mr. Donaldson moved that the report be adopted.

Which motion prevailed.

Mr. Maloney gave notice that on to-morrow, or on some future day, he would introduce a bill to locate the county seat of Cole county.

On motion of Mr. Donaldson the house adjourned.

J. R. HANSON, *Chief Clerk.*

GEORGE M. PINNEY, *Speaker.*

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### EIGHTEENTH DAY.

THURSDAY, April 3, 1862.

House met pursuant to adjournment at nine o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

The roll was called. All members present.

Journal of yesterday read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 3, 1862. }

MR. SPEAKER:

I have to inform your honorable body, that the council have passed house file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit and ornamental trees."

Also, council bill No. 23: "A bill for an act granting George C. Granger, his heirs, executors, and administrators, a ferry charter across the Missouri river."

Also, council bill No. 25: "A bill for an act to provide for the office of notary public, and to define the duties of the same."

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett gave notice that he would on to-morrow, or on some subsequent day of the session, introduce a joint resolution or memorial relative to a land grant to aid in the construction of a territorial university.

Mr. Tiernon, chairman of the committee to whom was referred council bill No. 6: "An Act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof," reported the same back without amendment, and recommended its passage.

J. L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
C. MALONEY, }

The report was adopted.

The following report was read :

MR. SPEAKER :

Your committee, to whom was referred council bill No. 19, " An Act to locate certain territorial roads," report the same back without amendment, and recommend its passage.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*

The report was adopted.

The committee on incorporations, to whom was referred council bill No. 24, " An Act to incorporate the town of Bon Homme," reported that they have had the same under consideration, and reported the same back without amendment, and recommended its passage.

A. W. PUETT, }  
M. K. ARMSTRONG, } *Committee.*  
J. A. JACOBSON, }

The report was adopted.

The following report was read :

MR. SPEAKER :

The committee on engrossed and enrolled bills, have examined house file No. 33 : " An Act to prevent illegal interest," and report the same as correctly engrossed.

Also, house file No. 6 : " An Act regulating the admission of attorneys," as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Puett introduced house file No. 41 : " An Act to locate the territorial university."

Also, house file No. 42 : " An Act to locate the county seat of Clay or Vermilion county."

Also, house file No. 43 : " An Act to incorporate the town of Vermilion," all of which were read first time.

Mr. Maloney introduced house file No. 44 : " An Act naming and locating the county seat of Cole county," which was read a first time.

The council amendments to house file No. 24 : " An Act to establish a ferry across the Missouri river, opposite Nebraska," was taken up for consideration.

Mr. Puett moved that the amendments be concurred in, which Motion prevailed.

The following council bills were read a first time :

Council bill No. 23 : " A bill for an act granting George C.

Granger, his heirs, executors, and administrators, a ferry charter across the Missouri river," and

Council bill No. 25: "A bill for an act to provide for the office of notary public, and to define the duties of the same."

Council bill No. 26: "A bill for an act to establish the width of territorial and county roads," was read a second time, and

On motion of Mr. Waldron, was referred to the committee on internal improvements.

Council bill No. 17: "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and to locate the county seats," was read a third time.

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed.

On motion of Mr. Tiernon, the title was amended so that it shall read Todd, Gregory, Charles Mix, and Bruguier, and was then agreed to.

Council bill No. 6: "A bill for an act to create and establish the county of Yankton, to define the boundary lines, and to locate the county seat thereof," was read a third time.

The vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

Council bill No. 19: "An Act to establish certain territorial roads," was read a third time, and the vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title was agreed to.

Council bill No. 24: "A bill for an act to incorporate the town of Bon Homme," was read a third time, and the vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 34: "A bill for an act to apportion the representation to the counties of Cole, Lincoln, Minnehaha, Brookings, and Deuel," was read a second time, and

On motion of Mr. Puett, was referred to the committee on privileges and elections.

House file No. 35: "A bill for an act to apportion the representation of Clay or Vermilion county," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on privileges and elections.

House file No. 36: "A bill for an act to apportion the representation of Yankton and Jayne counties," was read a second time, and

On motion of Mr. Tiernon, was referred to the committee on privileges and elections.

House file No. 37: "A bill for an act to apportion the representation of Bon Homme and Hutchinson counties," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on privileges and elections.

House file No. 38: "A bill for an act to apportion the representation of Charles Mix and Bruguier counties," was read a second time, and

On motion of Mr. Tiernon, was referred to the committee on privileges and elections.

House file No. 39: "A bill to apportion the representation of Todd and Gregory counties," passed its second reading, and

On motion of Mr. Tiernon, was referred to the committee on privileges and elections.

House file No. 40: "A bill for an act to apportion the representation of the Red river district," was read a second time.

Mr. Puett moved that it be referred to the committee on judiciary, which motion was lost.

Mr. Tiernon moved that it be referred to the committee on privileges and elections, which motion prevailed.

House file No. 33: "An Act to prevent illegal interest," was read a third time, and the vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title agreed to.

House file No. 27: "An Act to establish a territorial road from the Big Sioux, via Vermilion, to Yankton, Dakota territory," was taken up for consideration.

On motion of Mr. Donaldson, the bill was ordered to be engrossed.

Mr. Armstrong moved that council bill No. 20: "A bill for an act to locate the seat of government of the territory of Dakota," be taken up for consideration.

Mr. Puett in the chair.

The yeas and noes being called for and ordered on the motion, There were, yeas 9, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Waldron, and Wallace.

Those who voted in the negative, were Messrs. Donaldson, Puett, Wood, and the speaker.

So the motion prevailed.

Mr. Pinney moved to amend, by striking out the word "Yankton," wherever it occurs in the bill, and insert the word "Bon Homme," in lieu thereof.

The yeas and noes being called for, and ordered on the adoption of the amendment,

There were, yeas 5, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

So the amendment was lost.

Mr. Pinney then moved that the word "Yankton" be stricken out, wherever it occurs in the bill, and the word "Vermilion," inserted in lieu thereof,

The yeas and noes being called for, and so ordered,

Resulted as follows: yeas 7, noes 6.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, McBride, Maloney, Stanage, Tiernon, and Wallace.

So the motion prevailed, and the amendment was adopted.

The speaker in the chair.

- Mr. Waldron moved to amend, by adding to section 1 the following clause:

That the territorial university be located at Sioux Falls, on the north-west quarter of section 9, township 101, near the falls of the Big Sioux river.

The amendment did not prevail.

Mr. Waldron gave notice that he would on to-morrow, introduce a bill to locate the capital, penitentiary, and territorial university.

On motion of Mr. Donaldson, the house adjourned.

J. R. HANSON, *Chief Clerk.*

GEO. M. PINNEY, *Speaker.*

## NINETEENTH DAY.

FRIDAY, April 4, 1862.

House met at 9 o'clock, A. M.  
 Speaker in the chair.  
 Prayer by the chaplain.  
 Roll called. All members present.  
 Journal of yesterday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
 April 4, 1862. }

MR. SPEAKER :

I have to inform your honorable body that the council have passed council bill No. 28 : " An Act granting a ferry charter across the Missouri river."

Also house file No. 3 : " A bill for an act to dissolve the bonds of matrimony between Minnie Omeg and C. Omeg."

Also, house file No. 17 : " An Act regulating ferries on James river."

In all of which, the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett introduced the following resolution :

*Resolved*, that the committee on judiciary, be and are hereby instructed to draft a civil code of procedure, and report the same to this house, at as early a day as possible, and that said committee are hereby authorized to present their report in printed form.

The resolution was adopted.

Mr. Waldron offered the following resolution :

*Resolved*, That the chief clerk of this house be instructed to inform Judge Bliss of the action of this house, upon the matter of a code, that he may not consider himself under any obligation to take any action in compliance with the resolution passed by this house, asking him to draft a civil code, and report the same.

The resolution was adopted.

Mr. Waldron gave notice that he would on to-morrow, or on some future day, introduce a bill locating the Lunatic Asylum, Blind Asylum, and an asylum for the Deaf and Dumb.

The committee on engrossed and enrolled bills reported that they had examined house file No. 27 : " An Act to establish a territorial road, and



House file No. 24: "An Act to establish a ferry across the Missouri river," and reported the same back as correctly engrossed.

Also, house file No. 12: "An Act to provide for the protection of hedges, fences, grain, fruit and ornamental trees," as correctly enrolled.

The report was adopted.

The committee, to whom was referred council bill No. 14: "A bill for an act to provide for county officers," reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
B. E. WOOD, }

The report was adopted.

The committee on internal improvements, to whom was referred council bill No. 26: "A bill for an act to establish the width of territorial roads," reported the same back, with the following amendment, strike out the word "sixty" and insert the word "eighty," in lieu thereof.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*  
A. W. PUETT, }

The report and amendment were adopted.

Majority report on council bill No. 5.

The select committee, to whom was referred council bill No. 5, reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, }  
H. S. DONALDSON, } *Committee.*

Minority report on council bill No. 5.

Mr. Waldron from the select committee, to whom was referred council bills Nos. 3, 5, and 18, presented a minority report with the following amendment, and recommended that it be passed.

In council bill No. 5, strike out the word "Clay," wherever it may occur, and insert the word "Vermilion" in lieu thereof.

The select committee, to whom was referred council bill No. 3, reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The joint committee, to whom was referred the matter of dividing the territory into judicial districts, and assigning the judges of the same, reported that they have had the matter under consideration, and begged leave to report by bill.

GEO. P. WALDRON, }  
M. K. ARMSTRONG, } *Committee.*  
REUBEN WALLACE, }

The report was adopted.

Mr. Waldron introduced house file No. 45: "A bill to locate the capitol, territorial prison, and the territorial university."

After the reading of the bill by the clerk, Mr. Puett moved that the house now resolve itself into a committee of the whole, for the purpose of considering the bill.

The yeas and noes having been called for and ordered on the motion.

There were, yeas 5, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

So the motion was lost.

Mr. Armstrong moved to lay the bill on the table.

The yeas and noes being called for and ordered on the motion,

There were, yeas 8, noes 5.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

Those who voted in the negative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

So the motion prevailed.

Mr. Wallace introduced house file No. 47: "A bill for an act to locate the territorial penitentiary."

Mr. Puett moved that the bill be indefinitely postponed.

The yeas and noes being called for and ordered on the motion,

There were, yeas 4, noes 9.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, and Wood.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and the speaker.

So the motion was lost.

Mr. Waldron moved to postpone the bill until the first Monday in May.

The yeas and noes being called for and ordered on the motion, Resulted as follows: yeas 4, noes 9.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, and Wood.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and the speaker.

So the motion did not prevail.

Mr. Puett moved to lay the bill on the table.

The yeas and noes being called for and ordered on the motion,

There were, yeas 2, noes 11.

Those who voted in the affirmative, were Messrs. Puett and Waldron.

Those who voted in the negative, were Messrs Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

So the motion was lost.

The bill then passed its first reading.

Council bill No. 28: "A bill for an act granting Charles Cooper and Richard Johnson a ferry charter across the Missouri river," was read a first time.

Council bill No. 20: "A bill for an act to locate the seat of government of the territory of Dakota," was read a second time.

Mr. Armstrong moved that the bill be referred to the committee on counties, and the committee be instructed to report an amendment, by striking out the word "Vermilion" wherever it occurs in the bill, and insert the word "Yankton," in lieu thereof.

The chair decided that part of the motion relative to instructing the committee, was in violation of the rules.

Mr. Puett moved a call of the house.

The roll being called, all members were present with the exception of Mr. Wood.

Mr. Armstrong appealed from the decision of the chair.

Mr. Wood now appeared.

The yeas and noes having been called for, and ordered on the appeal,

The vote stood as follows: yeas 10, noes 3.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

Those who voted in the negative were, Messrs. Donaldson, Puett, and Waldron.

So the decision of the chair was not sustained.

Mr. Puett moved to adjourn.

The yeas and noes being called for, and ordered on the motion,

There were, yeas 5, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

So the motion was lost.

Mr. Waldron moved that the house adjourn until Monday at 9 o'clock, A. M.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 10.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

So the motion did not prevail.

Mr. Waldron called for a division of the question, in accordance with the rules.

The previous question being demanded, the yeas and noes were called

With the following result: yeas 5, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

So it was decided the main question be now put.

Mr. Waldron moved to adjourn until tomorrow at 12 o'clock, m.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 10.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

So the motion was lost.

The question being put on the first proposition contained in the motion, and the

Yeas and noes being called for and ordered on its adoption,

The result stood as follows: yeas 9, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and Wood.

Those who voted in the negative, were Messrs. Donaldson, Puett, Waldron, and the speaker.

So the bill was referred to the committee on counties.

On motion of Mr. Tiernon the house adjourned.

J. R. HANSON, *Chief Clerk.*

GEORGE M. PINNEY, *Speaker.*

## TWENTIETH DAY.

SATURDAY, April 5, 1862.

House met at nine o'clock, A. M.  
 The speaker in the chair.  
 Prayer by the chaplain.  
 Roll called. All members present.  
 Journal of yesterday was read and approved.

The committee on engrossed and enrolled bills, reported that they had examined house file No. 3: "An Act to dissolve the bonds of matrimony between Minnie Omeg, and C. Omeg."

Also, house file No. 17: "An Act regulating ferries on James river."

Also, house file No. 24: "An Act to establish a ferry across the Missouri river, opposite Ionia, in Nebraska."

Also, house file No. 12: "An Act to provide for the protection of hedges, fences, grain," &c., and reported the same as correctly enrolled.

The report was adopted.

The following communication was received from the council:

COUNCIL CHAMBER, }  
 April 5, 1862. }

MR. SPEAKER:

I have to inform your honorable body, that the council have concurred in the house amendments to council bill No. 7, entitled "A bill for an act creating and establishing Todd, Ponka, Gregory, and Cedar counties, to define the boundary lines of the same, and locate the county seats."

Also, that the council have refused to concur in the house amendments to council bill No. 2, entitled "A bill for an act exempting property from execution, writ of attachment, or any other final process of a court," and respectfully request a committee of conference.

Messrs. Stutsman and Brookings have been appointed such committee on the part of the council.

JAMES TUFTS, *Secretary of Council.*

Mr. Tiernon, from the committee on counties, presented a report, which was not read; the speaker having declared it out of order, and in violation of the rules,

Mr. Armstrong moved a suspension of the rules, to receive the report of Mr. Tiernon, which motion the chair ruled out of order, as Mr. Waldron called for the enforcement of the rules.

Mr. Burgess introduced house file No. 48: "An Act to locate the university of the Territory of Dakota," which passed its first reading.

Council bill No. 23: "A bill for an act granting George C. Granger, his heirs, executors, and administrators, a ferry charter across the Missouri river," which passed its second reading.

Council bill No. 25: "A bill for an act to provide for the office of notary public, and to define the duties of the same," was read a second time, and

On motion of Mr. Donaldson, was referred to the committee on judiciary.

Council bill No. 28: "A bill for an act granting to Charles Cooper, and Richard Johnson, a ferry charter across the Missouri river," passed its second reading.

Council bill No. 14: "A bill for an act to provide for county officers," was read a third time, and the vote being taken on its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title was agreed to.

Council bill No. 18: "A bill for an act creating and establishing Jayne and Hutchinson counties, defining the boundary lines of the same, and for other purposes," was read a third time, and the vote being taken on its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title was agreed to.

Council bill No. 3: "A bill entitled an act for the establishment of Cole county, in the territory of Dakota," was read a third time, and the vote being taken upon its final passage,

There were, yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title was agreed to.

Council bill No. 20: "A bill for an act to locate the seat of government of the territory of Dakota," as amended, was taken up, and read a third time, and the vote being taken upon its final passage,

There were yeas 13, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill passed, and its title was agreed to.

House file No. 41: "An Act to locate the territorial university," was taken up, and read a second time.

Mr. Tiernon moved that the bill be laid on the table.

The yeas and nays being called for and ordered on the motion,  
There were, yeas 11, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. Puett, and Waldron.

So the motion prevailed.

House file No. 47: "A bill for an act to locate the territorial penitentiary," was taken up and read a second time.

Mr. Tiernon moved that the bill be referred to the committee on counties.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 10, noes 3.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. Donaldson, Puett, and Waldron.

So the motion prevailed.

House file No. 43: "An Act to incorporate the town of Vermilion," was read a second time.

Mr. Tiernon moved to lay the bill on the table.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 9, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

Those who voted in the negative, were Messrs. Puett, Waldron, Wood, and the speaker.

So the motion prevailed.

House file No. 44: "An Act naming and locating the county seat of Cole county," was read a second time.

Mr. Waldron moved that the bill be laid on the table.

Which motion was lost.

Mr. Armstrong moved that the bill be referred to the committee on counties.

Which motion prevailed.

House file No. 42: "An Act to locate the county seat of Clay or Vermilion county," was read a second time.

Mr. Tiernon moved that the bill be indefinitely postponed.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 8, noes 5.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, and Wallace.

Those who voted in the negative, were Messrs. Donaldson, Puett, Waldron, Wood, and the speaker.

So the motion prevailed.

House file No. 27: "An Act to establish a territorial road from the Big Sioux river, via Vermilion, to Yankton, Dakota Territory," was read a third time, and the vote being taken upon its final passage,

Resulted as follows: yeas 13, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill was passed, and its title agreed to.

The report of the committee, to whom was referred council bill No. 5, "A bill entitled an act for the establishment of Clay county," was taken up.

The yeas and noes being called for and ordered on the adoption of the majority report,

There were, yeas 10, noes 3.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and the speaker.

Those who voted in the negative, were Messrs. Puett, Waldron, and Wood.

So the motion was adopted.

Mr. Puett moved to adjourn.

Mr. Tiernon called for the yeas and noes on the motion, which being ordered,

There were, yeas 3, noes 10.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, and Wood.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Waldron, Wallace, and the speaker.

So the motion did not prevail.

Mr. Armstrong moved a reconsideration of the vote by which council bill No. 20, "A bill for an act to locate the seat of government of the Territory of Dakota," passed.

The yeas and noes having been called for and ordered on the motion,

There were, yeas 11, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. Puett and Waldron.

So the motion prevailed.



The following communication was here received from the council:

COUNCIL CHAMBER, }  
April 5, 1862. }

MR. SPEAKER:

I am instructed to inform your honorable body, that the council have refused to concur in house amendments to council bill No. 20, and I herewith return the same for further consideration.

JAMES TUFTS, *Secretary of Council.*

Mr. Armstrong moved that the house recede from its amendment to council bill No. 20.

The yeas and noes being demanded, and ordered on the motion, There were, yeas 11, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tier- non, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. Puett and Waldron.

So the motion prevailed.

Mr. Armstrong moved that the house concur with the bill as returned from the council.

The yeas and nays being called for, and ordered on the final passage of the bill,

There were, yeas 12, noes 1, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tier- non, Wallace, Wood, and the speaker.

Mr. Puett voted in the negative.

So the bill passed, and its title agreed to.

On motion of Mr. Puett, the house adjourned until Monday, at 9, A. M.

GEORGE M. PINNEY, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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## TWENTY-SECOND DAY.

MONDAY, April 7, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll was called. All members present.

Journal of Saturday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
 April 7, 1862. }

MR. SPEAKER:

I am instructed to inform your honorable body, that the council have passed council bill No. 29: "A bill for an act providing for the appointment of commissioners to take the acknowledgment of deeds, and other instruments, and defining the duties thereof."

In which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. McBride gave notice that he would on to-morrow, or on some subsequent day, introduce a bill relative to fraudulent conveyances and contracts.

Mr. Puett introduced the following resolution:

*Resolved,* That a committee of three be appointed, upon the part of the house, to confer with the conference committee of two, upon the part of the council, in relation to council bill No. 2: "An Act to exempt property from writ of attachment, or any other final process of a court."

The resolution was adopted.

The committee on privileges and elections, to whom was referred house file No. 34, reported the same back with the following amendment: strike out in section first, fifth line, all after the word "representatives," and recommended its passage.

JOHN L. TIERNON, }  
 REUBEN WALLACE, } *Committee.*  
 B. E. WOOD, }

The yeas and noes having been called for and ordered on the adoption of the report with amendments,

There were, yeas 11, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, Wood, and the speaker.

Those who voted in the negative, were Messrs. Puett and Waldron.

So the report was adopted.

The committee on privileges and elections, to whom was referred house file No. 40, "A bill for an act to apportion the representation of the Red river district, reported it back with the following amendment, to wit: amend by striking out in section first, the words "the county of Red river, or" and insert the words "all that portion of territory lying on the Red river, including the settlement of Pembina and Saint Joseph," and recommended its passage.

JOHN L. TIERNON, }  
 REUBEN WALLACE, } *Committee.*  
 B. E. WOOD, }

The report and amendment was adopted.

On motion, the bill was ordered to be engrossed for its third reading.

The committee on privileges and elections, to whom was referred house files Nos. 35, 36, 37, 38, and 39, reported the same back, without amendment, and recommended their passage.

JOHN L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
B. E. WOOD, }

The report was adopted.

The committee on privileges and elections, to whom was referred house files Nos. 30 and 31, reported them back, and recommended that they do not be passed.

JOHN L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
B. E. WOOD, }

Mr. Armstrong moved that the report be adopted, which Motion prevailed.

The committee on counties, to whom was referred house file No. 47, "A bill for an act to locate the territorial penitentiary," reported the same back without amendment, and recommended its passage.

JOHN L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
C. MALONEY, }

The report was adopted.

The committee on counties, to whom was referred house file No. 44, "An Act naming and locating the county seat of Cole county," reported it back with the following amendment, to wit: in section first, third line, strike out the word "St. Joseph," and insert the word "Victoria" in lieu thereof, and recommended that it be passed.

JOHN L. TIERNON, }  
REUBEN WALLACE, } *Committee.*  
C. MALONEY, }

The report and amendment were adopted.

On motion of Mr. Donaldson, the bill was ordered to be engrossed for third reading.

The committee on engrossed and enrolled bills reported council bill No. 20, "An Act to locate the seat of government of Dakota Territory," as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The committee on judiciary, to whom was referred house file No. 19, "A bill legalizing marriages in the territory,"

Also, house file No. 22, "An Act to exempt certain property from mesne process and levy of execution,"

Also, house file No. 29, "An Act to provide for an estray law,"

Reported the same back without amendments, and recommended their passage.

M. K. ARMSTRONG,	} Committee.
A. W. PUETT,	
G. P. WALDRON,	

The report was adopted.

Mr. Burgess introduced house file No. 49: "A bill for an act to locate the county seat of Clay county," which was read a first time.

Mr. Maloney introduced house file No. 50: "An Act to provide for the recording of deeds, mortgages, bonds, contracts, and agreements," which was read first time.

Council bill No. 29: "A bill for an act providing for the appointment of commissioners to take the acknowledgment of deeds and other instruments, and defining the duties thereof," was read a first time.

Council bill No. 5: a bill entitled "An Act for the establishment of Clay county in the Territory of Dakota."

Also, council bill No. 23: "A bill for an act granting George C. Granger, his heirs, executors, and administrators, a ferry charter across the Missouri."

Also, council bill No. 26: "A bill for an act to establish the width of territorial and county roads."

Also, council bill No. 28: "A bill for an act granting to Charles Cooper and Richard Johnson a ferry charter across the Missouri," were read a third time, and

The vote being taken on their final passage, separately,

There were, yeas 13, noes 0, on each bill, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bills passed, and their titles agreed to.

The following bills were read a third time:

House file No. 19: "A bill legalizing marriages in the Territory of Dakota."

House file No. 22: "An Act to exempt certain property from mesne process, and levy of taxation."

House file No. 29: "An Act to provide for an estray law." And

House file No. 35: "A bill for an act to apportion the representation of Clay, or Vermilion county."

The vote being taken upon the final passage of the bills, separately,

There were, yeas 13, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bills passed, and their titles agreed to.

House file No. 30: "An Act apportioning the representatives and members of the council of the legislature of Dakota," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 1, noes 12, as follows:

In the affirmative, Mr. Puett.

In the negative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill did not pass.

House file No. 31: "An Act apportioning the representatives and councilmen of the counties of Todd, Gregory, Charles Mix, and Bruguier," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 0, noes 13.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bill did not pass.

The following bills were read a third time:

House file No. 36: "An Act to apportion the representation to Yankton and Jayne counties."

House file No. 37: "A bill for an act to apportion the representation to Bon Homme and Hutchinson counties."

House file No. 38: "A bill for an act to apportion the representation to Charles Mix and Bruguier counties."

House file No. 39: "A bill to apportion the representation of Todd and Gregory counties." And

House file No. 47: "A bill for an act to locate the territorial penitentiary."

The vote having been taken upon the final passage of the bills separately,

There were, yeas 13, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Tiernon, Waldron, Wallace, Wood, and the speaker.

So the bills passed, and their title agreed to.

On motion of Mr. Puett, the house resolved itself into a committee of the whole, for the purpose of considering portions of the governor's message.

Mr. Puett in the chair.

After some time spent therein, the committee arose, and through their chairman, asked for further time until to-morrow to report. Which was granted.

On motion of Mr. Puett, the house adjourned at eleven o'clock, A. M.

J. R. HANSON, *Chief Clerk.*

GEO. M. PINNEY, *Speaker.*

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TWENTY-THIRD DAY.

TUESDAY, April 8, 1862.

The house met at 9 o'clock, A. M.  
The speaker in the chair.  
Prayer by the chaplain.  
Roll called. All the members were present.  
Journal of yesterday was read and approved.

The committee on engrossed and enrolled bills, reported that they have examined house files Nos. 34, 40, and 44, and report the same back as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Waldron gave notice that he would on to-morrow, or on some future day, introduce a bill fixing the time when all bills shall be in force, when the time is not fixed in the bill.

The following report was read and adopted:

MR. SPEAKER:

The committee of the whole have had under consideration the governor's message, and report that no action was taken upon the same.

A. W. PUETT, *Chairman.*

The report was adopted.

Mr. Tiernon moved that the house adjourn until to-morrow afternoon at 2 o'clock.

The yeas and noes being called for, and ordered on the motion, There were, yeas 9, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Tiernon, Wallace, and Wood.

Those who voted in the negative, were Messrs. Donaldson, Puett, Waldron, and the speaker.

So the motion prevailed, and the house adjourned at half past nine o'clock, A. M.

J. R. HANSON, *Chief Clerk.*

GEO. M. PINNEY, *Speaker.*

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TWENTY-FOURTH DAY :

WEDNESDAY, April 9, 1862.

House met pursuant to adjournment at 2 o'clock, P. M.

The speaker in the chair.

Prayer by the Rev. Mr. Ingham.

Roll called. All members present.

Journal of yesterday was read and approved.

The following was then read by the clerk :

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :

Reasons which are quite satisfactory to myself, prompt me to resign the office of speaker of this house, and in tendering my resignation, I wish to offer the members of this house very many thanks for the honor which they conferred upon me by electing me to the office without a dissenting voice.

Hoping that you will be willing to confer a favor upon me by accepting this resignation without hesitation or delay,

I subscribe myself your obedient servant,

GEO. M. PINNEY.

On motion of Mr. Armstrong, the resignation was accepted by the house.

The speaker then vacated the chair and nominated John L. Tiernon as speaker, to fill the vacancy occasioned by his resignation.

The question being put by the clerk, Mr. Tiernon was unanimously elected.

On motion of Mr. Maloney, the house adjourned at quarter past two o'clock, to meet at the regular hour to-morrow.

J. R. HANSON, *Chief Clerk.*

JOHN L. TIERNON, *Speaker.*

## TWENTY-FIFTH DAY.

THURSDAY, April 10, 1862.

House met pursuant to adjournment at 9 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. . Absent, Mr. Wallace.

The journal of yesterday was read and approved.

The chair made the following appointments on committees to fill vacancies occasioned by Mr. Tiernon's election as speaker:

Mr. Maloney, on Privileges and Elections.

Mr. Pinney, " Counties.

" " Library.

" " Federal Relations.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 10, 1862. }

MR. SPEAKER:

I am instructed to inform the house of representatives that the council have passed

Council file No. 5: " A memorial to the Secretary of the Interior."

Also, council file No. 6: " A memorial for a mail route from Elk Point to Sioux Falls city."

Also, council bill No. 27: " A bill for an act to create a lien for mechanics and others in certain cases."

Also, house file No. 21: " A bill to fix the time for convening the legislative assembly," with accompanying amendments.

Also, house file No. 15: " A Joint memorial and resolution relative to a geological survey of the territory."

Also, house file No. 23: " A memorial to congress for the establishment of a mail route from Mankato in Minnesota to Fort Randall in Dakota."

Also, house file No. 28: " A Joint memorial and resolution relative to the passage of a homestead bill by congress."

Also, council bill No. 21: " A bill for an act granting ferry charters across the Missouri river."

Also, house file No. 16: " A memorial to congress asking for a treaty to be made with the Chippewa Indians of Red lake, and of the Red river of the North."

Also, house file No. 47: " A bill for an act to locate the penitentiary."

Also, council bill No. 22: " A bill for an act to provide for the location of the county seats of the counties in this territory."



Also, house file No. 9: "A memorial to congress for a road from the eastern line of the territory, near Sioux Falls, to Yankton."

Also, house file No. 19: "A bill legalizing marriages in the territory of Dakota."

Also, that the council have concurred in your amendment to council bill No. 26: "A bill for an act to establish the width of territorial and county roads."

JAMES TUFTS, *Secretary of Council.*

Mr. Pinney gave notice of his intention to introduce on to-morrow, or on some subsequent day of the session, a bill authorizing the governor to appoint an emigrant agent.

Mr. Armstrong offered the following resolution:

*Resolved,* That a committee of three be appointed by the speaker of this house, to wait upon His Excellency the governor, and ascertain his reasons for stationing an armed detachment of soldiers on the floor of this hall on Tuesday morning, during the session of the assembly.

Mr. Pinney moved that the resolution be laid on the table.

The yeas and noes being called for and ordered on the motion, There were, yeas 3, noes 8.

Those who voted in the affirmative, were Messrs. Puett, Pinney, and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, and Wood.

So the motion did not prevail.

On motion of Mr. Armstrong, the resolution was then adopted.

The chair appointed as such committee, Messrs. Armstrong, Wood, and McBride.

Mr. Pinney offered the following resolution:

*Resolved,* That the honorable council be requested to expunge from their journal of the 9th instant, the matter which relates to the report of the committee appointed to wait upon His Excellency the governor, and inquire why an armed force was placed in the hall of the house of representatives.

Mr. Armstrong moved that the resolution be laid on the table.

The yeas and noes being called for and ordered on the motion of Mr. Armstrong,

There were, yeas 7, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, and Wood.

Those who voted in the negative, were Messrs. Donaldson, Puett, Pinney, and Waldron.

So the motion prevailed, and the resolution laid on the table.

On motion of Mr. Armstrong, Mr. Wallace was excused from attendance on account of illness.

The committee on engrossed and enrolled bills reported that they had examined

Council files Nos. 3, 5, 26, 18, 23, and 28, and reported the same back as correctly enrolled.

A. W. PUETT,  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. McBride introduced

House file No. 51: "An Act relative to fraudulent conveyances and contracts," which passed its first reading.

House file No. 21: "An Act to fix the time for holding the legislative assembly," was taken up for consideration.

On motion of Mr. Puett, the council amendment was concurred in, and

On motion of the same gentleman, the bill was ordered to be engrossed.

The following council bills and memorials were read a first time.

Council file No. 6: "A memorial for a mail route from Elk Point to Sioux Falls city."

Council file No. 5: "A memorial to the Secretary of the Interior."

Council bill No. 21: "A bill for an act granting ferry charters across the Missouri river."

Council bill No. 22: "A bill for an act to provide for the location of the county seats of the counties in this territory."

And council bill No. 27: "A bill for an act to create a lien for mechanics and others, in certain cases."

On motion of Mr. Donaldson, the rules were suspended, and the foregoing bills and memorials read a second time and referred to committees.

Council file No. 5 was, on motion of Mr. Pinney, referred to committee on federal relations.

Council file No. 6 was, on motion of Mr. Armstrong, referred to committee on internal improvements.

Council bill No. 21 was, on motion of Mr. Armstrong, referred to same committee.

Council bill No. 22 was, on motion of Mr. Donaldson, referred to committee on counties.

Council bill No. 27 was, on motion of Mr. Donaldson, referred to committee on judiciary.

Council bill No. 29 was, on motion of Mr. Pinney, referred to same committee.

House file No. 48: "An Act to locate the University of the Territory of Dakota," was read a second time.

Mr. Puett moved that it be referred to committee on schools, colleges, and universities.

Mr. Armstrong moved that it be referred to the committee on internal improvements.

The yeas and noes being called for and ordered on Mr. Puett's motion,

There were, yeas 4, noes 7.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, and Wood.

So the motion did not prevail.

Mr. Pinney moved that it be indefinitely postponed.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 8.

Those who voted in the affirmative, were Messrs. Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, and Wood.

So the motion was lost.

Mr. Puett moved that the bill be laid on the table.

The yeas and noes being called for and ordered on the motion,

There were, yeas 2, noes 9.

Those who voted in the affirmative, were Messrs. Puett and Waldron.

In the negative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, and Wood.

So the motion did not prevail.

The yeas and noes being taken on the main question, Mr. Armstrong's motion to refer it to committee on internal improvements,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

So the bill was referred to the committee on internal improvements.

House file No. 49: "A bill for an act to locate the county seat of Clay county," was read a second time.

Mr. Pinney moved that it be referred to the committee on counties.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, and Pinney.

In the negative, Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Waldron, and Wood.

So the motion was lost.

Mr. Waldron moved that it be referred to committee on internal improvements.

The yeas and noes being called for and ordered on the motion,

There were, yeas 2, noes 9.

Those who voted in the affirmative, were Messrs. Donaldson and Waldron.

In the negative, Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, and Wood.

So the motion did not prevail.

Mr. Pinney moved that the bill be referred to committee on schools, colleges, and universities.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 8.

Those who voted in the affirmative, were Messrs. Puett, Pinney, and Waldron.

In the negative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, and Wood.

So the motion did not prevail.

Mr. Armstrong moved the bill be referred to the committee on privileges and elections.

The yeas and noes being called for and ordered on the motion,

There were, yeas 10, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, Waldron, and Wood.

In the negative, Mr. Puett.

So the motion prevailed.

House file No. 50: "An Act to provide for the recording of deeds, mortgages, bonds, contracts, and agreements," was read a second time.

Mr. Pinney moved that it be referred to committee on federal relations.

Lost.

Mr. Pinney moved that it be referred to committee on privileges and elections.

Lost.

Mr. Armstrong moved that it be referred to committee on ways and means.

Which motion prevailed.

House file No. 34: "A bill for an act to apportion the representation to the counties of Cole, Lincoln, Minnehaha, Brookings, and Deuel," and

House file No. 40: "A bill for an act to apportion the representation to the Red river district," were

Read a third time.

The vote being taken on their final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

So the bills passed, and their titles agreed to.

House file No. 44: "An Act naming and locating the county seat of Cole county," was read a third time.

Mr. Pinney moved that the bill be recommitted to a select committee.

Lost.

The vote being then taken upon the final passage of the bill,

There were, yeas 9, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, and Wood.

In the negative, Messrs. Puett and Waldron.

So the bill passed.

On motion of Mr. Armstrong, the title was amended, by striking out all after the word "Cole," and the word "counties" was altered to the word "county."

The title was then agreed to.

Mr. Pinney moved that

House file No. 41: "An Act to locate the territorial university," be taken up.

Which motion prevailed, and

It was read a second time.

On motion of Mr. Burgess, the further consideration of the bill was postponed until July next.

On motion of Mr. Pinney,

House file No. 43, "An Act to incorporate the town of Vermilion," was taken up for consideration.

Mr. Puett moved that it be indefinitely postponed.

Which motion prevailed.

On motion of Mr. Pinney,

House file No. 45, "A bill to establish the capital, territorial prison, and the territorial university," was taken up for consideration.

Mr. Puett moved that it be indefinitely postponed.

Pending which,

On motion of Mr. Armstrong, the house adjourned at half past eleven o'clock, A. M.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

## TWENTY-SIXTH DAY.

FRIDAY, April 11, 1862.

House met pursuant to adjournment, at nine o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Wallace.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 11, 1862. }

MR. SPEAKER:

The council have passed council bill No. 36: "A bill for an act to incorporate the town of Elk Point."

Also, house file No. 27: "A bill for an act to establish a territorial road from the Big Sioux river, by way of Vermilion to Yankton, Dakota Territory," with the amendments thereto appended.

In all of which, the concurrence of the house is respectfully requested.

The council have also passed house file No. 29: "A bill for an act to provide for an estray law."

JAMES TUFTS, *Secretary of Council.*

Mr. Pinney gave notice that he would on to-morrow, or on some future day, introduce a bill for "An Act regulating the rate of interest."

Leave of absence was granted Mr. Wallace and the chaplain, until Monday next.

Mr. Wood gave notice, that he would to-morrow, or on some future day, introduce a bill to locate a territorial road, commencing on section fifteen, in township of Vermilion, and running west to intersect the military road at or near the lakes.

Report of committee on ways and means:

MR. SPEAKER:

Your committee to whom was referred house file No. 50: "An Act to provide for the recording of deeds, mortgages, bonds, contracts, and agreements," report the same back without amendment, and recommend its passage.

M. K. ARMSTRONG, }  
H. S. DONALDSON, } *Committee.*  
J. C. McBRIDE, }

On motion, the consideration of the report was postponed until to-morrow.

The committee to whom was referred house file No. 49, reported the same back without amendment, and recommended its passage.

C. MALONEY, }  
B. E. WOOD, } *Committee.*

The report was adopted.

The following report was read :

MR. SPEAKER :

Your committee to whom was referred council bill No. 21 : " A bill for an act granting ferry charters across the Missouri river."

Also, house file No. 48 : " An Act to locate the university of the Territory of Dakota."

Also, council file No. 6 : " A memorial for a mail route from Elk Point to Sioux Falls city," report the same back without amendment, and recommend their passage.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee on Int. Imp.*

The report was adopted.

The committee on engrossed and enrolled bills reported that they have examined house file No. 21 : " An Act to fix the time of convening the legislative assembly," and reported the same back as correctly engrossed.

Also, council bill No. 14, as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The select committee appointed to wait upon the governor in regard to ascertaining why an armed force had been stationed in this house on Tuesday last, made the following report :

MR. SPEAKER :

Your committee, appointed to wait upon His Excellency the governor, and ascertain why an armed force was stationed in the hall during its session on Tuesday morning, have discharged their duty, and report that they have been informed by the governor that said force was stationed in the hall at the written request of speaker Pinney, to prevent outside violence, which he feared would be exercised to remove him from his seat as presiding officer of the house.

They are also assured by the governor, that said force was not placed here to gag the will of the house in the matter, nor out of any disrespect to the decorum of the members of this body.

Your committee also submit the following communication from the governor, which is hereby made a part of this report.

M. K. ARMSTRONG, }  
B. E. WOOD, }  
J. C. McBRIDE, } *Committee.*

YANKTON, EXECUTIVE OFFICE, }  
 April 11, 1862. }

MESSRS. ARMSTRONG, WOOD, AND McBRIDE:

GENTLEMEN OF THE COMMITTEE,— In reply to the inquiry made by your honorable body, to ascertain my reasons for stationing a detachment of soldiers on the floor of the house of representatives on Tuesday last, I have the pleasure of informing you, that from representations made to me by different persons, some of them members of your body, and on account of receiving a written communication from the Hon. George M. Pinney, speaker of the house of representatives, informing me that from threats made, and from representations received from reliable sources, that he apprehended violence would be used against the peace and dignity of the house, and requesting me to station a force of twenty men in the house, to protect the body from any interruptions, I caused a force to be placed there.

I refer you to my order to Lieut. Plughoff for any further information you may desire, which is hereunto annexed.

I am very respectfully, your obedient servant,

W. JAYNE, *Governor.*

MESSRS. ARMSTRONG, WOOD, AND McBRIDE, *Committee.*

YANKTON, DAKOTA TERRITORY, }  
 Executive Office, April 7, 1862. }

LIEUT. PLUGHOFF, COMMANDING DAKOTA CAVALRY:

SIR,— I have been informed by a written communication received from the Hon. George M. Pinney, speaker of the house of representatives, that from threats made, and representations received from reliable sources, that he fears that the business of the house will be interrupted by violence, and he calls on me for a force to protect the house in the lawful pursuit of its duties.

You are directed to proceed to the hall of the house of representatives on to-morrow morning, at half past eight o'clock, with twenty men, for the purpose of protecting the house, while in the peaceful pursuit of its business, from violence.

It will be your duty to aid the speaker in preserving order, and to arrest any persons violating the peace, quiet, and decorum of that body.

I am very respectfully,

W. JAYNE, *Governor,*

*and Commander-in-Chief, Dakota Militia.*

LIEUT. PLUGHOFF, *Commanding.*

On motion of Mr. Pinney the report was adopted, and the committee discharged.

Mr. Pinney introduced house file No. 52: "An Act authorizing the governor to appoint an emigrant agent," which was read a first time.



On motion of Mr. Pinney, the rules were suspended, and the bill passed its second reading.

Mr. Maloney moved it be referred to a special committee of three, which

Motion prevailed.

The chair appointed as such committee, Mrs. Maloney, Pinney, and Donaldson.

Mr. Jacobson introduced house file No. 53: "A bill for an act to prevent swine from running at large," which passed its first reading, and

On motion of Mr. Puett, rules were suspended, and it was read a second time.

Mr. Puett moved that it be referred to a select committee of three, which

Motion prevailed.

The chair appointed Messrs. Puett, Waldron, and Jacobson as such committee.

The council amendment to house file No. 27 was read.

Mr. Burgess moved that the amendment be concurred in by the house.

Mr. Puett called for the yeas and noes on the motion, which being ordered,

There were, yeas 8, noes 3.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stange, and Wood.

In the negative, Messrs. Puett, Pinney, and Waldron.

So the amendment was concurred in.

On motion of Mr. Pinney, the bill was ordered to be engrossed.

House bill No. 36: "A bill for an act to incorporate the town of Elk Point," was read a first time.

Council file No. 6: "A memorial for a mail route from Elk Point to Sioux Falls city," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stange, Waldron, and Wood.

So the memorial passed, and its title agreed to.

Council bill No. 21: "A bill for an act granting ferry charters across the Missouri river," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stange, Waldron, and Wood.

So the bill passed, and its title agreed to.

House file No. 48: "An Act to locate the university of the Territory of Dakota," was taken up.

Mr. Puett offered the following amendment to the bill: Strike out all after the word "located" in the second line of section first, and insert the following in lieu thereof: "on section No. 31, in township No. 93, north of range 51 west of the fifth principal meridian."

Mr. Puett called for the yeas and noes on the adoption of the amendment, which

Resulted as follows: yeas 4, noes 7.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Burgess, Jacobson, McBride, Stanage, and Wood.

So the amendment was not adopted.

The bill then passed its third reading, and

The vote being taken upon its final passage,

There were, yeas 9, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, and Wood.

In the negative, Messrs. Puett and Waldron.

So the bill passed, and its title agreed to.

House file No. 49: "A bill for an act to locate the county seat of Clay county," was taken up.

Mr. Puett moved to amend by striking out all between the word "established" in the first line of section first, and "in" in the third line of same section.

Mr. Puett called for the yeas and noes on the adoption of the amendment, which being ordered,

There were, yeas 3, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson, Puett, and Pinney.

In the negative, Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, Waldron, and Wood.

So the amendment was not adopted.

The bill was read a third time, and

The vote being taken upon its final passage,

There were, yeas 9, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, and Wood.

In the negative, Messrs. Puett and Waldron.

So the bill passed, and its title agreed to.

Mr. Pinney now moved that the house resolve itself into a committee of the whole, to consider the governor's message, which

Motion prevailed.

Mr. Puett in the chair.

After some time spent therein, the committee arose, and by their chairman asked for further time to report, which was  
Granted.

On motion of Mr. McBride, the House adjourned at half past eleven o'clock, A. M.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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T W E N T Y - S E V E N T H   D A Y .

SATURDAY, April 12, 1862.

House met pursuant to adjournment at 9 o'clock, A. M.

The speaker in the chair.

Roll was called. Absent, Messrs. Donaldson and Wallace.

The journal of yesterday was read and approved.

Mr. Maloney gave notice that he would on Monday, or on some future day, introduce a bill for an act granting to James M. Allen and Henry A. Kennerly the right to establish and maintain a ferry across the Missouri river, near the mouth of Crow creek.

Mr. Maloney, from the select committee to whom was referred house file No. 52: "An Act authorizing the governor to appoint an emigrant agent," reported the same back to the house without amendment, and recommended its passage.

Report adopted.

Mr. Puett, chairman of the select committee, to whom was referred house file No. 53: "An Act to prevent swine from running at large," reported that they have had the same under consideration, and report the same back, with the following amendments, and recommend its passage:

Amendments. Insert as section 5th of the bill the following:

That at the next general election, the qualified voters of each county shall designate upon their ballots, "whether they are for or against the hog law," and if upon canvassing the votes cast at said election, there shall be a majority against the provisions of this act, then the act shall be null and void in said county or counties where said vote shall be cast. Otherwise, to remain and be in full force.

Also, strike out figure five where it occurs in the last section, and insert the figure six in lieu thereof.

The report and amendments were adopted, and

On motion, the bill was ordered to be engrossed for third reading.

The committee to whom was referred council bill No. 29, entitled "An Act to provide for the appointment of commissioners to take the acknowledgment of deeds and other instruments;"

Also, council bill No. 27: "A bill for an act to create a lien for mechanics and others;"

Also, council bill No. 25: "An Act to provide for the office of notary public," reported the same back with the accompanying amendments.

M. K. ARMSTRONG, }  
G. P. WALDRON, } *Committee.*  
A. W. PUETT, }

On motion of Mr. Puett, the report was laid over until Monday next.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 12, 1862. }

MR. SPEAKER:

The council have passed council bill No. 33: "A bill for an act to prevent persons of color residing in Dakota."

Also, house file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians," with amendments attached.

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Mr. Stanage introduced the following bills, which were read a first time:

House file No. 54: "An Act to provide for the recording of marks and brands of animals."

And house file No. 55: "An Act to provide for the filing of chattel mortgages."

Mr. Wood introduced house file No. 57: "A bill for an act to locate a territorial road," which was read a first time, and

On motion of Mr. Pinney, the rules were suspended, and it was read a second time.

Mr. Pinney moved that the bill be referred to a select committee of three.

Which motion prevailed.

The chair appointed as such committee, Messrs. Pinney, Wood, and Donaldson.

House file No. 11: "An Act to prevent the traffic in ardent spirits with Indians," and which had been returned from the council with amendments, was

On motion of Mr. Pinney, recommitted to a select committee of three.

The chair appointed Messrs. Pinney, Armstrong, and Maloney, as such committee.

Council bill No. 33: "A bill for an act to prevent persons of color residing in Dakota Territory," was read a first time.

On motion of Mr. Pinney, it was referred to the committee of the whole, on Monday, 21st instant.

Council bill No. 36: "A bill for an act to incorporate the town of Elk Point," was read a second time, and

On motion of Mr. Pinney, was referred to the committee on corporations.

House file No. 51: "An Act relative to fraudulent conveyances and contracts," was read a second time, and

On motion of Mr. Donaldson, was referred to committee on judiciary.

House file No. 52: "An Act authorizing the governor to appoint an emigrant agent," was taken up for consideration.

Mr. Pinney offered an amendment, by inserting in the blank space in section 4, "the sum of five hundred dollars."

Which was not adopted.

Mr. Armstrong moved to amend by inserting "one hundred dollars."

Mr. Pinney moved to amend by inserting "two hundred dollars."

Lost.

Mr. Armstrong's amendment of "one hundred dollars," was then adopted.

The bill then passed its third reading, and the vote being taken upon its final passage,

There were, yeas 9, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Stanage, Waldron, and Wood.

In the negative, Messrs. Donaldson and Puett.

So the bill passed, and title agreed to.

The report of the committee to whom was referred house file No. 50: "An Act to provide for the recording of deeds, mortgages, bonds, contracts, and agreements," was adopted.

Mr. Waldron offered an amendment by inserting in the second line of the third section after the word "purchasers," the words "from the time of delivering said instrument at the office of the register of deeds for record."

The amendment was adopted.

On motion of Mr. Puett, the bill was ordered to be engrossed.

On motion of Mr. Donaldson, the house adjourned until Monday morning at 10 o'clock.

J. R. HANSON, *Chief Clerk.*

JOHN L. TIERNON, *Speaker.*

## TWENTY-NINTH DAY.

MONDAY, April 14, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Present, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

The journal of Saturday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 14, 1862. }

MR. SPEAKER:

The council have passed the following bills:

Council bill No. 34: "A bill for an act to organize and discipline the militia."

Also, council bill No. 37: "A bill for an act to provide for surveying, platting, and recording towns and cities."

Also, council bill No. 38: "A bill for an act granting a ferry charter to M. M. Rich across the Big Sioux river."

Also, council bill No. 40: "A bill for an act to designate the time of holding the general election, and provide for the election of a delegate to the congress of the United States."

Also, council bill No. 42: "An Act to incorporate the town of Yankton."

Also, council bill No. 43: "An Act granting to William P. Lyman, and John M. Patterson and their heirs, a charter to keep a ferry across the Missouri river."

Also, the council have passed house file No. 48: "An Act to locate the university of the Territory of Dakota," with accompanying amendments.

In all of which the concurrence of the house is respectfully requested.

Also, house file No. 34: "An Act naming and locating the county seat of Cole county."

Also, house file No. 49: "A bill for an act to locate the county seat of Clay county."

JAMES TUFTS, *Secretary, Council.*

The following communication was received from His Excellency the governor:

EXECUTIVE OFFICE, }  
Yankton, April 14, 1862. }

TO THE HOUSE OF REPRESENTATIVES:

I have signed and approved house bills of the following titles:

House file No. 3: "A bill for an act to dissolve the bonds of matrimony between Minnie Omeg and C. Omeg."

House file No. 6: "An Act regulating the admission of attorneys.

House file No. 12: "A bill to provide for the protection of hedges, fences, grain, fruit, and ornamental trees."

House file No. 17: "An Act regulating ferries on James river, Dakota."

House file No. 24: "An Act to establish a ferry opposite Ionia, in Nebraska."

W. JAYNE, *Governor.*

The committee on engrossed and enrolled bills reported that they had examined

House file No. 50, and reported the same back as correctly engrossed.

Report adopted.

Mr. Pinney from the committee on counties, to whom was referred

Council bill No. 22: "An Act to provide for the location of county seats of the counties in this territory," reported the same back to the house without amendment, and recommended that it be passed.

The report was adopted.

Mr. Waldron from the committee on federal relations, to whom was referred

Council file No. 5: "A memorial to the secretary of the interior," reported the same back to the house without amendment, and recommended that it be passed.

The report was adopted.

Report of select committee.

MR. SPEAKER,

Your committee, to whom was referred

House file No. 57: "An Act relative to fraudulent conveyances and contracts," report the same back without amendment.

M. K. ARMSTRONG, }  
G. P. WALDRON, } *Committee.*  
A. W. PUETT, }

On motion of Mr. Donaldson the report was adopted, and

On motion of Mr. Pinney the bill was ordered to be engrossed and read a third time to-morrow at 11 o'clock, A. M.

Mr. Stange introduced

House file No. 58: "A joint memorial and resolution, relative to the protection of claims on the public lands of all volunteers in the United service," which was read a first time.

Mr. Donaldson introduced

House file No. 59: "An Act to establish certain counties, and for other purposes," which was read a first time, and

On motion of Mr. Pinney, it was referred to the committee on counties.

Mr. Maloney introduced

House file No. 60: "A bill for an act granting to Henry A. Kennerly and James M. Allen, the right to establish and maintain a ferry across the Missouri river near the mouth of Crow creek," which was read a first time, and

On motion of Mr. Armstrong, rules were suspended, and it was read a second time, and

On motion, referred to committee on internal improvements.

House file No. 48: "An Act to locate the university of the Territory of Dakota, which had been returned from the council, with amendments, was taken up for consideration.

The council amendments were concurred in by the house, and

On motion of Mr. Donaldson, the bill was ordered to be engrossed.

Council bill No. 43: "An Act granting to Wm. P. Lyman and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river," was read a first time.

Council bill No. 42: "An Act to incorporate the town of Yankton," was read a first time, and

On motion of Mr. Armstrong, rules were suspended, and the bill passed a second reading, and was referred to the committee on corporations.

Council bill No. 38: "A bill for an act granting a ferry charter to M. M. Rich, across the Big Sioux river," was read a first time.

Council bill No. 37: "A bill for an act to provide for surveying, platting, and recording towns and cities," was taken up for consideration.

Mr. Armstrong moved that it be laid on the table.

Mr. Donaldson called for the yeas and noes on the motion.

Which being ordered, there were, yeas 7, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, and Wood.

In the negative, Messrs. Donaldson, Puett, Pinney, and Waldron. So the motion prevailed.

Council bill No. 34: "A bill for an act to organize and discipline the militia," was taken up for consideration.

Mr. Pinney moved that the bill be laid on the table, which Motion prevailed.

Council bill No. 40: "A bill for an act to designate the time of holding the general election, and to provide for the election of a delegate to the congress of the United States," was read a first time, and

On motion of Mr. Donaldson, rules were suspended, and the bill read a second time, and



On motion of the same gentleman, it was referred to a select committee of three.

The chair appointed as such committee, Messrs. Donaldson, Armstrong, and Maloney.

Council file No. 5: "A memorial to the Secretary of the Interior," was read a third time, and the vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wood.

So the memorial passed, and its title agreed to.

Council bill No. 22: "A bill for an act to provide for the location of the county seats of the counties in this territory," was read a third time, and the vote upon its final passage being taken,

Resulted as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stange, Waldron, and Wood.

So the bill passed, and its title agreed to.

House file No. 50: "An Act to provide for the recording of deeds, mortgages, bonds, contracts, and agreements," was taken up for third reading.

Mr. Donaldson moved that the reading of the bill at length be dispensed with.

Mr. Pinney called for the yeas and noes on the motion, which being ordered.

There were, yeas 10, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wood.

In the negative, Mr. Pinney.

So the motion prevailed.

The bill was then read by its title, and the vote being taken upon its final passage,

There were, yeas 10, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wood.

In the negative, Mr. Pinney.

So the bill passed, and its title agreed to.

House file No. 57: "An Act relative to fraudulent conveyances and contracts," was read a third time, and the vote being taken upon its final passage,

There were, yeas 10, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, and Wood.

In the negative, Mr. Pinney.

So the bill passed, and its title agreed to.

The report of the committee to whom was referred council bill Nos. 25, 27, and 29, was adopted.

Council bill No. 25: "A bill for an act to provide for the office of notary public, and to define the duties of the same," was read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 27: "A bill for an act to create a lien for mechanics and others, in certain cases," was read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 29: "A bill for an act to provide for the appointment of commissioners to take the acknowledgment of deeds, and other instruments, and defining the duties thereof," was read a third time.

The vote being taken upon the final passage of the bill,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, and Wood.

So the bill passed, and its title agreed to.

Mr. Donaldson moved that the house adjourn until to-morrow morning, at ten o'clock.

The yeas and noes being called for and ordered on Mr. Donaldson's motion,

There were, yeas 7, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Donaldson, McBride, Maloney, Puett, Pinney, and Stanage.

In the negative, Messrs. Burgess, Jacobson, Waldron, and Wood.

So the motion prevailed, and the house adjourned at 12, M.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

## THIRTIETH DAY.

TUESDAY, April 15, 1862.

The house met pursuant to adjournment at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

The journal of yesterday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
April 15, 1862. }

MR. SPEAKER :

The council have passed

Council bill No. 81 : " A bill for an act to regulate the sale of spirituous liquors."

Also, council bill No. 39 : " A bill for an act to designate the time of the meeting of the legislature, and define the duties of the same."

Also, council bill No. 41 : " A bill for an act granting to Arthur C. Vanmeter, his heirs and assigns, a ferry across the Vermilion river."

Also, council bill No. 30 : " A bill to adopt and establish a criminal code for the Territory of Dakota."

Also, council bill No. 44 : " A bill for an act to define the rights of persons who are charged of crimes and offences."

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary, Council.*

Mr. Pinney introduced the following resolution :

*Resolved,* That Messrs. Burgess, Waldron, Puett, Donaldson, and Pinney be, and are hereby appointed as a committee on the part of the house, to confer with a like committee on the part of the council, relative to an increase of the members of both branches of the legislature.

Mr. Armstrong moved that the resolution be laid on the table.

Which motion prevailed.

The committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 48, 57, and 53, and

Reported the same back as correctly engrossed.

Also, council files Nos. 6 and 21, as correctly enrolled.

Report was adopted.

Mr. Pinney, chairman of the committee on counties, to whom was referred

House file No. 59, "An Act to establish certain counties, and for other purposes," reported the same back to the house without amendment, and recommended that it be passed.

Report adopted.

Mr. Armstrong, chairman of the committee on internal improvements, to whom was referred

House file No. 60: "An Act granting to Henry A. Kennerly and James M. Allen a charter to keep a ferry across the Missouri river, near the mouth of Crow creek," reported the same back, with the following amendment, to wit:

After section 3d, the words, "The legislative assembly do hereby reserve the right to repeal said charter, whenever said parties shall fail to perform the provisions of this act."

The report and amendment were adopted, and

On motion, the bill was ordered to be engrossed for a third reading.

The select committee to whom was referred

Council bill No. 40: "An Act to designate the time of holding the general election, and provide for the election of a delegate to the congress of the United States," reported the same back to the house without amendment, and recommended its passage.

H. S. DONALDSON, }  
M. K. ARMSTRONG, } *Committee.*  
C. MALONEY, }

Report adopted.

Mr. Armstrong introduced

House file No. 61: "An Act to create a county and territorial revenue," which was read a first time.

Council bill No. 31: "A bill for an act to regulate the sale of spirituous liquors," was read a first time, and

On motion of Mr. Pinney, rules were suspended, and the bill read a second time.

Mr. Puett moved that the bill be referred to the committee on federal relations.

The yeas and noes being called for and ordered on the adoption of Mr. Puett's motion,

There were, yeas 4, noes 8.

Those who voted in the affirmative, were Messrs. Puett, Pinney, Waldron, and Wood.

Those in the negative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stanage, and Wallace.

So the motion was lost.

Mr. Donaldson moved that the bill be referred to the committee on judiciary.

Which motion prevailed.

Council bill No. 39: "A bill for an act to designate the time of

the meeting of the legislature, and define the duties of the same," was read a first time.

On motion of Mr. Pinney the rules were suspended, and the bill read a second time.

On motion of Mr. Pinney, it was referred to a select committee of three.

The chair appointed as such committee, Messrs. Pinney, Armstrong, and Stanage.

A communication was received from the secretary of the territory relative to enrolled bills.

Mr. Armstrong moved that the communication be referred to a select committee of three.

Which motion prevailed.

The chair appointed as such committee, Messrs. Pinney, Wallace, and Armstrong.

Council bill No. 41: "A bill for an act granting to Arthur C. Van Meter and his heirs a charter to keep a ferry across the Vermilion river," was read a first time, and

On motion of Mr. Puett, rules were suspended, and the bill read a second time.

On motion of Mr. Pinney, the bill was referred to the committee on internal improvements.

Council bill No. 44: "A bill for an act to define the rights of persons who are accused of crimes and offences," was read a first time, and

On motion of Mr. Donaldson, rules were suspended, and the bill read a second time.

Mr. Pinney moved that it be referred to a select committee of three, which

Motion prevailed.

The chair appointed as such committee, Messrs. Pinney, Wood, and McBride.

Council bill No. 30: "A bill for an act to adopt and establish a criminal code for the Territory of Dakota," was taken up.

Mr. Donaldson moved that the reading of the bill at length be dispensed with, which

Motion prevailed.

The bill was then read a first time by its title, and

On motion of Mr. Pinney, rules were suspended, and the bill read a second time.

On motion of Mr. Donaldson, it was referred to the committee on judiciary.

Council bill No. 38: "A bill for an act granting a ferry charter to M. M. Rich, across the Big Sioux river," was read a second time, and

On motion of Mr. Pinney, it was referred to the committee on internal improvements.

Council bill No. 43: "An Act granting to William P. Lyman and John M. Patterson and their heirs, a charter to keep a ferry across the Missouri river," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on internal improvements.

House file No. 54: "An Act to provide for the recording of marks and brands of animals," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on agriculture and manufactures.

House file No. 55: "An Act to provide for the filing of chattel mortgages," was read a second time, and

On motion of Mr. Donaldson, was referred to the committee on judiciary.

House file No. 58: "A joint memorial and resolution relative to the protection of claims on the public lands, of all volunteers in the United States service," was read a second time, and

On motion of Mr. Armstrong, was referred to the committee on military affairs.

Council bill No. 40: "A bill for an act to designate the time of holding the general election, and provide for the election of a delegate to the congress of the United States," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 10, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stanage, Wallace, and Wood.

In the negative, Messrs. Puett and Waldron.

So the bill passed, and the title was agreed to.

House file No. 53: "A bill for an act to prevent swine running at large," was read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill was passed.

The title was amended, by inserting before the word "running" the word "from."

The title was then agreed to.

House file No. 57: "A bill for an act to locate a territorial road," was read a third time, and

The vote being taken upon the final passage of the bill,  
There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong,  
Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney,  
Stanage, Waldron, Wallace, and Wood.

So the bill was passed, and its title was agreed to.

House file No. 59: "An Act to establish certain counties, and  
for other purposes," was read a third time.

The vote being taken upon the final passage of the bill,

Resulted as follows: yeas 11, noes 1.

Those who voted in the affirmative, were Messrs. Armstrong,  
Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Stan-  
age, Waldron, Wallace, and Wood.

In the negative, Mr. Puett.

So the bill was passed, and its title was agreed to.

Mr. Donaldson moved that the house adjourn until to-morrow  
morning at 10 o'clock.

The motion prevailed, and the house adjourned at 12, M.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

### THIRTY-FIRST DAY.

WEDNESDAY, April 16, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. All the members present.

Journal of yesterday was read and approved.

The following reports from standing committees were read and  
adopted.

From the committee on agriculture and manufactures to whom  
was referred

House file No. 54: "An Act to provide for the recording of  
marks and brands of animals.

Reported back without amendment, and recommended it be  
passed.

From the committee on judiciary, to whom was referred

Council bill No. 38: "A bill for an act to grant to M. M. Rich a  
ferry across the Big Sioux river."

Also, council bill No. 41: "granting to C. Van Meter and his  
12\*

heirs, a charter to keep a ferry across the Vermilion river," reported the same back without amendment, and recommended their passage.

From the committee on military affairs, to whom was referred

House file No. 58: "A memorial relative to the protection of claims on the public lands, of volunteers in the United States service," reported the same back without amendment, and recommended its passage.

From the committee on engrossed and enrolled bills, to whom was referred

House files Nos. 60 and 21, reported the same back as correctly engrossed.

Also, house files Nos. 19, 23, and 47, and council bills Nos. 29, 5, and 22, as correctly enrolled.

From the committee on corporations, to whom was referred

Council bill No. 36: "An Act to incorporate the town of Elk Point, reported the same back without amendment, and recommended its passage. •

Mr. Donaldson introduced

House file No. 62: "An Act granting to Joseph Lemay, the right to establish and maintain a ferry across the Pembina river," which was read a first time.

On motion of Mr. Armstrong rules were suspended, and the bill was read a second time.

On motion of Mr. Donaldson, the bill was referred to the committee on internal improvements.

Council bill No. 36: "A bill for an act to incorporate the town of Elk Point," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and the title was agreed to.

Council bill No. 38: "A bill for an act to grant to M. M. Rich a ferry charter across the Big Sioux river," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill was passed, and its title agreed to.

Council bill No. 41: "A bill for an act granting to Arthur C. Van Meter, and his heirs a charter to keep a ferry across the Ver-



million river," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

House file No. 61: "An Act to create a county and territorial revenue," was read a second time, and

On motion of Mr. Pinney, was referred to the committee on counties.

The following house files were read a third time:

House file No. 54: "An Act to provide for the recording of marks and brands of animals."

House file No. 58: "A joint memorial and resolution relative to the protection of claims on the public lands of all volunteers in the United States service," and

House file No. 60: "An Act granting to Henry A. Kennerly, and J. M. Allen, a charter to keep and maintain a ferry across the Missouri river, near the mouth of Crow creek."

The vote being taken upon the final passage of the bills and memorial separately,

There were, yeas 12, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stange, Waldron, Wallace, and Wood.

So the bills and memorial passed, and their titles agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 16, 1862. }

MR. SPEAKER:

The council have passed the following council bills, to wit:

Council bill No. 47: "A bill for an act for the protection of game," and

Council bill No. 48: "An Act to incorporate The Old Settler's Historical Association."

In all of which the concurrence of the house is respectfully requested.

The council have also concurred in the house amendments to

Council bill No. 25: "A bill for an act to provide for the office of notary public, and define the duties of the same."

Also, the council have concurred in house amendment to

Council bill No. 27: "A bill for an act to create a lien for mechanics and others in certain cases."

Also, the council have passed

Council bill No. 53: "A bill for an act defining certain council

and representative districts, and apportioning the representation thereof."

The concurrence of the house is respectfully requested.

The council have also passed

House file No. 40: "An act to apportion the representation of of the Red river district."

JAMES TUFTS, *Secretary of Council.*

Council bill No. 47: "A bill for an act for the protection of game," was read a first time.

On motion of Mr. Puett, rules were suspended, and the bill was read a second time.

On motion of Mr. Donaldson, the bill was referred to the committee on judiciary.

Council bill No. 48: "An Act to incorporate The Old Settlers Historical Association," was taken up for consideration.

Mr. Pinney moved that the bill be laid on the table, which Motion prevailed.

Council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof," was read a first time, and

On motion of Mr. Pinney, rules were suspended and the bill read a second time.

Mr. Puett moved that the bill be referred to a select committee of three, which

Motion prevailed.

The chair appointed as such committee, Messrs. Armstrong, Puett, and Waldron.

Mr. Jacobson moved that the house adjourn until to-morrow at ten o'clock, A. M., which

Motion prevailed, and the house adjourned at half past eleven o'clock, A. M.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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### THIRTY-SECOND DAY.

THURSDAY, April 17, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.

Journal of yesterday was read and approved.

Mr. Pinney offered the following resolution :

*Resolved*, That the chief clerk of this house be directed to inquire of the honorable council what disposition has been made by that body of house files Nos. 34, 35, 36, 37, 38, and 39.

The resolution was adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }  
April 17, 1862. }

MR. SPEAKER :

The council have passed council file No. 9 : " A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city."

To which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

Majority report.

The select committee, to whom was referred council bill No. 53,

Reported that they have had the same under consideration, and reported the same back, and recommended the indefinite postponement of the same.

A. W. PUETT, }  
GEO. P. WALDRON, } *Committee.*

Minority report.

The undersigned, the minority of the committee to whom was referred council bill No. 53 : " An Act defining certain council and representative districts, and apportioning the representation thereof," report the same back with the following amendment, and recommend its passage, to wit :

In section 4, first line, strike out the words, " Yankton and Jayne," and insert in lieu thereof, the words, " Yankton, Jayne, Lincoln, Minnehaha, Brookings, and Deuel."

M. K. ARMSTRONG, *Committee.*

The yeas and noes being called for and ordered on the adoption of the majority report,

Resulted as follows : yeas 5, noes 7.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

So the majority report was not adopted.

The yeas and noes being called for and ordered on the adoption of the minority report,

There were, yeas 7, noes 6.

Those who voted in the affirmative, were Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and the speaker.

In the negative, Messrs. Burgess, Jacobson, Puett, Pinney, Waldron, and Wood.

So the minority report was adopted.

Mr. Pinney moved that council bill No. 53 be indefinitely postponed.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 5, noes 7.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

So the motion did not prevail.

Mr. Pinney moved that

Council bill No. 53 be laid on the table.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 5, noes 7.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

So the motion did not prevail.

Mr. Pinney moved that

Council bill No. 53 be recommitted to a select committee of three.

The yeas and noes being called for and ordered on the motion,  
Resulted as follows: yeas 4, noes 8.

Those who voted in the affirmative, were Messrs. Jacobson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Burgess, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

So the motion did not prevail.

Mr. Waldron moved that the reading of

Council bill No. 53 be postponed until Monday next.

The motion was lost.

Mr. Puett moved that the reading of

Council bill No. 53 be postponed until Saturday next.

Lost.

Mr. Waldron moved the postponement of

Council bill No. 53 until to-morrow.

Lost.

Mr. Pinney moved that

Council bill No. 53 be made the special order of business at 10 o'clock on Monday next.

Lost.

Mr. Waldron moved that the further consideration of

Council bill No. 53 be postponed until 2 o'clock in the afternoon, which

Motion prevailed.

Mr. Puett gave notice that he would on to-morrow, or on some subsequent day of the session, introduce a bill for an act to provide for taking the census of this territory, and authorize the governor to apportion the representation of the legislative assembly.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 28, 29, 15, 16, and 9.

Also, council bills Nos. 25, 27, and 40, and

Reported the same as correctly enrolled.

Report adopted.

Mr. Pinney introduced

House file No. 63: "An Act granting to C. N. Cooper, and R. M. Johnson, and their heirs, a charter to a ferry across the Missouri," which was read a first time.

On motion of Mr. Pinney, rules were suspended, and the bill read a second time and referred to the committee on internal improvements.

Council file No. 9: "A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city," was read a first time.

Mr. Stanage moved that

Council bill No. 34: "A bill for an act to organize and discipline the militia," be taken up and acted upon, which

Motion prevailed.

On motion of Mr. Pinney, the reading at length was dispensed with, and the bill was read a first time by its title.

On motion of Mr. Puett, rules were suspended, and the bill read a second time.

On motion of Mr. Armstrong, the bill was referred to the committee on military affairs.

On motion of Mr. Maloney, council bill No. 37: "A bill for an act to provide for the surveying, platting, and recording towns and cities," was taken up.

On motion of Mr. Armstrong, the bill was read a first time by its title.

On motion of Mr. Pinney, rules were suspended, and the bill read a second time.

On motion of Mr. Armstrong, the bill was referred to the committee on corporations.

Mr. Maloney moved that council bill No. 48 be taken up from the table.

Which motion prevailed,

And the bill was read a first time.

On motion of Mr. Pinney, rules were suspended, and the bill read a second time.

Mr. Pinney moved that the bill be referred to a select committee of three.

Which motion prevailed.

The chair appointed Messrs. Maloney, McBride, and Stange, as such committee.

Report of committee on internal improvements :

MR. SPEAKER :

Your committee to whom was referred council bill No. 43: " An Act granting to W. P. Lyman, and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river, report the same back with the following amendments, and recommend its passage.

In section 2, first line, amend by inserting after the word "shall" the words "on or before the first day of July next, establish and keep."

Also, in section 3, fourth line, strike out the word "six" and insert the word "three" in lieu thereof.

M. K. ARMSTRONG,	}	<i>Committee.</i>
A. W. PUETT,		
J. C. McBRIDE,		

The report and amendments were adopted.

Mr. Waldron offered the following amendment to council bill No. 43:

Strike out the word "conditions" in the tenth line of section 3, and insert the word "conditioned."

Amendment was adopted.

On motion of Mr. Donaldson, the house adjourned until half past one o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment, and was called to order by the speaker.

Roll called. All members present.

On motion of Mr. Puett, the consideration of council bill No. 53, was resumed.

Mr. Puett offered the following amendment to the bill, to wit:

Amend by adding as section 9, the following: "The counties of Minnehaha, Brookings, Lincoln, and Deuel, shall be entitled to one member of the house of representatives."

Also, strike out section 9, and insert in lieu thereof, section 10.

The yeas and noes being called for and ordered on the adoption of the amendments,

There were, yeas 5, noes 7.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Pinney, and Waldron.

In the negative, Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

So the amendments were not adopted.

The bill was then read a third time, and the vote being taken upon the final passage of the bill,

There were, yeas 7, noes 5.

Those who voted in the affirmative, were Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, Wallace, and Wood.

In the negative, Messrs. Burgess, Jacobson, Puett, Pinney, and Waldron.

So the bill passed, and the title was agreed to.

Majority report.

MR. SPEAKER :

Your committee, to whom was referred council bill No. 30: "An Act to adopt and establish a criminal code for the territory," report the same back without amendment, and recommend its passage.

M. K. ARMSTRONG,	} <i>Committee on</i>
A. W. PUETT,	

Minority report.

Mr. Waldron, from the committee on judiciary, to whom was referred council bill No. 30: "An Act to adopt and establish a criminal code for the territory," made a minority report, and recommended the following amendments, and that it be passed.

Strike out the seventh line of the 158th section, and insert the following: ——— judicial district, ——— term, in the year of our Lord, 18—.

In sections 167 and 168, strike out the word "chapter" where it may occur, and insert the word "code."

The house adopted the majority report.

Council bill No. 30: "A bill for an act to adopt and establish a criminal code for the territory of Dakota," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative were, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Mr. Puett moved that the house do adjourn until to-morrow morning, at nine o'clock.

Which motion prevailed, and the house adjourned at half past two o'clock, P. M.

J. R. HANSON, *Chief Clerk.*

JOHN L. TIERNON, *Speaker.*

## THIRTY-THIRD DAY.

FRIDAY, April 18, 1862.

House met pursuant to adjournment at nine o'clock, A. M.

The speaker in the chair.

Roll called. Present, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Waldron, Wallace, and Wood.

Journal of yesterday was read and approved.

The committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 21, 40, 44, and 48, and

Reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The committee to whom was referred

House file No. 63: "An Act granting C. N. Cooper and R. M. Johnson, and their heirs, a charter to keep a ferry across the Missouri river," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
J. C. MCBRIDE, } *Committee.*  
A. W. PUETT, }

Report adopted.

Mr. McBride gave notice that he would, on Monday next, introduce a bill to provide for the assessment and collection of taxes.

Mr. Puett moved that the house adjourn until to-morrow morning at 9 o'clock.

Which motion prevailed.

And the house adjourned at twenty-two minutes past 9 o'clock.

JOHN L. TIERNON, *Speaker.*

J. B. HANSON, *Chief Clerk.*

## THIRTY-FOURTH DAY.

SATURDAY, April 19, 1862.

House met at 9 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. All members present.



Journal of yesterday was read and approved.

Mr. Puett in the chair.

Mr. Armstrong, chairman of committee on internal improvement, presented the following report:

MR. SPEAKER:

Your committee, to whom was referred

House file No. 62: "An Act granting to Joseph Lemay the right to establish and maintain a ferry across the Pembina river," report the same back with the following amendments, and recommend its passage, to wit:

In section 4, line 14, after the word "them," insert "and in case of failure to file such bond as aforesaid."

M. K. ARMSTRONG,	}	<i>Committee.</i>
A. W. PUETT,		
J. C. McBRIDE,		

Report and amendment accepted, and bill ordered to be engrossed.

Mr. Maloney, chairman of the committee on privileges and elections, to whom was referred

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and return of the same," reported the same back with the following amendments, and recommended its passage:

Strike out all of section No. 49, and insert in lieu thereof,

"That all persons now in the military service of the United States in the Territory of Dakota, who were citizens of the Territory of Dakota, prior and at the time of their enlistment, shall be entitled to vote for delegate to congress at the election precinct nearest to which they may be stationed at the time of such election, and also all such persons shall be entitled to vote for county officers, and members of council and house of representatives, in the respective counties in which they resided at the time of their enlistment. And, provided further, that all such persons may vote at any election precinct in this territory, for county officers and members of the legislative assembly, which votes when canvassed must be transmitted by the register of deeds of said county in which they voted, to the register of deeds of the county in which they resided at the time of their enlistment. Provided further, that no such persons shall be permitted to vote for any other county officers or members of the legislative assembly, than in the county in which they resided at the time of their enlistment."

In section 1, strike out the words "second Tuesday of October," and insert in lieu thereof "first Monday in September."

In section 2, strike out the word "April," and insert in lieu thereof "June."

In section 29, strike out the word "elclose" in the first line, and insert in lieu thereof "enclose."

In section 47, second line, when the words "and register of deeds" occurs twice in succession, strike out the words "and register of deeds" once.

In section 50, second line, strike out the words "second Tuesday of October," and insert in lieu thereof the "first Monday of September."

Mr. Pinney offered the following amendment to the amendment: Strike out all after the words "house of representatives" in the fourteenth line.

The question recurring upon the amendment to the amendment, it was

Lost.

The previous question being ordered, and the yeas and noes demanded, the vote stood,

Yeas 5, noes 7, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, McBride, Maloney, Wallace, and Wood.

Those who voted in the negative, were Messrs. Burgess, Donaldson, Jacobson, Puett, Pinney, Stanage, and Waldron.

So the report of the committee was adopted.

Mr. Tiernon moved the bill be recommitted to the same committee, and

The yeas and noes having been called for and ordered on the adoption of the motion, the vote stood,

Yeas 7, noes 5, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, McBride, Maloney, Stanage, Waldron, Wallace, and Wood.

Those who voted in the negative, were Messrs. Burgess, Donaldson, Jacobson, Puett, and Pinney.

So the bill was recommitted to the committee on privileges and elections.

On motion of Mr. Pinney, the committee was instructed to report the same back on Tuesday next.

The following communications were received from the council:

COUNCIL CHAMBER, }  
April 19, 1862. }

MR. SPEAKER:

The council have passed the following council bills:

Council bill No. 49: "A bill for an act defining the manner of appointment and duties of the clerks of the district courts."

Also, council bill No. 51: "A bill for an act to provide for corporations for manufacturing, mining, lumbering, agricultural, mechanical, and chemical purposes."

In all of which the concurrence of the house is respectfully requested.

The council have also passed  
 House file No. 53: "An Act to prevent swine from running at large," and  
 House file No. 59: "An Act to establish certain counties, and for other purposes."

JAMES TUFTS, *Secretary of Council.*

COUNCIL CHAMBER, }  
 April 19, 1862. }

MR. SPEAKER:

The council have passed  
 Council file No. 8: "A memorial to the senate and house of representatives of the United States, requesting the tax due from the Territory of Dakota to the general government to be paid out of the legislative fund of Dakota Territory."

In which the concurrence of the house is requested.

The council have also passed

House file No. 54: "An Act to provide for the recording of marks and brands of animals."

The council have also passed

House file No. 60: "An Act granting to Henry A. Kennerly and J. M. Allen a charter to keep a ferry across the Missouri river, near the mouth of Crow creek."

The council have also concurred in house amendment to

Council bill No. 53: "An Act defining certain council and representative districts, and apportioning the representation thereof."

JAMES TUFTS, *Secretary of Council.*

Council file No. 8: "Memorial to the senate and house of representatives of the United States, requesting the tax due from the Territory of Dakota to the general government to be paid out of the legislative fund of Dakota Territory," was taken up, and

On motion of Mr. Pinney, indefinitely postponed.

Council bill No. 49: "A bill for an act defining the manner of appointment and duties of the clerks of the district courts," was taken up, and read a first and second time, and

On motion of Mr. Pinney referred to the committee on judiciary.

Council bill No. 51: "A bill for an act to provide for corporations for manufacturing, mining, lumbering, agricultural, mechanical, and chemical purposes," was taken up, and read a first and second time, and

On motion of Mr. Pinney referred to committee on corporations.

Council file No. 9: "A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city," was taken up and read a second time, and

On motion of Mr. Pinney, referred to the committee on federal relations.

Council bill No. 43: "An Act granting to William P. Lyman and John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river," as amended yesterday, was taken up and read a third time and put upon its passage.

The yeas and noes being had,

The vote stood, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

House file No. 63: "An Act granting to C. N. Cooper and R. M. Johnson, and their heirs, a charter to a ferry across the Missouri," was taken up and read a third time, and put upon its passage.

The yeas and noes being had,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

The following report was received from the committee on judiciary:

MR. SPEAKER:

Your committee on judiciary beg leave to report to the house, for their consideration, the following:

House file No. 56: "An Act to establish a code of civil procedure for Dakota Territory."

M. K. ARMSTRONG,	} Committee.
A. W. PUETT,	
GEO. P. WALDRON,	

The report was adopted, and the bill read a first time, and

On motion of Mr. Pinney, read a second time, and

On motion of Mr. Waldron, rules were suspended, and the bill passed its third reading, and was put upon its final passage.

The vote being had,

There were, yeas 10, noes 2, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

Those who voted in the negative were, Messrs. Donaldson and Pinney.

So the bill passed, and its title was agreed to.

Mr. Tiernon moved that the house adjourn.

The yeas and noes were called for and ordered on the motion, Resulting as follows: yeas 4, noes 8.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Puett, and Wallace.

In the negative, Messrs. Armstrong, Jacobson, McBride, Maloney, Pinney, Stanage, Waldron, and Wood.

So the motion did not prevail.

Upon motion of Mr. McBride, the house resolved itself into a committee of the whole, to consider the negro question.

Mr. Puett in the chair.

After some time spent therein, the committee arose, and, by their chairman, asked until Monday to report, which was granted.

Mr. Puett moved to adjourn until Monday morning, at 10 o'clock,

Which motion prevailed, and

The house adjourned at half past eleven o'clock.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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### THIRTY-SIXTH DAY.

MONDAY, April 21, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Stanage.

Journal of Saturday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
April 21, 1862. }

MR. SPEAKER :

The council have passed the following bills, to wit :

Council bill No. 32: " A bill for an act to protect persons holding claims on public lands."

Council bill No. 59: " A bill for an act regulating marriages."

Also, council file No. 10: " A joint resolution."

In all of which the concurrence of the house is respectfully requested.

The council have also passed house file No. 57: " An Act to locate a territorial road."

JAMES TUFTS, *Secretary of Council*.

On motion of Mr. Armstrong, leave of absence was granted Mr. Stanage.

The committee on judiciary, to whom was referred

Council bill No. 49: "An Act defining the manner of appointment, and the duties of the clerks of the district courts," reported the same back to the house with the following amendment, and recommended that it be passed, to wit:

In section 9, second line, strike out the word "on," and insert the word "from" in lieu thereof.

M. K. ARMSTRONG, }  
GEO. P. WALDRON, } *Committee.*  
A. W. PUETT, }

Report and amendment adopted.

The committee on engrossed and enrolled bills, reported that they had examined

House file No. 62, and reported the same back as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

Report was adopted.

Mr. Puett from the committee on corporations, to whom was referred

Council bill No. 37: "An Act to provide for surveying, platting, and recording towns and cities," reported that they have had the same under consideration.

Also, council bill No. 51, and reported the same back to the house without amendment, and recommended that they be passed.

The report was adopted.

The following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration the slavery question, and report no progress upon the same.

A. W. PUETT, *Chairman.*

Report was adopted.

Mr. Maloney, from the select committee to whom was referred

Council bill No. 48: "An Act to incorporate the Old Settlers Historical Association," reported the same back to the house with the accompanying amendment, and recommended that it be passed.

Mr. Pinney moved that the report and bill be laid on the table.

Which motion prevailed.

Mr. Pinney introduced

House file No. 64: "An Act regulating the rate of interest," which was

Read a first time.

Leave was granted Mr. Puett to introduce  
House file No. 65: "An Act for the regulation of county jails,"  
which was  
Read a first time.

Mr. Waldron introduced  
House file No. 46: "An Act to divide the Territory of Dakota  
into judicial districts, assign the judges to the same, and fixing the  
time of holding courts in each," which was  
Read a first time.

Mr. Donaldson introduced  
House file No. 66: "A memorial to congress praying for the con-  
struction of a fort in the valley of the Red river of the North,"  
which was  
Read a first time.

Council file No. 10: "Joint resolution."  
Also, council bill No. 32: "A bill for an act to protect persons  
holding claims on public lands," were  
Read a first time.

Council bill No. 59: "A bill for an act regulating marriages,"  
was  
Read a first and second time, and  
Referred to committee on internal improvements.

The following council bills were read a third time:

Council bill No. 37: "A bill for an act to provide for surveying,  
platting, and recording towns and cities."

Council bill No. 49: "A bill for an act defining the manner of  
appointment and duties of the clerks of the district courts," and

Council bill No. 51: "A bill for an act to provide for corpora-  
tions for manufacturing, mining, lumbering, agricultural, mechani-  
cal, and chemical purposes."

Also, house file No. 62: "An Act granting to Joseph Lemay  
the right to establish and maintain a ferry across the Pembina  
river."

The vote being taken upon the final passage of the bills sepa-  
rately,

There were on each, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong,  
Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Pinney,  
Waldron, Wallace, and Wood.

So the bills passed, and their titles were agreed to.

Special order of the day:

Council bill No. 33: "A bill for an act to prevent persons of color residing in Dakota," was taken up for consideration.

On motion of Mr. Puett, the bill was indefinitely postponed.

Mr. Puett moved to adjourn until to-morrow morning at ten o'clock.

Which motion prevailed, and the house adjourned at half past eleven o'clock.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

### THIRTY-SEVENTH DAY.

TUESDAY, April 22, 1862.

House met pursuant to adjournment at 10 o'clock; A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Messrs. Stanage and Pinney.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 22, 1862. }

MR. SPEAKER:

The council have passed the following council bills, to wit:

Council bill No. 55: "A bill for an act conferring the rights of citizenship on Charles F. Picotte."

Also, council bill No. 56: "An Act to provide for offences against the public health."

Also, council bill No. 57: "An Act to incorporate "Yankton Lodge, No. 1, of Free and Accepted Masons."

Also, council bill No. 58: "An Act to incorporate the town of Springfield in the county of Bon Homme."

In all of which the concurrence of the house is requested.

The council have also concurred in house amendment to

Council bill No. 43: "An Act granting to William P. Lyman, John M. Patterson, and their heirs, a charter to keep a ferry across the Missouri river."

JAMES TUFTS, *Secretary of Council*.

On motion of Mr. Puett, Mr. Pinney was granted leave of absence on account of indisposition.

The following members gave notice of their intention to introduce bills on some future day, to wit:

By Mr. Waldron, "A bill establishing a woman's school, for the



purpose of teaching the members of this house the art of reading and writing."

By Mr. Maloney, "A bill punishing offences against chastity, morality, and decency."

By Mr. Puett, "A bill providing for fees of all county officers."

Also, "An Act relative to the territorial library."

Also, "An Act providing for road supervisors."

By Mr. Wood, "A bill to incorporate the town of Vermilion."

Mr. Maloney, from the committee on privileges and elections, to whom was referred

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass, and return of the same,"

Reported the same back to the house with the following amendments, and recommended that it be passed:

Amend section one by striking out the words "second Tuesday of October," and insert in lieu thereof the following words, "first Monday in September."

Amend section second by striking out the word "April," and insert in lieu thereof the word "June."

Amend section 49, by striking out the word "reside," in the tenth line, and insert in lieu thereof the words "resided at the time of their enlistment."

Also, amend by adding to section 49th the following:

"In case any company of Dakota volunteers be divided into several detachments and stationed in different parts of the territory, the officer commanding any such detachment is authorized to appoint judges of election."

Amend section 50, by striking out the words "second Tuesday of October," and insert in lieu thereof the words "first Monday in September."

The report and amendments were adopted, and

The bill ordered to be engrossed for its third reading.

Mr. Armstrong, from the committee on judiciary, to whom was referred

Council bill No. 47: "An Act for the protection of game,"

Reported the same back to the house with the following amendment, and recommended it be passed.

Strike out all after the enacting clause, and insert the following:

SECT. 1. That if any person shall, within this territory, shoot, trap, or kill, in any manner, any grouse, prairie chicken, wild turkey, or quail, between the first day of April and the first day of July following, he shall for every such offence forfeit and pay the sum of five dollars, to be collected by a civil action in the name of the county where the offence occurs, before any justice of the peace during jurisdiction thereof, which sum so recovered, shall be paid by such justice to the county treasurer of said county, for the use of com-

mon schools, in the school district where the offence was committed.

SECT. 2. This act shall take effect from and after its passage.

The report and amendment were adopted.

The following report was received :

MR. SPEAKER:

Your committee on internal improvements, to whom was referred Council bill No. 59: A bill entitled "An Act regulating marriages," beg leave to report, and would state, that they admire the sagacity and wisdom of this house, in referring this bill to its appropriate committee.

Your committee, however, found themselves unable to perform the arduous duty of investigating *all* the internal qualities of the bill, and the parties contained therein, but with the learned advice and counsel of the chairman of the committee on federal relations and of the committee on military affairs and ways and means, your committee was led to the belief that there might be some "internal improvement" made in Sect. 2, after the words — *A marriage between a male person of sixteen, and a female of fourteen years of age is valid*; hence we herewith report the bill back to the house with the attached amendment, and recommend that the bill as amended be referred to the committee of the whole.

Amend Sect. 2, as follows: After the words valid, insert *Provided, that nothing in this act contained, shall be so construed as to permit of the intermarriage of white persons with persons of color, nor of the intermarriage of persons who are related to each other by blood, nearer than second cousins.*

M. K. ARMSTRONG,	} Committee on	
J. C. McBRIDE,		} Int. Imp.
A. W. PUETT,		

The report and amendments were adopted.

Mr. Puett, chairman of the committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 60, 53, and 57, and reported the same as correctly enrolled.

Also, council file Nos. 43 and 36, as correctly enrolled.

Report adopted.

Mr. Waldron, from the committee on federal relations, to whom was referred

Council file No. 9: "A memorial for the establishment of a military post at Sioux Falls," reported same back without amendment, and recommended that it be passed.

Report was adopted.

Mr. Donaldson introduced

House file No. 67: "An Act to provide for the fees of road commissioners, which was

Read a first and second time, and

On motion, referred to committee on internal improvements.  
 Mr. Donaldson also introduced  
 House file No. 68: "An Act to incorporate the town of St. Joseph," which was read a first and second time, and  
 Referred to the committee on corporations.

Leave was granted Mr. Waldron to introduce  
 House file No. 69: "An Act to locate and establish a territorial road, which was  
 Read a first and second time, and  
 Referred to committee on internal improvements.

Mr. Burgess introduced  
 House file No. 70: "An Act to prohibit slavery, and involuntary servitude in the Territory of Dakota."  
 Mr. Donaldson moved that the bill be indefinitely postponed.  
 The yeas and noes being called for on the motion,  
 There were, yeas 6, noes 5.  
 Those who voted in the affirmative, were Messrs. Armstrong, Donaldson, McBride, Maloney, Wallace, and Mr. speaker.  
 In the negative, Messrs Burgess, Jacobson, Puett, Waldron, and Wood.  
 So the motion prevailed.

Leave was granted Mr. Puett to introduce  
 House file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads, which was  
 Read a first and second time, and  
 Referred to committee on internal improvements.

The following council bills were read a first time:

Council bill No. 56: "An Act to provide for offences against the public health."

Council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons."

Council bill No. 55: "A bill for an act conferring the right of citizenship on Charles F. Picotte."

Council bill No. 58: "An Act to incorporate the town of Springfield, in the county of Bon Homme."

Council file No. 10: "A joint resolution," was  
 Read a second time.

Council bill No. 32: "A bill for an act to protect persons holding claims on public lands," was  
 Read a second time, and  
 Referred to committee on judiciary.

The following were read a third time:

Council file No. 9: "A memorial to the president of the United States, praying for the establishment of a military post at Sioux Falls city," and

Council bill No. 47: "A bill for an act for the protection of game."

The vote being taken upon their final passage, separately,  
There were, yeas 10, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Waldron, Wallace, and Wood.

So the bill and memorial passed, and their titles were agreed to.

The following bills were read a second time, and referred to standing committees:

House file No. 64: "An Act to divide the territory of Dakota into judicial districts, assign judges to the same, and fixing the time of holding courts in each."

Referred to committee on judiciary.

House file No. 64: "An Act regulating the rate of interest."

Referred to committee on ways and means.

House file No. 66: "A memorial to congress praying for the construction of a fort in the valley of the Red river of the North."

Referred to committee on internal improvements.

And house file No. 65: "An Act for the regulation of county jails."

Referred to committee on judiciary.

Mr. Waldron gave notice of his intention to introduce on tomorrow, or on some future day, a "bill to provide a revenue."

Also, a "bill providing for the taking of the census of this territory."

On motion of Mr. Armstrong, the house resolved itself into a committee of the whole, for the purpose of considering council bill No. 59: "A bill for an act regulating marriages."

Mr. Wood in the chair.

After some time spent therein, the committee arose, and by their chairman made the following report:

MR. SPEAKER:

The committee of the whole to whom was referred council bill No. 59, have had the same under consideration, and report the same back with the following amendments, and recommend its passage.

Strike out the word "chapter" where it occurs in section 3, and insert in lieu thereof the word "act."

Also, strike out the words "county clerk" wherever they occur in the bill, and insert in lieu thereof, "the clerk of the board of county commissioners."

Also, in section 15, insert the word "religious" between the words "particular," and "denomination."

The report and amendments were adopted.

On motion of Mr. Wood, the house adjourned until to-morrow morning, at ten o'clock.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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### THIRTY-EIGHTH DAY.

WEDNESDAY, April 23, 1862.

House met at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Pinney.

Journal of yesterday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
April 23, 1862. }

MR. SPEAKER :

The council have passed

Council bill No. 50 : " An Act for the protection and regulation of cemetery associations."

The council have also concurred in house amendment to

Council bill No. 49 : " A bill for an act defining the manner of appointment and duties of the clerks of the district courts."

Also, the council have passed

House file No. 50 : " An Act to provide for recording deeds, mortgages, bonds, contracts, and agreements."

Also, house file No. 63 : " An Act granting to C. N. Cooper and R. M. Johnson, and their heirs, a charter to keep a ferry across the Missouri river."

JAMES TUFTS, *Secretary of Council.*

Mr. Armstrong, from the committee on internal improvements, to whom was referred

House file No. 66 : " A memorial to congress praying for the construction of a fort in the valley of the Red river."

Also, house file No. 67 : " An Act to provide for the fees of road commissioners."

Also, house file No. 71: "An Act regulating the duties of surveyors of roads."

Reported the same back, without amendment, and recommended their passage.

Report adopted.

Mr. Stange, from the committee on military affairs, to whom was referred

Council bill No. 34: "An Act to organize and discipline the militia of the Territory of Dakota," reported the same back without amendment, and recommended its passage.

Report adopted.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they have examined house file No. 32, and reported the same back as correctly engrossed.

Also, house file Nos. 54 and 59, as correctly enrolled.

Report adopted.

Mr. Armstrong, from the committee on judiciary, to whom was referred

Council bill No. 32: "An Act to protect persons holding claims on public lands."

Also, house file No. 46: "An Act to divide the territory into judicial districts," &c.

Also, house file No. 65: "An Act for the regulation of county jails," reported that they have had the same under consideration, and reported the same back without amendment.

Report adopted.

The following report was received:

April 23, 1862.

MR. SPEAKER:

The committee of conference to whom was referred council bill No. 2, have had the same under consideration, and beg leave to report the accompanying bill back to the house, as a substitute for the original bill, and recommend its passage.

All of which is respectfully submitted.

A. W. PUETT,	} Committee on the part of the house.
H. S. DONALDSON,	
B. E. WOOD,	

Report adopted and committee discharged.

The conference committee introduced

House file No. 72: "An Act exempting property from execution," which was

Read a first time.

Mr. Donaldson introduced

House file No. 73: "A memorial to congress for the construction of a territorial road," which was

Read a first time.

Mr. Maloney introduced

House file No. 74: "An Act to prevent offences against chastity, morality, and decency," which was

Read a first time.

Mr. McBride introduced

House file No. 75: "An Act relative to the law of roads, and the regulation of public carriages," which was

Read a first time.

Council bill No. 50: "An Act for the formation and regulation of cemetery associations," was

Read a first time.

Council bill No. 55: "A bill for an act conferring the rights of citizenship on Charles F. Picotte," was

Read a second time, and

Referred to the committee on judiciary.

Council bill No. 56: "An Act to provide for offences against the public health," was

Read a second time, and

Referred to committee on internal improvements.

Council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons," was

Read a second time, and

Referred to committee on corporations.

Council bill No. 58: "An Act to incorporate the town of Springfield, in the county of Bon Homme," was

Read a second time, and

Referred to committee on corporations.

The following council and house bills and memorials were read a third time, and put upon their final passage.

Council bill No. 32: "A bill for an act to protect persons holding claims on public lands."

Council bill No. 34: "A bill for an act to organize and discipline the militia."

Council file No. 10: "A joint resolution."

Council bill No. 59: "A bill for an act regulating marriages."

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and return of the same."

House file No. 46: "An Act to divide the Territory of Dakota into judicial districts, assign the judges to the same, and fixing the time of holding courts in each."

House file No. 65: "An Act for the regulation of county jails."

House file No. 66: "A memorial to congress, praying for the construction of a fort in the valley of the Red river of the North."

House file No. 67: "An Act to provide for the fees of road commissioners," and

House file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads."

The vote being taken upon the final passage of the foregoing separately.

There were, yeas 11, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, Wallace, and Wood.

So the bills and memorials passed, and their titles were agreed to.

Mr. Puett introduced the following resolution:

*Resolved*, That whereas the secretary of the territory communicated to this house, early in the session, relative to the pay of postage for the members thereof, and that said secretary in said communication stated that he would pay the amount of four dollars, as postage for each member of this body, including the chief clerk of the same, and

Whereas, this house has been informed that the postmaster of this place has about fifty dollars worth of three cent stamps; therefore,

*Resolved*, That the secretary of the territory be respectfully requested to furnish to each member of this house, and the chief clerk of the same, postage stamps to the amount of four dollars, including the amount already taken up by each member and said clerk respectively; and that the chief clerk of the house be ordered to furnish the secretary of the territory with a copy of the foregoing resolution.

The resolution was adopted.

The committee on engrossed and enrolled bills, reported that they had examined

Council bill No. 37, and reported the same as correctly enrolled. Report adopted.

Mr. Waldron moved that when the house adjourn on Friday next, it adjourn until one week from the succeeding Monday.

Motion was lost.

Mr. Maloney moved that council bill No. 48, be taken up from the table.

Which motion prevailed, and the bill was taken up.



The original report and amendments of committee, to whom was referred

Council bill No. 48: "An Act to incorporate the 'Old Settlers Historical Association,'" were adopted.

Mr. Donaldson offered the following amendment to the amendment:

Amend by inserting after the name of "J. S. Gregory," "Norman W. Kitson," also strike out the name of "H. S. Donaldson."

Mr. Armstrong called for a division of the question, which was ordered.

The portion of the amendment, inserting the name of "Norman W. Kitson," was adopted.

The portion striking out the name of "H. S. Donaldson," was lost.

Mr. Waldron offered the following amendment.

Strike out the figures "59," and insert the figures "62," at the end of section 2.

Mr. Armstrong moved to amend the amendment, by striking out the figures "1862," and inserting in lieu thereof the words "after the passage of the organic act."

The amendment to the amendment was adopted.

The question then recurring on Mr. Waldron's amendment, It was adopted.

The bill was then read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0, as follows:

In the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

On motion of Mr. Puett, the house adjourned until to-morrow morning at 10 o'clock.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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### THIRTY-NINTH DAY.

THURSDAY, April 24, 1862.

House met pursuant to adjournment at 10, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Members all present.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
 April 24, 1862. }

MR. SPEAKER:

The council have passed the following council bills, to wit:

Council bill No. 52: "An Act concerning alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages."

And council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will."

In all of which the concurrence of the house is requested.

The council have also passed house file No. 62: "An Act granting to Joseph Lemay, the right to establish and keep a ferry across the Pembina river."

Also, the council refuses to concur in house amendment to

Council bill No. 47: "A bill for the protection of game," and I herewith return the same for the further consideration of the house.

JAMES TUFTS, *Secretary of Council.*

Mr. Armstrong, from the committee on ways and means, to whom was referred house file No. 64: "An Act regulating the rate of interest," reported the same back without amendments, and recommended its passage.

Report adopted.

Mr. Armstrong, from the committee on internal improvements, to whom was referred council bill No. 56: "An Act to provide for offences against the public health, reported the same back with its title amended, so as to read "An Act to provide for the punishment of offences against the public health," and recommended its passage.

The report and amendment were adopted.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined

Council bill No. 30: "An Act to adopt and establish a criminal code for the Territory of Dakota, and found the same correctly enrolled.

Report adopted.

Mr. Puett, from the committee on corporations, to whom was referred

Council bill No. 58: "An Act to incorporate the town of Springfield."

Also, council bill No. 57: "An Act to incorporate Yankton Lodge of Free and Accepted Masons, reported that they have had the same under consideration, and reported the same back without amendments, and recommended their passage.

The report was adopted.

Mr. Armstrong, from the committee on judiciary, to whom was referred council bill No. 55: "An Act conferring the rights of

citizenship on C. F. Picotte, reported the same back without amendment, and recommended its passage.

The report was adopted.

Leave was granted Mr. Donaldson to introduce House file No. 76: "An Act to regulate partnership," which was

Read a first time.

Leave was granted Mr. Waldron to introduce House file No. 77: "A memorial to the honorable E. M. Stanton, in relation to the cavalry company raised in this territory," which was

Read a first time.

Leave was granted Mr. Waldron to introduce House file No. 78: "An Act providing for the registration of the legal voters in this territory," which was

Read a first time.

Mr. Puett introduced House file No. 79: "An Act conferring the right of citizenship upon certain persons in this territory," which was

Read a first time.

Mr. Puett introduced House file No. 80: "An Act regulating fees of county officers," which was

Read a first time.

Council bill No. 47: "A bill for an act for the protection of game," which had been returned from the council, for the further consideration of the house, the council not concurring in house amendment, was taken up for consideration.

Mr. Waldron moved that the house adhere to its original amendment, which

Motion prevailed.

Mr. Pinney, from the select committee to whom was referred Council bill No. 39: "An Act to designate the time of the meeting of the legislature, and define the duties of the same."

Reported the same back to the house with the following amendment, and recommended that it be passed.

Amend section 14, by striking out the following words contained in the 14th, 15th, 16th, 17th, and 18th lines.

"The secretary and assistant secretary of the council shall hold their respective offices for the term of two years, unless removed by the council, and the chief clerk and assistant clerk of the house of representatives shall hold their respective offices until the commencement of the next session, following the one at which they were elected, if not sooner removed by the house."

Also, amend section 14, by striking out the word "other," after the word "all," in the 18th line.

The report and amendments were adopted.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined council bill No. 49, and council file No. 9, and reported the same as correctly enrolled.

Report adopted.

Mr. Pinney, from the select committee to whom was referred

Council bill No. 44: "An Act to define the rights of persons who are accused of crimes and offences," reported the same back to the house with the following amendment, and recommended that it be passed.

Amend by adding another section, as follows:

"SECT. 7. This act shall take effect and be in force from and after its passage and approval by the governor."

The report and amendment were adopted.

Council bill No. 52: "An Act concerning alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages," was

Read a first time.

Council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will," was

Read a first time.

Council bill No. 50: "An Act for the formation and regulation of cemetery associations," was

Read a second time, and

Referred to committee on corporations.

Council bill No. 39: "A bill for an act to designate the time of the meeting of the legislature, and define the duties of the same," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 44: "A bill for an act to define the rights of persons who are accused of crimes and offences," was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 55: "A bill for an act conferring the rights of citizenship on Charles F. Picotte," was taken up for consideration.

Mr. Maloney offered the following amendment to the bill, to wit: amend by inserting after the words, "Charles F. Picotte," "Zephyr Rencontre, Colin Campbell, Louis Lecompt, Charles Poppin, and Colin Lamont."

Mr. Donaldson moved that the third reading of the bill be postponed until next week Saturday.

The yeas and noes being called for and ordered on the motion,

There were, yeas 3, noes 9, as follows:

Those who voted in the affirmative, were Messrs. Donaldson, McBride, and Maloney.

In the negative, Messrs. Armstrong, Burgess, Jacobson, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the motion did not prevail.

The yeas and noes were then called for and ordered on the adoption of Mr. Maloney's amendment, resulting as follows:

Yeas 2, noes 10.

Those who voted in the affirmative, were Messrs. McBride and Maloney.

In the negative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the amendment was not adopted.

The bill was then read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 56: "An Act to provide for offences against the public health," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 57: "An Act to incorporate Yankton Lodge, No. 1, of Free and Accepted Masons," was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 58: "An Act to incorporate the town of Springfield, in the county of Bon Homme," was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

House file No. 72: "An Act exempting property from execution," was

Read a second time, and

Referred to committee on judiciary.

House file No. 73: "A memorial to congress for the construction of a territorial road," was

Read a second time, and

Referred to committee on internal improvements.

House file No. 74: "An Act to prevent offences against chastity, morality, and decency," was

Read a second time, and

Referred to the committee on judiciary.

House file No. 75: "An Act relative to the law of roads, and the regulation of public carriages," was

Read a second time, and

Referred to the committee on internal improvements.

House file No. 69: "An Act to locate and establish a territorial road," was

On motion, recommitted to the committee on internal improvements.

House file No. 64, "An Act regulating the rate of interest," was

Read a third time, and

The vote being taken upon the final passage of the bill, resulted as follows:

Yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill was passed, and its title agreed to.

On motion of Mr. Donaldson, the house adjourned until 10 o'clock to-morrow morning.

J. R. HANSON, *Chief Clerk.*

JOHN L. TIERNON, *Speaker.*

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FORTIETH DAY.

FRIDAY, April 25, 1862.

House met pursuant to adjournment, at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Wood.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 25, 1862. }

MR. SPEAKER:

The council have passed the following council bills to wit:

Council bill No. 60: "An Act concerning wills of real and personal property."

Council bill No. 63: "An Act to provide a remedy for forcible entries and unlawful detainers."

Council bill No. 64: "An Act creating the administration and distribution of the estates of intestates."

Council bill No. 65: "A bill for an act to authorize certain officers to administer oaths and affirmations in all cases," and

Council bill No. 67: "A bill for an act to provide for the collection of demands against boats and vessels."

In all of which, the concurrence of the house is respectfully requested.

The council have also concurred in house amendments to the following council bills, to wit:

Council bill No. 48: "An Act to incorporate the Old Settlers Historical Association."

Also, council bill No. 59: "A bill for an act regulating marriages."

I have also to inform you that the council have appointed Messrs. Stutsman, Deuel, and Boyle, joint committee, pursuant to joint resolution, relative to a territorial seal.

JAMES TUFTS, *Secretary of Council.*

On motion of Mr. Waldron, leave of absence was granted to Mr. Wood.

Mr. Puett offered the following resolution :

*Resolved*, That General William Tripp be invited to a seat within the bar of this house, at pleasure.

The resolution was adopted.

Mr. Donaldson offered the following resolution :

*Resolved*, That the territorial printer be directed to print and furnish the members of the legislature copies of all bills that have received the signature of the governor and become a law, and that have not already been printed, and that the secretary be requested to furnish said printer copies of those laws for this purpose ; and that the chief clerk be instructed to notify said printer of the action of this house.

The resolution was adopted.

Mr. Puett, chairman of the committee on engrossed and enrolled bills, reported that they had examined

House file No. 50 : "An Act to provide for recording deeds," &c.

Also, house file No. 63 : "An Act granting C. N. Cooper, and R. M. Johnson, a ferry charter across the Missouri river."

Also, house file No. 62, and reported the same as correctly enrolled.

Report was adopted.

Mr. Armstrong, chairman of the committee on judiciary, to whom was referred

House file No. 74 : "An Act to prevent offences against chastity, morality, and decency."

Also, house file No. 72 : "An Act exempting property from execution," reported the same back to the house without amendment, and recommended that they be passed.

Report was adopted.

Mr. Armstrong, chairman of the committee on internal improvements, to whom was referred house file No. 73 : "A memorial to congress for the construction of a territorial road," reported the same back to the house with the following amendment, and recommended its passage :

Strike out the words "territorial road" wherever it occurs in said memorial, and insert the words "military road" in lieu thereof.

The report was adopted.

Mr. Armstrong, chairman of the committee on internal improvements, to whom was referred

House file No. 75 : "An Act relative to the law of roads, and the regulation of public carriages," reported the same back to the house without amendment, and recommended that it be passed.

Report was adopted.

Mr. Puett, chairman of the committee on corporations, reported that they have had under consideration

House file No. 68 : "An Act to incorporate the town of Saint



Joseph," and report the same back without amendment, and recommended its passage.

Report was adopted.

Mr. Pinney, chairman of the select committee to whom was referred

House file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians," with council amendments thereto attached, reported the same back to the house, and recommended that the house concur in amendments.

The report was adopted, and the bill ordered to be enrolled.

Leave was granted to Mr. McBride to introduce

House file No. 81: "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp, which was

Read a first time.

On motion of Mr. Pinney, rules were suspended, and

The bill read a second time.

On motion of Mr. Waldron, it was referred to committee on judiciary.

Leave was granted Mr. Pinney to introduce

House file No. 82: "An Act granting to town site claimants certain powers," which was

Read a first time.

Council bill No. 60: "An Act concerning wills of real and personal property," was

Read a first time.

Council bill No. 63: "An Act to provide a remedy for forcible entries and unlawful detainers," was

Read a first time.

Council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates," was

Read a first time.

Council bill No. 65: "A bill for an act to authorize certain officers to administer oaths and affirmations in all cases, was

Read a first time.

Council bill No. 67: "A bill for an act to provide for proceedings for the collection of demands against boats and vessels," was

Read a first time.

Council bill No. 52: "An Act concerning alienation by deed of the proof, and recording of conveyances, and the cancelling of mortgages," and

Council bill No. 61: "An Act concerning letters testamentary and other proceedings on the probate of a will, were

Read a second time, and

Referred to the committee on judiciary.

House file No. 77: "Memorial to the Hon. E. M. Stanton in relation to the cavalry company raised in this territory," was

Read a second time, and

On motion, ordered to be engrossed for third reading.

House file No. 78: "An Act providing for the registration of the legal voters in this territory," was

Read a second time, and

On motion of Mr. Pinney, referred to a select committee of three.

The chair appointed as such committee, Messrs. Pinney, Maloney, and Armstrong.

House file No. 79: "An Act conferring the rights of citizenship upon certain persons in this territory," was

Read a second time.

Mr. Donaldson moved that the bill be referred to the committee on judiciary.

Mr. Armstrong moved that it be laid on the table, and

The yeas and noes being called for and ordered on the motion,

There were, yeas 4, noes 7, as follows:

In the affirmative, Messrs. Armstrong, Donaldson, McBride, and Puett.

In the negative, Messrs. Burgess, Jacobson, Maloney, Pinney, Stanage, Waldron, and Wallace.

So the motion did not prevail.

The question then recurring on Mr. Donaldson's motion, it was adopted, and

The bill was referred to the committee on judiciary.

House file No. 80: "An Act regulating fees of county officers," was

Read a second time, and

Referred to committee on counties.

House file No. 68: "An Act to incorporate the town of Saint Joseph," was taken up, and

On motion, ordered to be engrossed for third reading.

House file No. 72: "An Act exempting property from execution," was taken up for third reading.

On motion of Mr. Armstrong, the reading was postponed until to-morrow.

House file No. 73: "A memorial to congress for the construction of a territorial road," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title agreed to.

Mr. Puett moved that the house reconsider the vote by which the bill passed.

Carried.

Mr. Waldron moved that the bill be laid on the table until to-morrow morning, which

Motion prevailed.

House file No. 74 : " An Act to prevent offences against chastity, morality, and decency," was

On motion of Mr. Armstrong, recommitted to committee on judiciary.

House file No. 75 : " An Act relative to the law of roads, and the regulation of public carriages," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title agreed to.

Mr. Waldron moved that rules be suspended, and that house file No. 73 be engrossed for third reading to-morrow.

Mr. Armstrong moved that house file No. 73 be taken up from the table.

The speaker decided that Mr. Waldron's motion was not in order.

Mr. Waldron appealed from the decision of the chair.

The yeas and noes being demanded and ordered on the appeal, resulted as follows :

Yeas 8, noes 3.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Stanage, and Wallace.

In the negative, Messrs. Donaldson, Puett, and Waldron.

So the decision of the chair was sustained.

The question recurring on Mr. Armstrong's motion,

It prevailed.

The speaker now ruled that the third reading of the bill was in order.

Mr. Waldron moved that it be laid on the table.

Which motion prevailed.

The following communications were received from His Excellency the governor :

EXECUTIVE OFFICE, }  
Yankton, April 22, 1862. }

TO THE HOUSE OF REPRESENTATIVES :

GENTLEMEN,— I have approved and signed house bills with the following titles, namely :

House file No. 40: " An Act to apportion the representation of the Red river district."

House file No. 48: " An Act to locate the university of the Territory of Dakota."

House file No. 21: " An Act to fix the time of convening the legislative assembly."

W. JAYNE, *Governor.*

YANKTON, EXECUTIVE CHAMBERS, }  
April 25, 1862. }

TO THE HOUSE OF REPRESENTATIVES :

I have approved and signed the following bills, to wit :

House file No. 53: " An Act to prevent swine from running at large."

House file No. 54: " An Act to provide for the recording of marks and brands of animals."

House file No. 57: " An Act to locate a territorial road," and

House file No. 59: " An Act to establish certain counties, and for other purposes."

W. JAYNE, *Governor.*

On motion of Mr. Puett, the house adjourned until ten o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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#### FORTY-FIRST DAY.

SATURDAY, April 26, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Pinney.

Journal of yesterday was read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
April 26, 1862. }

MR. SPEAKER :

The council have passed the following council bills, to wit :

Council bill No. 46: "A bill for an act to regulate the weights and measures of this territory," and

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace."

In all of which the concurrence of the house is requested.

The council have also concurred in house amendments to the following bills, to wit:

Council bill No. 39: "A bill for an act to designate the time of the meeting of the legislature and define the duties of the same."

Council bill No. 44: "A bill for an act to define the rights of persons who are accused of crimes and offences," and

Council bill No. 56: "An Act to provide for offences against the public health."

The council have also passed the following house files, to wit:

House file No. 65: "An Act for the regulation of county jails."

House file No. 66: "A memorial to congress praying for the establishment of a fort in the valley of the Red river of the North."

House file No. 67: "An Act to provide for fees of road commissioners," and

House file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads," with attached amendment.

I herewith return for engrossment

House file No. 46: "An Act to divide the territory of Dakota into judicial districts, and assign the judges to the same, and fixing the time of holding courts in each."

JAMES TUFTS, *Secretary, Council.*

On motion of Mr. Puett, Mr. Pinney was excused from attendance on account of ill health.

Mr. Maloney gave notice that he would on Monday, or on some future day, introduce a bill regulating the height of fences, and the duties of fence-viewers, and the impounding of cattle.

The committee on judiciary, to whom was referred

House file No. 81: "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp," reported the same back to the house without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report was adopted.

The committee to whom was referred

Council bill No. 52: "An Act concerning alienation by deed," &c.

Also, council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will."

Also, house file No. 74: "An Act to prevent offences against

chastity, morality, and decency," reported the same back, and recommended their passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
G. P. WALDRON, }

The report was adopted.

The committee on engrossed and enrolled bills, reported that they had examined

Council bills Nos. 39, 56, 55, and 57, and found the same correctly enrolled.

Also, house file No. 68: "An Act to incorporate the town of St. Joseph."

Also, house file No. 77: "A memorial to the Hon. E. M. Stanton relative to the cavalry company raised in this territory," and reported the same back as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Leave was granted Mr. Stanage to introduce

House file No. 83: "An Act granting to Obed Foote, and his heirs and assigns, a charter to keep a ferry across the Missouri river," which was read a first time, and

On motion, read a second time.

On motion of Mr. Maloney, it was referred to a select committee of three.

The chair appointed Messrs. Maloney, Wallace, and McBride, as such committee.

Leave was granted Mr. McBride to introduce

House file No. 84: "An Act relative to salvage," which was Read a first time.

House file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads," which was returned from the council with amendments, was taken up for consideration, and

On motion of Mr. Puett, the amendment was not concurred in.

Council bill No. 46: "A bill for an act to regulate the weights and measures of this territory," and

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace," were

Read a first time.

The following bills were read a second time, and referred to committee on judiciary:

Council bill No. 60: "An Act concerning wills of real and personal property."

Council bill No. 63: "An Act to provide a remedy for forcible entries and unlawful detainers."

Council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates," and

Council bill No. 65: "A bill for an act to authorize certain officers to administer oaths and affirmations in all cases."

Council bill No. 67: "A bill for an act to provide for proceedings for the collection of demands against boats and vessels," was

Read a second time, and

Referred to committee on ways and means.

Council bill No. 52: "An Act concerning alienation by deed, of the proof and recording of conveyances, and the cancelling of mortgages," was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 61: "An Act concerning letters testamentary, and other proceedings on the probate of a will," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

On motion of Mr. Puett,

House file No. 73: "A memorial to congress for the construction of a territorial road," was taken up for consideration.

Mr. Puett moved that it be recommitted to a select committee of two.

Carried.

The chair appointed as such committee, Messrs. Puett and Stange.

House file No. 76: "An Act to regulate partnership," and

House file No. 82: "An Act granting to town site claimants certain powers," were

Read a second time, and

Referred to committee on corporations.

The following bills and memorial were read a third time:

House file No. 68: "An Act to incorporate the town of Saint Joseph."

House file No. 74: "An Act to prevent offences against chastity, morality, and decency," and

House file No. 77: "Memorial to the Hon. E. M. Stanton in relation to the cavalry company raised in this territory."

The vote being taken upon the final passage of the bills and memorial, separately,

There were, yeas 11, noes 0, on each.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bills and memorial were passed, and their titles agreed to.

House file No. 81: "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp, was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 9, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, McBride, Maloney, Puett, Stanage, Waldron, and Wallace.

Messrs. Jacobson and Wood were excused from voting.

So the bill passed, and its title agreed to.

The following communication was received from His Excellency the governor:

YANKTON, DAKOTA TERRITORY, }  
Executive Chambers, April 26, 1862. }

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,—I have approved and signed the following bills and memorials, to wit:

House file No. 9: "Memorial to establish a road from the eastern line of the territory near Sioux Falls to Yankton."

House file No. 15: "Joint memorial and resolution relative to a geological survey of the territory."

House file No. 16: "A memorial to congress asking for a treaty to be made with Chippewa Indians of Red lake and Pembina on the Red river of the North."

House file No. 28: "Joint memorial and resolution relative to the passage of a homestead bill by congress," and

House file No. 29: "An Act to provide for an estray law."

W. JAYNE, *Governor.*

The committee on engrossed and enrolled bills reported, that they have examined

Council file and bills Nos. 10, 58, and 44, and reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

Report was adopted.



The select committee to whom was referred  
House file No. 73: "A memorial to congress for the construction of a territorial road,"

Reported the same back with the following amendment, and recommended that it be engrossed:

*Amendment.* — Strike out the word "territorial" where it occurs in the title of the bill, and insert in lieu thereof the word "military."

A. W. PUETT, }  
JOHN STANAGE, } *Committee.*

The report and amendment were adopted.

House file No. 72: "An Act exempting property from execution," was taken up, and

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

On motion of Mr. Wood, the house adjourned until Monday morning at 10 o'clock.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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#### FORTY-THIRD DAY.

MONDAY, April 28, 1862.

House met pursuant to adjournment at 10 o'clock, P. M.

The speaker in the chair.

Roll called. All members present.

Journal of Saturday was read and approved.

Mr. Armstrong offered the following resolution:

*Resolved,* That we have always had the utmost confidence in the loyalty, patriotism, and devotion of Reuben Wallace, to the constitution and laws of the United States; and whereas, we have never known him to prove recreant to the oath of obedience to the constitution, subscribed in common by the members of this house at the opening of this session; therefore, be it further resolved, that George P. Waldron, M. K. Armstrong, and J. C. McBride, be appointed a committee to investigate the charges made

against said Wallace by the governor of the territory, with power to send for persons and papers, and to report to this house at as early a day as possible.

The resolution was adopted.

[See resolution of 14th May.]

The committee on ways and means, to whom was referred

House file No. 67: "An Act to provide for proceeding for the collection of demands against boats and vessels," reported the same back to the house without amendment, and recommended that it be passed.

M. K. ARMSTRONG, } *Committee.*  
H. S. DONALDSON, }

Report was adopted.

The committee to whom was referred,

House file No. 69: "An Act to locate and establish a territorial road," reported the same back with attached amendments, and recommended its passage.

M. K. ARMSTRONG, } *Committee*  
A. W. PUETT, } *on*  
J. C. McBRIDE, } *Int. Imp.*

The report and amendments were adopted.

The committee on judiciary, to whom was referred

Council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates,"

Also, council bill No. 65: "An Act to authorize certain officers to administer oaths," &c., reported the same back to the house with the following amendment to council bill No. 65, and recommended that it be passed, to wit:

In section 3, first line, insert the words "a bill for" before the word "act."

M. K. ARMSTRONG, } *Committee*  
A. W. PUETT, } *on*  
G. P. WALDRON, } *Judiciary.*

The report and amendment were adopted.

The following communication was received from the council, to wit:

COUNCIL CHAMBER, }  
April 28, 1862. }

MR. SPEAKER:

The council have passed the following bills, to wit:

Council bill No. 62: "A bill for an act to define the judicial districts of the Territory of Dakota, and assign the judges thereto."

House file No. 56: "An Act to establish a code of civil procedure, for the Territory of Dakota," with attached amendments.

House file No. 64: "An Act to regulate the rate of interest," with attached amendments.

In all of which, the concurrence of the house is respectfully requested.

Also, house file No. 81: "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp."

JAMES TUFTS, *Secretary of Council.*

The committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 11, 67, and 66, and find the same correctly enrolled.

Also, house file No. 81, as correctly enrolled.

Also, house files Nos. 46 and 73, and reported the same as correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

Report adopted.

Mr. Pinney, from the committee on counties, to whom was referred

House file No. 80: "An Act regulating fees of county officers," reported the same back to the house without amendment, and recommended that it be passed.

GEO. M. PINNEY, }  
C. MALONEY, } *Committee.*

Report adopted, and bill ordered to be engrossed for third reading.

The committee on corporations reported that they have had under consideration

Council bill No. 50: "An Act for the formation and regulation of cemetery associations," and reported the same back without amendment, and recommended its passage.

Also, council bill No. 42: "An Act to incorporate the town of Yankton," and reported the same back, with accompanying amendments, and recommended its passage.

A. W. PUETT, }  
J. A. JACOBSON, } *Committee.*

Report and amendments adopted.

The committee on engrossed and enrolled bills reported that they have examined

Council bills Nos. 32 and 51, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

Report adopted.

The committee on judiciary, to whom was referred

Council bill No. 60: "An Act concerning wills of real and per-

sonal property," reported the same back to the house without amendment, and recommended that it be returned to the council for engrossment.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
G. P. WALDRON, }

Report adopted.

Mr. Pinney, from the select committee to whom was referred House file No. 78: "Act An providing for the registration of the legal voters in this territory," reported the same back to the house without amendment, and recommended that it be passed.

Report adopted, and

Bill ordered to be engrossed for third reading.

Leave was granted Mr. Waldron to introduce

House file No. 85: "An Act conferring the rights of citizenship upon certain persons residing in this territory," which was

Read a first and second time, and

Referred to the committee on judiciary.

Leave was granted Mr. Armstrong to introduce

House file No. 86: "An Act to dissolve the bonds of matrimony heretofore existing between Elizabeth Peters and James Peters of this territory," which was

Read a first and second time, and

Referred to committee on judiciary.

Leave was granted Mr. Maloney to introduce

House file No. 87: "An Act to provide for the location of the county seat of Cole county," which was

Read a first time.

House file No. 64: "An Act regulating the rate of interest," which had been returned from the council with amendments, was taken up for consideration.

On motion of Mr. Pinney, the house refused to concur in the amendments.

House file No. 56: "An Act to establish a code of civil procedure for the Territory of Dakota," which had been returned from the council with amendments, was taken up for consideration.

On motion of Mr. Waldron, the bill was made the special order of the day at 11 o'clock to-morrow.

Council bill No. 62: "A bill for an act to define the judicial districts of the territory, and assign the judges thereto," was

Read a first time.

Mr. Maloney offered the following resolution:

*Resolved,* That Governor Potter be invited to a seat within the bar of the house at pleasure.

The resolution was adopted.

Council bill No. 46: "A bill for an act to regulate the weights and measures of this territory," was

Read a second time, and

On motion of Mr. Waldron, was referred to committee on libraries.

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace," was

Read a second time, and

Referred to committee on judiciary.

The following bills were read a third time and passed, to wit:

Council bill No. 42: "An Act to incorporate the town of Yankton."

Council bill No. 50: "An Act for the formation and regulation of cemetery associations."

Council bill No. 64: "An Act concerning the administration and distribution of the estates of intestates."

Council bill No. 65: "A bill for an act to authorize certain officers to administer oaths and affirmations in all cases."

House file No. 67: "A bill for an act to provide for proceedings for the collection of demands against boats and vessels."

Also, house file No. 69: "An Act to locate and establish a territorial road."

And house file No. 73: "A memorial to congress for the construction of a military road."

The vote being taken upon the final passage of the bills separately,

There were, yeas 10, noes 0, on each, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, and Wood.

So the bills and memorial passed, and their titles agreed to.

Leave being granted, Mr. Armstrong introduced

House file No. 88: "A memorial to the secretary of the territory," which was

Read a first time.

Mr. Donaldson moved the indefinite postponement of the memorial.

Mr. Maloney called for the yeas and noes on the motion, which being ordered,

There were, yeas 2, noes 8.

Those who voted in the affirmative, were Messrs. Donaldson and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Puett, Stanage, and Wood. So the motion was lost.

On motion the rules were suspended, and the memorial read a second time, and

Referred to the committee on federal relations.

On motion of Mr. Stanage, the house adjourned until ten o'clock, to-morrow morning.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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#### FORTY-FOURTH DAY.

TUESDAY, April 29, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

Speaker in the chair.

Roll called. Present, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, and Wood.

On motion of Mr. Donaldson, reading of the journal was dispensed with until to-morrow morning.

On motion of Mr. Puett, absent members were excused on account of illness.

On motion of Mr. Wood, the house adjourned until 10 o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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#### FORTY-FIFTH DAY.

WEDNESDAY, April 30, 1862.

House met at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Members all present.

Journals of Monday and Tuesday were read and approved.

Mr. Donaldson offered the following resolution:

*Resolved*, That Mr. Logroller be invited to a seat within the bar of the house at pleasure.

Resolution adopted.

Mr. Puett offered the following resolution :

*Resolved*, That a committee of three be appointed by the chair to confer with the committee appointed upon the part of the council, relative to a territorial seal.

The chair appointed as such committee, Messrs. Waldron, Donaldson, and Pinney.

Mr. Stanage gave notice that he would on to-morrow, introduce a bill to prevent Indians from visiting the ceded lands in this territory without a pass from their agent or superintendent.

The committee on judiciary to whom was referred

House file No. 85: "An Act conferring the rights of citizenship on certain persons in this territory."

Also, house file No. 6: "An Act to dissolve the bonds of matrimony between Elizabeth Peters and James Peters," reported the same back to the house without amendment, and recommended that they be passed.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report was adopted.

The committee on engrossed and enrolled bills, reported that they have examined

House file No. 65: "An Act for the regulation of county jails."

Also, council bill No. 52, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The committee on federal relations, to whom was referred

House file No. 88: "A memorial to the Hon. John Hutchinson," reported the same back without amendment or recommendation.

G. P. WALDRON, }  
GEO. M. PINNEY, } *Committee.*  
B. E. WOOD, }

The report was adopted.

Council bill No. 62: "A bill for an act to define the judicial districts of the territory, and assign the judges thereto," was

Read a second time, and

Referred to the committee on judiciary.

House file No. 84: "An Act relative to salvage," was

Read a second time, and

Referred to the committee on judiciary.

House file No. 87: "An Act to provide for the location of the county seat of Cole county," was

Read a second time, and  
Referred to the committee on counties.

House file No. 85: "An Act conferring the rights of citizenship upon certain persons residing in this territory," was taken up for consideration.

On motion of Mr. Waldron, the bill was recommitted to the committee on judiciary.

House file No. 86: "An Act to dissolve the bonds of matrimony heretofore existing between Elizabeth Peters and James Peters of this territory," was

Read a third time.

The vote being taken upon the final passage of the bill,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wood.

So the bill passed, and its title was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }  
April 30, 1862. }

MR. SPEAKER:

The council have passed the following bills, to wit:

Council bill No. 73: "An Act to form and regulate religious societies."

Also, the council adheres to its amendment to house file No. 71: "An Act regulating the duties of surveyors, having charge of territorial roads," and I herewith return the same.

In both of which, the concurrence of the house is respectfully requested.

Also, the council have passed the following house files, to wit:

House file No. 72: "An Act exempting property from execution."

Also, house file No. 75: "An Act relative to the law of roads, and the regulation of public carriages."

JAMES TUFTS, *Secretary of Council.*

House file No. 88: "A memorial to the secretary of the territory," was

Read a third time.

The vote being taken upon its final passage,

There were, yeas 7, noes 4.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Stanage, and Wood.

Those who voted in the negative, were Messrs. Donaldson, Pinney, Puett, and Waldron.

So the memorial passed, and its title agreed to.

The following communications were received from His Excellency the governor:



YANKTON, April 29, 1862.

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,— I have approved and signed

House file No. 81, a bill entitled "An Act to dissolve the marriage contract between Sarah A. Tripp and William Tripp," which is herewith returned.

W. JAYNE, *Governor.*

YANKTON, DAKOTA TERRITORY, }  
April 30, 1862.

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,— I have approved and signed the following bills, to wit:

House file No. 11: "An Act to prevent the traffic in ardent spirits with the Indians."

House file No. 62: "An Act granting to Joseph Lemay the right to establish and maintain a ferry across the Pembina river."

House file No. 63: "An Act granting to C. N. Cooper and R. M. Johnson, and heirs, a charter to a ferry across the Missouri river," and also

House file No. 66: "A memorial to congress praying for the construction of a fort in the valley of the Red river of the north."

W. JAYNE, *Governor.*

Special order of the day:

House file No. 56: "An Act to establish a code of civil procedure, for the territory of Dakota," was taken up for consideration.

On motion of Mr. Donaldson, it was referred to the committee on judiciary.

On motion of Mr. Pinney, the house proceeded to consider the following bills:

Council bill No. 73: "An Act to form and regulate religious societies," which was

Read a first and second time, and

Referred to the committee on internal improvements.

House file No. 71: "An Act regulating the duties of surveyors having charge of territorial roads," which had been returned from the council with amendments, was taken up.

The house refused to concur in the amendments.

Mr. Donaldson moved that a conference committee be appointed to act with a like committee on the part of the council, to consider said bill, which

Motion prevailed.

The chair appointed as such committee, Messrs. Donaldson, Puett, and Armstrong.

On motion of Mr. Puett, the house adjourned until 10 o'clock, to-morrow morning.

J R. HANSON, *Chief Clerk.*JOHN L. TIERNON, *Speaker.*

## FORTY-SIXTH DAY.

THURSDAY, May 1, 1862.

House met pursuant to adjournment, at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Messrs. Pinney and Wood.

The journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 1, 1862. }

MR. SPEAKER:

The council have passed the following bills, to wit:

Council file No. 11: "A memorial asking congress to change that portion of the organic act which gives the governor an unlimited veto power."

Also, council bill No. 74: "An Act legalizing the official acts of certain officers in the county of Big Sioux."

Also, council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein."

Also, council bill No. 76: "A bill for an act to provide for the time of the taking effect of laws passed by the legislative assembly of the Territory of Dakota."

Also, council bill No. 78: "An Act to provide for the support of bastard children."

In all of which the concurrence of the house is respectfully requested.

The council have also concurred in house amendments to

Council bill No. 65: "A bill for an act to authorize certain officers to administer oaths and affirmations in all cases."

Also, the council adheres to its amendment to

House file No. 64: "An Act regulating the rate of interest."

Also, the council have passed

House file No. 68: "An Act to incorporate the town of St. Joseph."

Also, house file No. 74: "An Act to prevent offences against chastity, morality, and decency," is herewith returned for engrossment.

I herewith return

Council bill No. 60: "An Act concerning wills of real and personal property."

JAMES TUFTS, *Secretary of Council.*

On motion of Mr. Puett, Mr. Pinney was excused from attendance on account of ill health.

Mr. Maloney presented the following petition :

We, the undersigned citizens of Dakota Territory, being perpetually annoyed by Indians committing depredations upon our hogs, cattle, and horses, do sincerely hope and pray that the legislature will pass a law prohibiting their making their homes amongst us, but confine them to their reserves, to have them removed.

We shall ever pray, &c.

(Signed),

MICHAEL RYAN,  
LEWIS HULET,  
GEORGE CHRISTY,  
JOSEPH BENWARE,  
And 18 others.

On motion, the petition was  
Referred to the committee on military affairs.

The committee, to whom was referred

House file No. 84: "An Act relative to salvage," reported the same back, and recommended that it be engrossed for a third reading.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
G. P. WALDRON, }

The report was adopted.

The committee to whom was referred

Council bill No. 73: "An Act to form and regulate religious societies," reported the same back, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
J. C. McBRIDE, }

The report was adopted.

Mr. Armstrong, from the committee to whom was referred

House file No. 85: "An Act conferring the rights of citizenship upon certain persons in this territory," recommended to amend section 1, by inserting after the name of "Walter Arcange," the names, "Collin Lamont, Collin Campbell, Louis Lacount, J. B. LaPlant, Benjamin Cadoth, Alexis Dieon, Frank LaFrombois, and Charles Poppin," and recommended the same to be passed.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report and amendment were adopted.

Mr. Waldron moved that

House file No. 85 be laid on the table.

The yeas and noes being called for and ordered on the motion,

There were, yeas 8, noes 2.

Those who voted in the affirmative, were Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Puett, Waldron, and Wallace.

Those who voted in the negative were Messrs. Maloney and Stanage.

So the motion prevailed.

The committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 78 and 80, and reported the same back as correctly engrossed.

A. W. PUETT,  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Puett, from the committee on corporations, to whom was referred

House file No. 76: "An Act to regulate partnership."

Also, house file No. 82: "An Act granting to town site claimants certain powers,"

Reported that they have had the same under consideration, and reported the same back without amendment, and recommended their passage.

A. W. PUETT,  
M. K. ARMSTRONG,  
J. A. JACOBSON, } *Committee.*

The report was adopted.

The committee on judiciary, to whom was referred

House file No. 56: "An Act to establish a civil code for Dakota Territory,"

Reported that they have had the same under consideration, and reported the same back, and recommended that the house do concur in the amendments, and that it be reprinted.

M. K. ARMSTRONG,  
A. W. PUETT,  
GEO. P. WALDRON, } *Committee.*

The report was adopted.

The committee, to whom was referred

House file No. 79: "An Act conferring the rights of citizenship upon certain persons in this territory,"

Reported that they have examined the same, and reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG,  
A. W. PUETT,  
GEO. P. WALDRON, } *Committee.*

The report was adopted.

Mr. Stanage introduced

House file No. 89: "An Act to prevent Indians from trespassing upon ceded lands in this territory," which was

Read a first and second time, and  
On motion, ordered to be printed.

Council file No. 11: "A memorial asking congress to change that portion of the organic act which gives the governor an unlimited veto power," was taken up for consideration.

Mr. Waldron moved that it be indefinitely postponed.

The yeas and noes being called for, and ordered on the motion,  
There were, yeas 4, noes 6.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, and Waldron.

In the negative, Messrs. Armstrong, Donaldson, McBride, Maloney, Stanage, and Wallace.

So the motion was lost.

Mr. Puett moved that the memorial be laid on the table,  
Which motion prevailed.

Council bill No. 78: "An Act to provide for the support of bastard children," was

Read a first time.

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux," was

Read a first time.

Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of proceedings therein," was taken up for consideration.

On motion of Mr. Waldron, the bill was laid on the table.

Council bill No. 76: "A bill for an act to provide for the taking effect of laws passed by the legislative assembly of the Territory of Dakota," was taken up for consideration.

Mr. Waldron moved that the bill be laid on the table.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 5, noes 6.

Those who voted in the affirmative, were Messrs. Donaldson, Jacobson, Maloney, Puett, and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, McBride, Stanage, Wallace, and the speaker.

So the motion did not prevail.

The bill was then read a third time.

Council bill No. 60: "An Act concerning bills of real and personal property," was taken up for consideration.

Mr. Waldron moved that it be laid on the table.

Mr. Stanage called for the yeas and noes on the motion, which being ordered

There were, yeas 2, noes 8.

Those who voted in the affirmative, were Messrs. Puett and Waldron.

Those who voted in the negative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Stange, and Wallace.

So the motion did not prevail.

The bill was then read a third time, and

The vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

Council bill No. 73: "An Act to form and regulate religious societies," was

Read a third time, and .

The vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

House file No. 76: "An Act to regulate partnerships," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill passed, and its title agreed to.

House file No. 78: "An Act providing for the registration of the legal voters in this territory," was

Read a third time, and

The vote being had upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill was passed, and its title agreed to.

House file No. 79: "An Act conferring the rights of citizenship upon certain persons in this territory," was taken up for consideration.

On motion of Puett, the bill was ordered to be engrossed for its third reading.

House file No. 80: "An Act regulating fees of county officers," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill passed, and its title agreed to.

House file No. 82: "An Act granting to town site claimants certain powers," was

Read a third time, and

The vote being taken upon the final passage of the bill,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stange, Waldron, and Wallace.

So the bill was passed, and its title agreed to.

Leave being granted, the committee on engrossed and enrolled bills reported that they had examined

Council bills Nos. 48, 65, 59, and 61, and

Reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

On motion of Mr. Puett, the House adjourned until 10 o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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#### FORTY-SEVENTH DAY.

FRIDAY, May 2, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

The speaker in the chair.

Roll called. Absent, Messrs. Armstrong and Wood.

Journal of yesterday was read and approved.

On motion of Mr. Pinney, Mr. Armstrong was excused from attendance.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 20, 1862. }

MR. SPEAKER:

The council have passed

Council bill No. 77: "A bill for an act to declare certain persons citizens of Dakota Territory."

In which the concurrence of the house is requested.

Also, the council have concurred in house amendment to Council bill No. 42: "An Act to incorporate the town of Yankton."

Also, the council have passed

House file No. 73: "A memorial to congress for the construction of a military road."

JAMES TUFTS, *Secretary of Council.*

Mr. Puett moved that the resolution of April 10th, relative to the expunging from the journal of the council the report of the committee appointed to wait upon the governor, and inquire why an armed force was placed in the hall of the house of representatives, and which resolution was laid on the table, be now taken up, and that the resolution be transmitted to the council.

Which motion prevailed.

The committee on judiciary, to whom was referred

House file No. 56: "An Act to establish a code of civil procedure for this territory," reported that they have had the same under consideration, and reported the same back, and recommended that the house concur in the amendments made by the council to the same.

A. W. PUETT, }  
G. P. WALDRON, } *Committee.*

The report was adopted.

Mr. Puett moved that the house rescind the order made on yesterday, for the reprinting of the civil code entire.

Which motion prevailed.

Mr. Puett moved that all that portion of the civil code (which is amended) be printed for the use of this body.

The motion prevailed.

The committee on engrossed and enrolled bills reported that they have examined

House files Nos. 74 and 79, and reported the same back as correctly engrossed.

Also, the committee have examined

House files Nos. 75, 68, and 72, and reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The committee on counties, to whom was referred

House file No. 87: "An Act to provide for the location of the



county seat of Cole county," reported the same back to the house without amendment, and recommended that it be passed.

GEO. M. PINNEY, }  
C. MALONEY, } *Committee.*  
REUBEN WALLACE, }

The report was adopted.

Mr. Puett introduced

House file No. 91: "An Act prescribing rules for the construction of statutes."

Mr. Pinney moved the indefinite postponement of the bill.

The yeas and noes being called for and ordered on the motion,

There were, yeas 8, noes 2.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Waldron, and Wallace.

Those who voted in the negative, were Messrs. Puett, and Stanage.

So the motion prevailed.

Council bill No. 77: "A bill for an act to declare certain persons citizens of Dakota territory," was taken up for consideration.

Mr. Waldron moved that the bill be laid on the table, which Motion prevailed.

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux," was

Read a second time, and

Referred to the committee on judiciary.

Council bill No. 76: "A bill for an act to provide for the time of taking effect of laws passed by the legislative assembly of the territory of Dakota," was taken up for consideration.

On motion of Mr. Pinney, the bill was indefinitely postponed.

Council bill No. 78: "An Act to provide for the support of bastard children," was

Read a second time, and

Referred to the committee on ways and means.

House file No. 79: "An Act conferring the right of citizenship upon certain persons in this territory," was taken up for consideration.

Mr. Stanage moved that the bill be indefinitely postponed.

Mr. Donaldson moved a call of the house, which was ordered.

The roll being called, the following members answered to their names: Messrs. Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

Absent, Messrs. Armstrong and Wood.

Mr. Pinney moved that Mr. Benjamin F. Barge be elected sergeant-at-arms of the house pro tem., which

Motion prevailed.

On motion of Mr. Puett, all proceedings under the call were dispensed with.

The question then recurring on Mr. Stanage's motion for indefinite postponement, and the yeas and noes being demanded and ordered on the motion,

There were, yeas 3, noes 7.

Those who voted in the affirmative, were Messrs. McBride, Stanage, and Wallace.

Those who voted in the negative, were Messrs. Burgess, Donaldson, Jacobson, Maloney, Pinney, Puett, and Waldron.

So the motion was lost.

The bill was then read a third time, and the vote being taken upon its final passage,

There were, yeas 6, noes 5.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, Pinney, Puett, and Waldron.

Those who voted in the negative, were Messrs. McBride, Maloney, Stanage, Wallace, and the speaker.

So the bill passed, and its title agreed to.

House file No. 87: "An Act to provide for the location of the county seat of Cole county," was read a third time, and the vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

Mr. Barge, sergeant-at-arms pro tem., came forward and was duly qualified.

On motion of Mr. Donaldson the house adjourned until to-morrow morning at 8 o'clock.

J. R. HANSON, *Chief Clerk.*

JOHN L. TIERNON, *Speaker.*

## FORTY-EIGHTH DAY.

SATURDAY, May 3, 1862.

House met pursuant to adjournment at 8 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Wood.

Journal of yesterday was read and approved.

The committee, to whom was referred

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux," reported the same back without amendment, and recommended that it be passed.

M. K. ARMSTRONG, } *Committee*  
GEO. P. WALDRON, } *on Judiciary.*

The report was adopted.

The committee to whom was referred council bill No. 78: "An Act to provide for the support of bastard children," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, } *Committee on*  
H. S. DONALDSON, } *Ways and Means.*  
J. C. McBRIDE, }

The report was adopted.

The committee on engrossed and enrolled bills, reported that they had examined house files Nos. 84 and 89, and reported the same back as correctly engrossed.

Also, house file No. 73, and reported the same as correctly enrolled.

A. W. PUETT, } *Committee.*  
H. S. DONALDSON, }

The report was adopted.

The select committee, to whom was referred house file No. 83: "An Act granting to Obed Foote and his heirs and assigns, a charter to keep a ferry across the Missouri river," reported the same back to the house without amendment, and recommended that it be passed.

C. MALONEY, } *Committee.*  
REUBEN WALLACE, }  
J. C. McBRIDE, }

The report was adopted.

Mr. Waldron introduced house file No. 90: "An Act relative to revenue," which was

Read a first and second time, and

Referred to the committee on ways and means.

Mr. Maloney introduced house file No. 92: "An Act regulating

the height of fences, and the duty of fence-viewers, and impounding of cattle," which was

Read a first time.

Council bill No. 74: "An Act legalizing the official acts of certain officers of the county of Big Sioux," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

Council bill No. 78: "An Act to provide for the support of bastard children," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

House file No. 83: "An Act granting to Obed Foote and his heirs and assigns, a charter to keep a ferry across the Missouri river," was taken up for consideration.

Mr. Armstrong moved that the bill be laid upon the table.

Which motion prevailed.

House file No. 84: "An Act relative to salvage," was

Read a third time, and

the vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title was agreed to.

House file No. 89: "An Act to prevent Indians from trespassing upon ceded lands in this territory," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 10, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, and Wallace.

So the bill passed, and its title agreed to.

Mr. Waldron moved a reconsideration of the vote by which the bill passed.

Which motion prevailed.

On motion of Mr. Waldron, the bill was recommitted to the committee on military affairs.

On motion of Mr. Pinney, the house took a recess of one half hour.

The time having expired, the house met and was called to order by the speaker.

On motion of Mr. Pinney, Mr. Wood was excused from attendance.

Mr. Puett moved that house file No. 85: "An Act conferring the right of citizenship upon certain persons in this territory," be taken up from the table.

Which motion prevailed.

Mr. Donaldson moved that it be recommitted to a select committee of three.

Carried.

The chair appointed as such committee, Messrs. Donaldson, McBride, and Wallace.

On motion of Mr. Donaldson, the house adjourned until Monday afternoon, at 2 o'clock.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## FIFTIETH DAY.

MONDAY, May 5, 1862.

House met pursuant to adjournment at 2 o'clock, P. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Wood.

Journal of Saturday was read and approved.

Mr. Donaldson offered the following resolution:

*Resolved*, That William Freeny be invited to a seat within the bar of the house at pleasure.

The resolution was adopted.

The committee on ways and means, to whom was referred house file No 90: "An Act relative to revenue," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG,	} <i>Committee.</i>
H. S. DONALDSON,	
J. C. McBRIDE,	

The report was adopted.

The committee on judiciary, to whom was referred house file No. 55: "An Act to provide for the filing of chattel mortgages," reported the same back with accompanying amendments, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEORGE P. WALDRON, }

Amendments:

Strike out of section 1, after the word "shall" in the ninth line of the section, and insert the following: "record the same in a book kept for the purpose of recording chattel mortgages."

Strike out all of section 3.

Strike out section 4, and insert in lieu the following:

"Section 3. The register of deeds shall receive the same fees for recording chattel mortgages, as is provided for the recording of mortgages of real estate."

The report and amendments were adopted.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 5, 1862. }

MR. SPEAKER:

The council have passed council bill No. 79: "An Act to provide for the election of certain territorial officers."

In which the concurrence of the house is respectfully requested.

Also, the council have passed house file No. 87: "An Act to provide for the location of the county seat of Cole county."

I have also to inform you that Messrs. Bramble, Cole, and Deuel, have been appointed a conference committee on the part of the council, to consider house file No. 71.

JAMES TUFTS, *Secretary, Council.*

The committee on military affairs, to whom was referred house file No. 89: "An Act to prevent Indians from trespassing upon ceded lands in this territory," reported the same back with the following amendments, and asked that it be passed.

In section 1, strike out all between the words "section one" and the word "shall" in the fifth line of the same section, and insert the following: "no Indian."

At the end of section 4, insert the following words: "And notify the United States Indian agent of the tribe or nation to which such Indian or Indians belong, to remove the same immediately to their reserve."

Strike out section 5.

In section 6, strike out all after the word "effect" in the second line, and insert the following: "shall be paid by the said Indian

agent, to the treasurer of the county where the arrest is made, before said Indian shall be delivered to said agent."

JOHN STANAGE,  
C. MALONEY,  
GEO. P. WALDRON, } *Committee.*

The report and amendments were adopted, and the bill ordered to be engrossed for its third reading.

Mr. Pinney introduced

House file No. 93: "A joint resolution," which was

Read a first time.

Leave was granted Mr. McBride to introduce

House file No. 94: "An Act concerning guardians and wards," which was

Read a first time.

Council bill No. 79: "An Act to provide for the election of certain territorial officers," was

Read a first and second time, and

Referred to the committee on judiciary.

House file No. 92: "An Act regulating the height of fences, and the duty of fence-viewers, and impounding of cattle," was

Read a second time, and

Referred to the committee on internal improvements.

House file No. 90: "An Act relative to revenue," was

Taken up for consideration.

On motion, it was ordered to be engrossed for its third reading.

Mr. Puett moved that the house adjourn until to-morrow morning at 10 o'clock.

The yeas and nays being called for and ordered on the motion,

There were, yeas 6, noes 6.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Stanage, Waldron, and Wallace.

Those who voted in the negative, were Messrs. Armstrong, Donaldson, McBride, Maloney, Pinney, and the speaker.

So the motion was lost.

On motion of Mr. Donaldson, the house adjourned until to-morrow morning at 10 o'clock.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

## FIFTY-FIRST DAY.

TUESDAY, May 6, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. All the members present.

Journal of yesterday was read and approved.

Mr. Pinney introduced the following resolution :

*Resolved*, That the chief clerk of this house be directed to ask the honorable council (by message), what disposition has been made of the following bills and memorials of the house file, to wit:

Numbers 4, 7, 8, 10, 13, 14, 18, 20, 22, 25, 32, 33, 34, 35, 36, 37, 38, 39, 46, 51, 52, 58, 69, 74, 76, 77, 78, 79, 80, 82, and 86.

Resolution was adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }  
May 6, 1862. }

MR. SPEAKER :

The council have passed the following council bills, to wit :

Council bill No. 68: " A bill for an act regulating the resignation, vacancies, removals, and the supplying of vacancies."

Also, council bill No. 83: " A bill for an act to regulate the distribution of the laws and journals of Dakota Territory, and for other purposes."

Also, council file No. 12: " A Joint resolution and memorial, relative to a bridge on the Running Water river."

In all of which the concurrence of the house is respectfully requested.

JAMES TUFTS, *Secretary of Council.*

The committee on engrossed and enrolled bills reported that they had examined

House files Nos. 89 and 55, and find the same correctly engrossed.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The committee on internal improvements, to whom was referred House file No. 92: " An Act regulating the height of fences, and the duty of fence-viewers, and impounding of cattle," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
J. C. McBRIDE, }



The report was adopted.

The committee on engrossed and enrolled bills reported that they have examined

House file No. 56, and council bill No. 34, and reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The select committee, to whom was referred

House file No. 85: "An Act conferring the rights of citizenship upon certain persons residing in this territory," reported the same back with the following amendment: strike out in the enacting clause the word "persons," and insert in lieu thereof, the words "half breeds," and recommended that it be engrossed for a third reading.

H. S. DONALDSON, }  
J. C. McBRIDE, } *Committee.*  
REUBEN WALLACE, }

The report and amendment were adopted, and the bill ordered to be engrossed.

Leave was granted Mr. Maloney to introduce

House file No. 95: "An Act to define certain council and representative districts, and to apportion the representation thereof," which was

Read a first time.

Leave was granted Mr. Jacobson to introduce

House file No. 96: "An Act defining the council and representative districts, and apportioning the representation thereof," which was

Read a first time.

Mr. Puett introduced

House file No. 97: "An Act concerning masters and apprentices," which was

Read a first time.

Council file No. 12: "Joint resolution and memorial, relative to a bridge over the Running Water river," was

Read a first and second time, and

Referred to the committee on federal relations.

Council bill No. 68: "A bill for an act relating to resignations, vacancies, removals, and the supplying of vacancies," was

Read a first and second time, and

On motion of Mr. Pinney,

Referred to a select committee of three.

The chair appointed as such committee, Messrs. Pinney, Donaldson, and Armstrong.

Council bill No. 83: "A bill for an act to regulate the distribu-

tion of the laws and journals of Dakota territory, and for other purposes," was

Read a first and second time, and  
Referred to the committee on libraries.

House file No. 93: "Joint resolution," was  
Read a second time, and  
On motion, was ordered to be engrossed for third reading.

House file No. 55: "An Act to provide for the filing of chattel mortgages," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was amended, by striking out the word "filing," and inserting in lieu thereof the word "recording."

The title was then agreed to.

House file No. 89: "An Act to prevent Indians from trespassing upon ceded lands in this territory," was

Read a third time, and the vote being taken upon its final passage.

Resulted as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 92: "An Act regulating the height of fences, and the duties of fence-viewers, and impounding of cattle," was

Read a third time, and the vote being taken upon its final passage.

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Mr. Pinney moved that council bill No. 77: "A bill for an act to declare certain persons citizens of Dakota Territory," be taken up for consideration.

Which motion prevailed.

On motion of Mr. Waldron, the bill was laid on the table.

On motion of Mr. Puett,

Council file No. 11: "A memorial asking congress to change that portion of the organic act which gives the governor an unlimited veto power," was taken up for consideration, and

Referred to the committee on federal relations.

On motion of Mr. Armstrong,  
Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein," was taken up, and

Read a first and second time, and  
Referred to committee on judiciary.

On motion of Mr. Donaldson, the house adjourned until 10 o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## FIFTY-SECOND DAY

WEDNESDAY, May 7, 1862.

House met pursuant to adjournment at ten o'clock, A. M.

The speaker not being present, the house was called to order by the clerk.

On motion of Mr. Waldron, Mr. Puett was chosen speaker pro tem.

Prayer by the chaplain.

Roll called. Absent, Mr. Donaldson.

Speaker in the chair.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 7, 1862. }

MR. SPEAKER:

I am directed by the council to inform your honorable body that they have disposed of house files inquired for by the chief clerk of the house, as follows:

Nos. 4, 7, 8, 10, 20, 22, 25, 33, 58, 69, 74, and 78, are indefinitely postponed.

Nos. 14, 32, 35, 36, 37, 38, 39, 51, 52, and 77, are tabled.

Nos. 11, 46, 76, 80, and 86, referred to committees.

No. 13 was lost on final passage.

No. 34 passed the council, and was returned to house April 14, 1862.

No. 79 postponed until the tenth of December next.

Also, I have to inform you that the council have passed the following bills, to wit:

Council bill No. 70: "An Act defining the jurisdiction and pro-

cedure before justices of the peace, and the duties of constables in civil courts."

Also, council bill No. 80: "An Act for the regulation and support of common schools."

In all of which the concurrence of the house is respectfully requested.

The council have also passed

House file No. 82: "An Act granting to town site claimants certain favors."

JAMES TUFTS, *Secretary of Council.*

Mr. McBride offered the following resolution:

*Resolved*, That A. J. Bell, Esq., be permitted to a seat within the bar of the house at pleasure.

The resolution was adopted.

The committee to whom was referred

Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report was adopted.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 85 and 93, and find the same correctly engrossed.

Also, house file No. 87, and reported the same as correctly enrolled.

The report was adopted.

The select committee to whom was referred

Council bill No. 68: "A bill for an act relating to resignations, vacancies, removals, and the supplying of vacancies," reported that they have had the same under consideration, and reported the same back without amendment, and recommended its passage.

GEO. M. PINNEY, }  
M. K. ARMSTRONG, } *Committee.*

The report was adopted.

Leave was granted Mr. Maloney to introduce

House file No. 98: "An act concerning fugitives from justice, and the surrendering of the same," which was

Read a first time.

Leave was granted Mr. Wood to introduce

House file No. 99: "An Act regulating the hours of manual labor," which was

Read a first time.

Leave was granted Mr. Puett to introduce  
House file No. 100: "An Act concerning arbitrators," which  
was

Read a first time.

The private secretary of His Excellency the governor appeared,  
and presented the following communications:

YANKTON, }  
May 5, 1862. }

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,—

I have approved and signed, and herewith return the following  
bills and memorials, to wit:

House file No. 19: "Bill legalizing marriages in the territory of  
Dakota."

House file No. 23: "A memorial to congress for the establish-  
ment of a mail route from Mankato in Minnesota, to Fort Randall  
in Dakota."

House file No. 47: "A bill for an act to locate the penitentiary."

House file No. 68: "An Act to incorporate the town of St Joseph."

House file No. 72: "An Act exempting property from execu-  
tion."

House file No. 73: "A memorial to congress for the construc-  
tion of a military road."

House file No. 75: "An Act relative to the law of roads and the  
regulations of public carriages."

W. JAYNE, *Governor.*

YANKTON, DAKOTA TERRITORY, }  
May 8, 1862. }

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,—

I have approved and signed the following bills, to wit:

House file No. 50: "An Act to provide for recording deeds,  
mortgages, bonds, contracts, and agreements."

House file No. 65: "An Act for the regulation of county jails."

House file No. 67: "An Act to provide for fees of road commis-  
sioners."

W. JAYNE, *Governor.*

Council bill No. 70: "An Act defining the jurisdiction and pro-  
cedure before justices of the peace, and of the duties of constables  
in civil courts," was

Read a second time, and

Referred to the committee on judiciary.

Council bill No. 80: "An Act for the regulation and support of  
common schools," was

Read a second time, and

On motion of Mr. Waldron, it was made a special order of the day, before the committee of the whole, on to-morrow at 11 o'clock, A. M.

Council bill No. 68: "A bill for an act relating to resignations, vacancies, removals, and the supplying of vacancies," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 75: "An Act defining the jurisdiction of justices of the peace in criminal cases, and of the proceedings therein," was

Read a third time, and the vote being taken upon its final passage, There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 94: "An Act concerning guardians and wards," was

Read a second time, and Referred to the committee on judiciary.

House file No. 95: "An Act to define certain council and representative districts, and to apportion the representation thereof," was

Read a second time, and On motion of Mr. Armstrong, was Referred to a select committee of three.

The chair appointed as such committee, Messrs. Armstrong, Pinney, and Maloney.

House file No. 96: "An Act defining the council and representative districts, and apportioning the representation thereof," was

Read a second time, and Referred to the committee on judiciary.

On motion of Mr. Waldron, the judiciary and select committees were requested to act in conjunction on the two last bills, house files Nos. 95 and 96.

House file No. 97: "An Act concerning masters and apprentices," was

Read a second time, and Referred to the committee on judiciary.

House File No. 85: "An Act conferring the right of citizenship upon certain half breeds, residing in the territory," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 93: "Joint resolution," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the joint resolution passed, and its title agreed to.

The committee on engrossed and enrolled bills reported that they had examined

Council bills Nos. 50, 42, 60, 74, and 64, and reported the same as correctly enrolled.

A. W. PUETT,  
H. S. DONALDSON, } *Committee.*

The report was adopted.

On motion of Mr. Waldron, the house adjourned until to-morrow morning at 10 o'clock.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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## FIFTY-THIRD DAY.

THURSDAY, May 8, 1862.

House met pursuant to adjournment, at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Pinney.

Journal of yesterday was read and approved.

The committee on judiciary, to whom was referred

Council bill No. 70: "An Act defining the jurisdiction of justices of the peace, and of the duties of constables in civil courts;"

Also, house file No. 79: "An Act concerning masters and apprentices;"

Also, house file No. 94: "An Act concerning guardians and wards,"

Reported the same back without amendment, and recommended their passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
G. P. WALDRON, }

The report was adopted.

The committee on judiciary, to whom was referred Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace,"

Reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report was adopted.

The committee on engrossed and enrolled bills, reported that they had examined

Council bill No. 67: "A bill for an act to provide for proceedings for the collection of demands against boats and vessels;"

Also, council bill No. 78: "An Act to provide for the support of bastard children;"

Also, house file No. 82: "An Act granting to town site claimants certain powers,"

And reported the same as correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Further time was granted to the select and judiciary committees to report on house files Nos. 95 and 96.

Leave was granted Mr. McBride to introduce house file No. 101: "An Act to provide for the rendering of accounts by executors and administrators," which was

Read a first time.

Leave was granted Mr. Donaldson to introduce

House file No. 102: "An Act in relation to the partition and distribution of estates," which was

Read a first time.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 8, 1862. }

MR. SPEAKER:

The council have passed the following council bills, to wit:



Council bill No. 84: "An Act limiting the issue of county warrants."

Also, council bill No. 85: "An Act respecting juries."

Also, council bill No. 87: "An Act to provide for issuing search warrants, and proceedings thereon."

Also, council bill No. 88: "An Act concerning the powers of district judges."

Also, house file No. 84: "An Act relative to salvage," with an amendment attached.

In all of which, the concurrence of the house is respectfully requested.

The council have also passed house file No. 76: "An Act to regulate partnerships."

JAMES TUFTS, *Secretary of Council.*

The council amendment to house file No. 84, was taken up, and amendment concurred in.

Council bill No. 82: "A bill for an act to establish a territorial road from Vermilion to Yankton," was

Read a first and second time, and

Referred to the committee on internal improvements.

The following bills were read a first time:

Council bill No. 85: "An Act respecting juries."

Council bill No. 87: "An Act to provide for issuing search warrants, and proceedings thereon."

Council bill No. 84: "An Act limiting the issue of county warrants."

Council bill No. 88: "An Act concerning the powers of district judges."

Council bill No. 69: "An Act to provide for trials in certain cases before justices of the peace," was read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 70: "An Act defining the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 94: "An Act concerning guardians and wards," was

Read a ~~second~~ third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

On motion of Mr. Puett, Mr. Pinney was excused from attendance on account of illness.

House file No. 97: "An Act concerning masters and apprentices," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Special order of the day:

On motion of Mr. Waldron, the house resolved itself into a committee of the whole, for the purpose of considering

Council bill No. 80: "An Act for the regulation and support of common schools."

Mr. Wood in the chair.

After some time spent therein the committee arose, and by their chairman made the following report:

MR. SPEAKER:

The committee of the whole have had under consideration

Council bill No. 80: "An Act for the regulation and support of common schools," and

Report the same back with the following amendments, and recommend its passage.

*Amendments.*— Strike out in section five, all after the word "district" in seventh line.

Strike out the word "white" wherever it occurs in the bill before the word "children."

Strike out all between the word "year" in the twentieth section in line two, and the word "and" in same line.

Add to section thirty-seven the following, "and remove scholars for disorderly conduct."

Strike out all of section sixty-six, and insert in lieu thereof the following: "That no school officer, mentioned in the bill, shall

receive any compensation for his services out of the territorial or school fund."

B. E. WOOD, *Chairman.*

The report and amendments were adopted.

Council bill No. 80: "An Act for the regulation and support of common schools," was

Read a third time, and

The vote being taken upon its final passage,

Resulted as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Mr. Stanage gave notice that he would on to-morrow, introduce a memorial to congress, asking that the direct tax of Dakota Territory be paid out of the \$20,000 appropriated to the territory for legislative purposes.

On motion of Mr. Donaldson, the house adjourned until 10 o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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## FIFTY-FOURTH DAY.

FRIDAY, May 9, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Roll called. Absent, Messrs. McBride, Maloney, Stanage, Wallace, and Wood.

The journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 9, 1862. }

MR. SPEAKER:

The council have passed the following bills, to wit:

Council bill No. 86: "A bill for an act to incorporate the Missouri and Niobrara valley railroad company."

Also, council bill No. 89: "An Act to provide for the writ of habeas corpus."

Also, council bill No. 92: "A bill for an act to establish a ferry across the Vermilion river."

Also, council bill No. 94: "An Act incorporating the town of Richland."

Also, council file No. 13: "Memorial to the Secretary of Interior, relative to a treaty with Brule Indians."

Also, council file No. 14: "Memorial to the Secretary of War, relative to a military depot at Fort Randall."

Also, house file No. 32: "An Act prescribing the manner of conducting elections, and of the canvass of the same," with attached amendments.

Also, house file No. 77: "Memorial to the Honorable E. M. Stanton, in relation to the cavalry company raised in this territory," with attached amendments.

Also, house file No. 93: "Joint resolution," with attached amendments.

In all of which the concurrence of the house is respectfully requested.

Also, house file No. 55: "An Act to provide for the recording of chattel mortgages."

All of which are herewith transmitted.

JAMES TUFTS, *Secretary, Council.*

The committee on engrossed and enrolled bills, reported that they had examined

House file No. 90: "An Act relative to revenue," and Reported the same back as correctly engrossed.

A. W. PUETT, } *Committee.*  
H. S. DONALDSON, }

The report was adopted.

The joint select and judiciary committees, to whom was referred House files Nos. 95 and 96, Acts defining certain council and representative districts, and apportion the representation thereof,

Reported that they have had the same under consideration, and being unable to agree upon any one bill, would therefore beg leave to report the same back, and recommend their indefinite postponement.

M. K. ARMSTRONG, } *Judiciary*  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }  
G. M. PINNEY, } *Select*  
M. K. ARMSTRONG, } *Committee.*

The report was adopted, and the bills indefinitely postponed.

The committee on judiciary, to whom was referred

Council bill No. 79: "An Act for the election of certain territorial officers," reported the same back to the house, with the following amendment, and recommended that it be passed:

At the end of section 3, strike out the words "one hundred," and insert the word "fifty."

M. K. ARMSTRONG, } *Committee.*  
A. W. PUETT, }  
GEO. P. WALDRON, }

The report and amendment were adopted.

Mr. Puett in the chair.

Leave was granted Mr. Pinney to introduce  
House file No. 103: "An Act fixing the time of holding a special term of court in the third judicial district," which was

Read a first time, and

On motion of Mr. Pinney, the rules were suspended, and

The bill read a second and third time, and put upon its final passage, resulting as follows:

Yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Leave was granted Mr. Tiernon to introduce

House file No. 104: "An Act to provide a remedy for forcible entries and unlawful detainers," which was

Read a first and second time, and

Referred to the committee on judiciary.

The speaker in the chair.

The council amendments to

House file No. 93: "A joint resolution," were

Read and concurred in.

The council amendments to

House file No. 77: "Memorial to the Hon. E. M. Stanton, in relation to the cavalry company raised in this territory," were

Taken up and concurred in by the house.

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and return of the same," and which had been returned from the council with amendments, was,

On motion, referred to the committee on judiciary.

The following communication, accompanied by a splendid U. S. flag, was read by Mr. Pinney:

ASH'S HOTEL, YANKTON, D. T., }  
May 9, 1862. }

HON. JOHN TIERNON,

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR,—I take pleasure in presenting herewith as promised, for the use of the honorable body, whose presiding officer you are, "The Star Spangled Banner," the flag of our Union. May it always cover and protect just and equitable legislation throughout our land.

I am, very respectfully,

Your obedient servant,

J. C. R. CLARK.

On motion of Mr. Pinney, a vote of thanks was tendered Mr. Clark for the flag.

Council file No. 13: "A memorial to the Secretary of the Interior relative to a treaty with the Brule Indians," was

Read a first time, and

Rules being suspended,

Read a second and third time, and put upon its final passage,

Resulting as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the memorial was passed, and its title agreed to.

Council file No. 14: "Memorial to the Secretary of War relative to a military depot at Fort Randall," was

Read a first time, and

The rules being suspended,

Read a second and third time, and put upon its final passage.

Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the memorial passed, and its title agreed to.

Council bill No. 89: "An Act to provide for the writ of habeas corpus," was

Read a first and second time, and

Referred to the committee on judiciary.

Council bill No. 86: "A bill for an act to incorporate the Missouri and Niobrara Valley Railroad Company," was

Read a first and second time, and

Referred to the committee on corporations.

Council bill No. 92: "A bill for an act to establish a ferry on the Vermilion river," was

Read a first and second time, and

Referred to the committee on internal improvements.

Council bill No. 94: "An Act incorporating the town of Richland," was

Read a first time, and

Rules being suspended,

Read a second and third time, and put upon its final passage,

Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill was passed, and its title agreed to.

Council bill No. 84: "An Act limiting the issue of county warrants," was

Read a second time, and  
Referred to the committee on counties.

Council bill No. 85: "An Act respecting juries," was

Read a second time, and  
Referred to the committee on judiciary.

Council bill No. 87: "An Act to provide for issuing search-warrants, and proceedings thereon," was

Read a second time, and  
Referred to committee on judiciary.

Council bill No. 88: "An Act concerning the powers of district judges," was

Read a second time, and  
Referred to the committee on judiciary.

Council bill No. 79: "An Act to provide for the election of certain territorial officers," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 98: "An Act concerning fugitives from justice, and the surrender of the same," was

Read a second time, and  
Referred to the committee on judiciary.

House file No. 99: "An Act regulating the hours of manual labor," was

Read a second time, and  
Rules being suspended,  
Read a third time, and put upon its final passage,  
Resulting as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 100: "An Act concerning arbitration," was

Read a second time, and  
Referred to committee on judiciary.

House file No. 101: "An Act to provide for the rendering of accounts by executors and administrators," was

Read a second time, and

Rules being suspended,

Read a third time, and put upon its final passage,

Resulting as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 90: "An Act relative to revenue," was

Read a third time, and the vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

On motion of Mr. Puett, the house adjourned until to-morrow afternoon at two o'clock.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

## FIFTY-FIFTH DAY.

SATURDAY, May 10, 1862.

House met pursuant to adjournment at 2 o'clock, P. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Donaldson.

Journal of yesterday was read and approved.

Mr. McBride offered the following resolution:

*Resolved,* That the Hon. George Detwiller, mayor of Mixville, be invited to a seat within the bar of the house, at pleasure.

Mr. Pinney moved to amend the resolution, by including the name of Hon. A. G. Fuller.

Which motion prevailed.

And the resolution, as amended, was adopted.

The committee on engrossed and enrolled bills, reported that they had examined

House files Nos. 55, 77, and 76, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The committee on internal improvements, to whom was referred



Council bill No. 82: "An Act to establish a territorial road from Vermilion to Yankton."

Also, council bill No. 92: "An Act to establish a ferry on the Vermilion river," reported the same back without amendment, and recommended their passage.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } *Committee.*

The report was adopted.

The committee on corporations, to whom was referred

Council bill No. 86: "A bill for an act to incorporate the Missouri and Niobrara Valley Railroad Company,"

Reported that they have had the same under consideration, and reported the same back with the following amendment, and recommended its passage.

Strike out in section three, thirteenth line, the words "the villages of."

A. W. PUETT, }  
M. K. ARMSTRONG, } *Committee.*  
J. A. JACOBSON, }

The report and amendment were adopted.

The committee on judiciary, to whom was referred

House file No. 100: "An Act concerning arbitration."

Also, House file No. 104: "An Act to provide for a remedy against forcible entries and detainers."

Also council bill No. 88: "An Act concerning the powers of district judges."

Also, council bill No. 85: "An Act respecting juries."

Also, house file No. 98: "An Act concerning fugitives from justice," reported the same back without amendments, and recommended their passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

Report was adopted.

The committee, to whom was<sup>d</sup> recommitted

House file No. 32, with council amendments, reported the same back, and recommended that the house do concur in the amendments.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

The report was adopted, and amendments concurred in.

Leave was granted Mr. Waldron to introduce

House file No. 105: "An Act to locate the county seat of the county of Minnehaha," which was

Read a first and second time, and

On motion of Mr. Waldron,  
 Rules were suspended, and the bill  
 Read a third time, and put upon its final passage,  
 Resulting as follows: yeas 11, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage,  
 Waldron, Wallace, and Wood.  
 So the bill passed, and its title agreed to.

Council bill No. 82: "A bill for an act to establish a territorial  
 road from Vermilion to Yankton," was  
 Read a third time, and the vote being taken on its final passage.  
 There were, yeas 10, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron,  
 Wallace, and Wood.  
 So the bill passed, and its title agreed to.

Council bill No. 85: "An Act respecting juries," was  
 Read a third time, and the vote being taken upon its final passage,  
 There were, yeas 10, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron,  
 Wallace, and Wood.  
 So the bill passed, and its title was agreed to.

Council bill No. 86: "A bill for an act to incorporate the Mis-  
 souri and Niobrara Valley Railroad Company," was  
 Read a third time, and the vote being taken upon its final passage,  
 There were, yeas 10, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron,  
 Wallace, and Wood.  
 So the bill was passed, and its title agreed to.

Council bill No. 87: "An Act to provide for the issuing of search-  
 warrants, and proceedings thereon," was  
 Read a third time, and the vote being taken upon its final pas-  
 sage,  
 There were, yeas 10, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron,  
 Wallace, and Wood.  
 So the bill was passed, and its title agreed to.

Council bill No. 88: "An Act concerning the powers of district  
 judges," was  
 Read a third time, and  
 The vote being taken upon its final passage,  
 There were, yeas 10, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,

Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 92: "A bill for an act to establish a ferry on the Vermilion river," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Mr. Pinney moved a suspension of rules for the purpose of introducing

House file No. 106: "An Act increasing the representation in the council and house of representatives of the legislative assembly of the Territory of Dakota,"

Which motion prevailed, and

The bill was read a first and second time.

Mr. Pinney moved that the rules be suspended, and the bill read a third time and put upon its final passage.

Mr. Stanage moved to adjourn.

The yeas and noes being called for and ordered on the motion,

There were, yeas 4, noes 8.

Those who voted in the affirmative, were Messrs. Armstrong, Donaldson, McBride, and Stanage.

In the negative, Messrs. Burgess, Jacobson, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the motion did not prevail.

The question recurring on Mr. Pinney's motion, and

The yeas and noes being called for and ordered on its adoption,

There were, yeas 8, noes 5, as follows:

In the affirmative, Messrs. Burgess, Jacobson, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

In the negative, Messrs. Armstrong, Donaldson, McBride, Stanage, and the speaker.

So the motion prevailed.

On motion of Mr. Pinney, the bill was laid on the table.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 10, 1862. }

MR. SPEAKER:

The council have passed the following bills, to wit:

Council bill No. 90: "A bill for an act granting a ferry charter across the Missouri river."

Also, council bill No. 93: "An Act exempting certain property from taxation."

Also, council bill No. 99: "An Act defining certain council and representative districts, and to apportion the representation thereof."

Also, council file No. 15: "Joint resolution relative to the printing of the laws and journals of the legislative assembly for the year 1862."

The council have also passed

House file No. 80: "An Act regulating fees of county officers," with attached amendments.

In all of which the concurrence of the house is respectfully requested.

Also, house file No. 92: "An Act regulating the height of fences, and the duty of fence-viewers, and impounding of cattle."

All of which I herewith transmit.

The council have also concurred in house amendments to

Council bill No 2: "A bill exempting property from execution, writ of attachment, or any other final process of a court."

On motion of Mr. Waldron, the house took a recess of fifteen minutes.

The time having expired, the house was called to order by the speaker.

Council bill No. 99: "An Act defining certain council and representative districts, and to apportion the representation thereof," was

Read a first and second time.

Mr. Donaldson moved that it be referred to the committee on judiciary.

Mr. Pinney called for the yeas and noes on the motion, which being ordered,

There were, yeas 4, noes 8, as follows:

In the affirmative, Messrs. Armstrong, Donaldson, McBride, and Stanage.

In the negative, Messrs. Burgess, Jacobson, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the motion was lost.

Mr. Puett offered the following amendments to the bill:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"SECT. 1. The next legislative assembly shall consist of thirteen members of the council, and twenty-two members of the house of representatives.

SECT. 2. The county of Cole shall constitute the first council and first representative district, and shall be entitled to two members of the council and four members of the house of representatives.

SECT. 3. The county of Clay shall constitute the second council and second representative district, and shall be entitled to three

members of the council and six members of the house of representatives.

SECT. 4. The counties of Yankton and Jayne shall constitute the third council and representative district, and shall be entitled to two members of the council and four members of the house of representatives.

SECT. 5. The counties of Bon Homme and Hutchinson shall constitute the fourth council and representative district, and shall be entitled to two members of the council and three members of the house of representatives.

SECT. 6. The counties of Charles Mix and Bruguier shall constitute the fifth council and representative district, and shall be entitled to one member of the council and one member of the house of representatives.

SECT. 7. The counties of Todd and Gregory shall constitute the sixth council and representative district, and shall be entitled to one member of the council, and one member of the house of representatives.

SECT. 8. The counties of Minnehaha, Lincoln, Brookings, and Deuel, shall constitute the eighth council and representative district, and shall be entitled to one member of the council, and one member of the house of representatives.

SECT. 9. This act shall take effect and be in force from and after its passage."

Mr. Pinney moved the adoption of the amendments, which motion prevailed.

Mr. Pinney moved that the bill as amended be put upon its final passage.

Which motion prevailed.

The bill was then read a third time, and the vote being taken upon its final passage,

There were, yeas 9, noes 4, as follows:

In the affirmative, Messrs. Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

In the negative, Messrs. Armstrong, Donaldson, Stanage, and the speaker.

So the bill passed, and its title was agreed to.

Council file No. 15: "Joint resolution relating to the printing of the laws and journals of the legislative assembly, for the year 1862," was read a first and second time, and

Referred to the committee on ways and means.

Council file No. 16: "Memorial to the congress of the United States, asking the tax due the United States be taken out of the appropriation made for legislative purposes," was read a first and second time, and

On motion of Mr. Pinney, rules were suspended, and the memorial read a third time, and put upon its final passage.

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the memorial passed, and its title agreed to.

Council file No. 17: A memorial to the president of the United States, requesting him to instruct the officials of Dakota territory to reside therein," was read a first and second time, and

Referred to the committee on federal relations.

Council bill No. 90: "A bill for an act granting a ferry charter across the Missouri river," was read a first and second time, and

On motion of Mr. Pinney, was referred to a select committee of three.

The chair appointed Messrs. Pinney, McBride, and Stange, as such committee.

Council bill No. 93: "An Act exempting certain property from taxation," was read a first and second time, and

Referred to the committee on judiciary.

House file No. 102: "An Act in relation to the partition and distribution of estates," was read a second time, and

Referred to the committee on judiciary.

House file No. 98: "An Act concerning fugitives from justice, and the surrender of the same," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0. •

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 100: "An Act concerning arbitration," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 104: "An Act to provide a remedy for forcible entries, and unlawful detainers," was read a third time, and the vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

The committee on engrossed and enrolled bills, reported that they had examined council bills Nos. 2, 68, 69, 70, 75, and 80, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Mr. Waldron moved the reconsideration of the vote by which council bill No. 99: "An Act defining certain council and representative districts, and to apportion the representation thereof," passed.

Mr. Pinney moved that Mr. Waldron's motion be laid on the table.

Which motion prevailed.

On motion of Mr. Pinney, the house adjourned until ten o'clock, Monday morning.

JOHN L. TIERNON, *Speaker.*

J. R. HANSON, *Chief Clerk.*

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## FIFTY-SEVENTH DAY.

MONDAY, May 12, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Mr. Donaldson.

Journal of yesterday was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 12, 1862. }

MR. SPEAKER:

The council have passed the following council bills, to wit:

Council bill No. 91: "An Act relating to the inventory and collection of the effects of deceased persons."

Also, council bill No. 95: "An Act conferring powers upon the board of county commissioners respecting roads."

Also, council bill No. 96: "An Act relating to the foreclosure of mortgages by advertisement."

Also, council bill No. 97: "An Act to authorize holding of special terms of the district court in certain cases."

Also, council bill No. 98: "An Act to provide for the conveyance of real estate by executors and administrators in certain cases."

In all of which the concurrence of the house is respectfully requested.

The council have also passed the following house files, to wit:  
House file No. 94: "An Act concerning guardians and wards,"  
with attached amendments.

Also, house file No. 97: "An Act concerning masters and apprentices."

Also, house file No. 103: "An Act fixing the time of holding a special term of court in the third judicial district."

Also, council bill No. 101: "An Act regulating pardons by the governor."

All of which are herewith transmitted.

The council have also concurred in house amendment to

Council bill No. 79: "An Act to provide for the election of certain territorial officers."

JAMES TUFTS, *Secretary of Council.*

The judiciary committee to whom was referred

Council bill No. 93: "An Act exempting certain property from taxation,"

Also, house file No. 102: "An Act in relation to the partition and distribution of estates," reported the same back without amendment, and recommended their passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
G. P. WALDRON, }

Report adopted.

The committee on engrossed and enrolled bills, reported that they have examined

Council bills Nos. 14, 13, 73, and 94, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

The select committee to whom was referred

Council bill No. 90: "An Act granting a ferry charter across the Missouri river," reported the same back to the house without amendment, and recommended that it be passed.

GEO. M. PINNEY, }  
J. C. MCBRIDE, } *Committee.*

Report adopted.

The select committee, to whom was referred

House file No. 5: "An Act concerning horses and other animals," reported the same back without amendment, and recommended that it be passed.

H. S. DONALDSON, }  
J. A. JACOBSON, } *Committee.*

The report was adopted.

The committee to whom was referred

Council file No. 15: "A joint resolution relative to the printing



of the laws and journals of the legislative assembly," reported the same back without amendment, and recommended its passage.

M. K. ARMSTRONG, }  
H. S. DONALDSON, } *Committee.*  
J. C. McBRIDE, }

Report adopted.

The committee on counties, to whom was referred

Council bill No. 84: "An Act limiting the issue of county warrants," reported that they have had the same under consideration, and reported the same back without amendment, and recommended its passage.

G. M. PINNEY, *Chairman.*

Report adopted.

House file No. 80: "An Act regulating fees of county officers," and

House file No. 94: "An Act concerning guardians and wards," were taken up for consideration, and council amendments to the same concurred in.

Council bill No. 91: "An Act relating to the inventory and collection of the effects of deceased persons," was

Read a first and second time, and

Referred to the committee on judiciary.

Council bill No. 101: "An Act regulating pardons by the governor," was

Read a first and second time, and

On motion of Mr. Pinney,

Rules were suspended, and the bill read a third time, and put upon its final passage,

Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 95: "An Act conferring powers upon the board of county commissioners respecting roads," was

Read a first and second time, and

On motion of Mr. Puett,

Rules were suspended, and the bill read a third time, and put upon its final passage,

Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

Council bill No. 96: "An Act relating to the foreclosure of mortgage by advertisement," was

Read a first and second time, and  
 On motion of Mr. Puett,  
 Rules were suspended, and the bill  
 Read a third time, and put upon its final passage,  
 Resulting as follows: yeas 12, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett,  
 Stanage, Waldron, Wallace, and Wood.  
 So the bill passed, and its title agreed to.

Council bill No. 97: "An Act to authorize holding special terms  
 of the district court in certain cases," was  
 Read a first time, and  
 On motion of Mr. Puett,  
 Rules were suspended, and the bill  
 Read a second and third time, and put upon its final passage,  
 Resulting as follows: yeas 12, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett,  
 Stanage, Waldron, Wallace, and Wood.  
 So the bill passed, and its title agreed to.

Council bill No. 98: "An Act to provide for the conveyance of  
 real estate by executors and administrators in certain cases," was  
 Read a first and second time, and  
 Referred to the committee on judiciary.

Council bill No. 84: "An Act limiting the issue of county  
 warrants," was  
 Read a third time, and  
 The vote being taken upon its final passage,  
 There were, yeas 12, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett,  
 Stanage, Waldron, Wallace, and Wood.  
 So the bill passed, and its title agreed to.

Council joint resolution No. 15: "Relating to the printing of  
 the laws and journals of the legislative assembly for the year  
 1862," was  
 Read a third time, and  
 The vote being had upon its final passage,  
 There were, yeas 12, noes 0.  
 Those who voted in the affirmative, were Messrs. Armstrong,  
 Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett,  
 Stanage, Waldron, Wallace, and Wood.  
 So the resolution passed, and its title agreed to.

The private secretary of His Excellency the governor appeared  
 and delivered the following communication:

YANKTON, May 12, 1862.

TO THE HOUSE OF REPRESENTATIVES:

GENTLEMEN,—I have approved and signed the following bills, to wit:

House file No. 55: "An Act to provide for the recording of chattel mortgages."

House file No. 56: "An Act to establish a code of civil procedure."

House file No. 76: "An Act to regulate partnerships," and

Also the following memorial:

House file No. 77: "Memorial to the Hon. E. M. Stanton in relation to the cavalry company raised in this territory."

W. JAYNE, *Governor*.

Council bill No. 90: "A bill for an act granting a ferry charter across the Missouri river," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

- Council bill No. 93: "An Act exempting certain property from taxation," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 5: "An Act to prevent stallions and other animals from running at large," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

House file No. 102: "An Act in relation to the partition and distribution of estates," was

Read a third time, and

The vote being taken upon its final passage,

There were, yeas 12, noes 0, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

On motion of Mr. Maloney the house adjourned until 10 o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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FIFTY-EIGHTH DAY.

TUESDAY, May 13, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Messrs. Donaldson and McBride.

Journal of yesterday read and approved.

The following communication was received from the council :

COUNCIL CHAMBER, }  
May 13, 1862. }

MR. SPEAKER :

The council have passed

Council bill No. 100: " An Act conferring the right of citizenship upon F. B. Chardon."

In which the concurrence of the house is requested.

The council have also passed the following house files, to wit :

House file No. 35: " An Act apportioning the representation of Clay county."

Also, house file No. 36: " An Act apportioning the representation of Yankton and Jayne counties."

Also, house file No. 37: " An Act apportioning the representation of Bon Homme and Hutchinson counties."

Also, house file No. 38: " An Act apportioning the representation of Charles Mix, and Bruguier counties."

Also house file No. 39: " An Act apportioning the representation of Todd and Gregory counties."

Also, house file No. 44: " An Act apportioning the representation of Cole county."

Also, house file No. 85: " An Act conferring the rights of citizenship upon certain half breeds residing in this territory."

Also, house file No. 90: " An Act relative to revenue."

Also, house file No. 98: " An Act concerning fugitives from justice, and the surrendering of the same."

Also, house file No. 99: " An Act regulating the hours of manual labor."

Also, house file No. 100: " An Act concerning arbitration."

Also, house file No. 101: " An Act to provide for the rendering of accounts by executors and administrators."

Also, house file No. 104 : " An Act to provide a remedy for forcible entries and unlawful detainers."

All of which are herewith transmitted.

Also, the council have concurred in house amendments to council bill No. 86 : " A bill for an act incorporating the Missouri and Niobrara Valley railroad company."

JAMES TUFTS, *Secretary of Council.*

The committee, to whom was referred

Council bill No. 31 : " An Act to regulate the sale of spirituous liquors ;"

Also, council bill No. 89 : " An Act to provide for the writ of habeas corpus,"

Reported the same back without amendment, and recommended their passage.

M. K. ARMSTRONG, }  
A. W. PUETT, } *Committee.*  
GEO. P. WALDRON, }

Report was adopted.

The committee to whom was referred

Council bill No. 83 : " An Act to regulate the distribution of the laws and journals of Dakota territory," and for other purposes,

Reported that they had had the same under consideration, and would report it back in favor of its being passed.

GEO. P. WALDRON, }  
G. M. PINNEY, } *Committee.*  
L. BURGESS, }

The report was adopted.

The committee on judiciary, to whom was referred

Council bill No. 98 : " An Act to provide for the conveyance of real estate by executors and administrators in certain cases ;"

Council bill No. 91 : " An Act relating to the inventory and collection of the effects of deceased persons,"

Reported the same back, without amendment, and recommended their passage.

M. K. ARMSTRONG, *Chairman.*

The report was adopted.

The committee on engrossed and enrolled bills,

Reported that they had examined council bills Nos. 85, 92, 79, 82, 83, 16, and 87, and find the same correctly enrolled.

A. W. PUETT, }  
H. S. DONALDSON, } *Committee.*

The report was adopted.

Leave was granted Mr. Pinney to introduce

House file No. 107 : " An Act granting to the territorial auditor certain powers," which was

Read a first and second time, and

On motion of Mr. Pinney, referred to a select committee of three.  
The chair appointed Messrs. Pinney, Waldron, and Armstrong,  
as such committee.

Leave was granted Mr. Puett to introduce  
House file No. 108: "Joint resolution relative to pay of clerks of  
the two houses for extra services," which was  
Read a first and second time, and  
Referred to the committee on ways and means.

Council bill No. 100: "An Act conferring the rights of citizen-  
ship on F. B. Chardon," was read a first time, and

On motion of Mr. Pinney,  
Rules were suspended, and the bill  
Read a second and third time, and put upon its final passage,  
Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong,  
Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett,  
Stange, Waldron, Wallace, and Wood.

So the bill passed.

Mr. Waldron moved to amend the title by striking out the word  
"on" and inserting the word "to."

Which motion did not prevail.  
The title was then agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 13, 1862. }

MR. SPEAKER:

The council have passed  
Council bill No. 102: entitled "An Act to establish judicial dis-  
tricts, and assign judges thereto."

Also, "Joint resolutions relative to a territorial seal."

The concurrence of the house is respectfully requested.

The council have concurred in house amendments to  
Council bill No. 99.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett moved that H. S. Donaldson be excused from attend-  
ance during the first four days of the present session of the legisla-  
tive assembly, on account of inability to arrive sooner.

Which motion prevailed.

Council file No. 14: "Joint resolution relative to a territorial  
seal," was

Read a first and second time, and

On motion of Pinney,

Rules were suspended, and the resolution read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong,

Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the resolution passed, and its title was agreed to.

Council bill No. 102: "An Act to establish judicial districts, and assign the judges thereto," was

Read a first and second time, and

On motion of Mr. Puett,

Rules were suspended, and the bill read a third time, and put upon its final passage,

Resulting as follows: yeas 12, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 31: "A bill for an act to regulate the sale of spirituous liquors," was

Read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 83: "An Act to regulate the distribution of the laws and journals of Dakota Territory, and for other purposes," was

Read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 89: "An Act to provide for the writ of habeas corpus," was

Read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows:

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 91: "An Act relating to the inventory and collection of the effects of deceased persons," was

Read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows :

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

Council bill No. 98 : " An Act to provide for the conveyance of real estate by executors and administrators in certain cases," was

Read a third time, and

The vote being taken on its final passage,

There were, yeas 12, noes 0, as follows :

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Donaldson, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title was agreed to.

On motion of Mr. Donaldson, the house adjourned until ten o'clock to-morrow morning.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

## FIFTY-NINTH DAY.

WEDNESDAY, May 14, 1862.

House met pursuant to adjournment at 10 o'clock, A. M.

The speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Messrs. Armstrong and Donaldson.

Journal of yesterday was read and approved.

Mr. Pinney moved the reconsideration of the vote by which Council bill No. 102 : " An Act to establish judicial districts, and assign the judges thereto," passed.

Mr. McBride moved that the motion be laid on the table.

Mr. Pinney called for the yeas and noes on the adoption of the motion, which being ordered,

There were, yeas 8, noes 3, as follows :

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Puett, Waldron, and Wood.

In the negative, Messrs. Pinney, Stanage, and Wallace.

So the motion prevailed.

Mr. Pinney moved a reconsideration of the vote by which the motion prevailed.

The motion was lost.

Mr. Waldron offered the following resolution :



*Resolved*, by the house of representatives, That it is due to Geo. M. Pinney, a member of this house, that the honorable council expunge from their journal all that matter and report of the committee appointed to wait on the governor and inquire why he had placed an armed force in the hall of the house of representatives; that it is no part of the duty of the members of the council to put upon their journal a charge affecting the reputation of a member of this house, especially when he has had no opportunity to show by testimony, before said committee, that he was not guilty of the charges preferred against him; that we look upon the course of the council as proscriptive and unjust in refusing to expunge from their journal said report, after having been respectfully requested so to do by this house; that said report is in many particulars false, and that it is a dishonor to a majority of that body to keep the same upon their journal.

Mr. Pinney called for the yeas and noes on the adoption of the resolution, which being ordered,

There were, yeas 7, noes 3.

(Mr. Pinney was excused from voting.)

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, Puett, Stanage, Waldron, Wallace, and Wood.

Those who voted in the negative, were Messrs. Armstrong, McBride, Maloney.

So the resolution was adopted.

Mr. Pinney offered the following resolution:

*Resolved*, That that portion of the journal of the house of representatives relating to the examination of Reuben Wallace for the alleged utterance of disloyal sentiments, be expunged from the record of the journal of the house of representatives.

Mr. Waldron called for the yeas and noes on the adoption of the resolution, which being ordered,

There were, yeas 8, noes 2, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Jacobson, Pinney, Puett, Stanage, Waldron, and Wood.

In the negative, Messrs. McBride and Maloney.

So the resolution was adopted.

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 14, 1862. }

MR. SPEAKER:

The council have passed

Council file No. 19: "Joint resolution and memorial."

Also, council file No. 20: "Joint resolution."

In all of which the concurrence of the house is respectfully requested.

The council have also passed the following house files, to wit:

House file No. 5: "An Act to prevent stallions and other animals from running at large."

Also, house file No. 102: "An Act in relation to the partition and distribution of estates."

All of which are herewith transmitted.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett, chairman of the committee on engrossed and enrolled bills, reported that they have examined

House files Nos. 34, 36, 39, 35, 37, 27, 38, and 93.

Also, council bills Nos. 99, 86, 90, 93, 96, 97, 84, 101, 95, and

Council file No. 15, and find the same correctly enrolled.

Report adopted.

The committee, to whom was referred

Council file No. 12: "A joint resolution and memorial relative to a bridge across the Running Water river," reported that they had had the same under consideration, and reported it back without amendment, and recommended its passage.

GEO. P. WALDRON,	} <i>Committee.</i>
G. M. PINNEY,	
B. E. WOOD,	

The report was adopted.

Mr. Burgess moved that the rules be suspended for the purpose of introducing

House file No. 109: "An Act to locate the county seat of Clay county."

Mr. Burgess called for the yeas and noes on the adoption of the motion, which being ordered,

There were, yeas 6, noes 5, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Jacobson, Maloney, Stanage, and Wallace.

In the negative, Messrs. McBride, Pinney, Puett, Waldron, and Wood.

It requiring a two thirds vote,

The motion did not prevail.

Mr. Waldron in the chair.

Mr. Puett moved that leave be granted to introduce the bill.

The yeas and noes being called for and ordered on the motion,

There were, yeas 8, noes 3, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Jacobson, McBride, Pinney, Puett, Waldron, and Wood.

In the negative, Messrs. Maloney, Stanage, and Wallace.

So the motion prevailed, and

The bill was read a first and second time.

Mr. Tiernon moved that the bill be referred to the committee on counties.

The yeas and noes being called for and ordered on the motion,  
There were, yeas 4, noes 7, as follows :

In the affirmative, Messrs. Armstrong, McBride, Maloney, and Stanage.

In the negative, Messrs. Burgess, Jacobson, Pinney, Puett, Waldron, Wallace, and Wood.

So the motion did not prevail.

The bill was then read a third time, and

The vote being taken upon its final passage,

There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

The committee to whom was referred

House file No. 108 : " A joint resolution relative to pay of the clerks of the two houses for extra services,"

Reported the same back, with the following amendments, and recommended its passage :

Strike out the figures "\$200" in the first section, and insert "\$120" in lieu thereof ; also in sections 2 and 3, strike out "\$200" and insert "\$180" in lieu thereof.

M. K. ARMSTRONG, }  
J. C. McBRIDE, } Committee.

The report and amendments were adopted.

The speaker in the chair.

Council file No. 19: " Joint memorial and resolution," was

Read a first and second time, and

On motion of Mr. Puett,

Rules were suspended, and the memorial and resolution read a third time, and put upon its final passage.

Resulting as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the joint memorial and resolution passed, and its title agreed to.

Council file No. 20: " Joint resolution," was

Read a first and second time, and

On motion of Mr. Puett,

Rules were suspended, and the

Resolution read a third time, and put upon its final passage,

Resulting as follows: yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, Wallace, and Wood.

So the resolution passed, and its title agreed to.

Council file No. 12: "Joint resolution and memorial relative to a bridge over the Running Water river," was

Read a third time, and the vote being taken upon its final passage, There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the resolution and memorial passed, and its title agreed to.

House file No. 108: "Joint resolution relative to pay of clerks of the two houses, for extra services," was

Read a third time, and the vote being taken upon its final passage, There were, yeas 11, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stange, Waldron, Wallace, and Wood.

So the joint resolution passed, and its title agreed to.

On motion of Mr. Wood, the house took a recess until 4 o'clock, P. M.

#### AFTERNOON SESSION.

The speaker called the house to order at 4 o'clock.

The committee to whom was referred council file No. 11: "A memorial asking congress to change that portion of the organic act which gives the governor an unlimited veto power," reported the same back, and recommended that it be passed.

GEO. P. WALDRON, } Committee.  
B. E. WOOD, }

The report was adopted, and the memorial

Read a third time, and put upon its final passage.

Resulting as follows: yeas 8, noes 0.

Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, Maloney, Puett, Waldron, Wallace, and Wood.

So the memorial passed, and its title agreed to.

Mr. Waldron moved that the house adjourn until to-morrow morning, at ten o'clock, which

Motion did not prevail.

Mr. Puett offered the following resolution:

*Resolved*, That the Hon. secretary of the territory, Hon. John Hutchinson, be most respectfully requested to furnish the members of this body with *one more* supply of stationery, and that a vote of thanks be tendered to the honorable secretary for the faithful manner in which he has discharged his duties, and for his unquestionable liberality to the members of the house of representatives.

The resolution was adopted.

Mr. Puett, from the committee on engrossed and enrolled bills, Reported that they had examined house files Nos. 102, 85, 99, 104, 103, 5, 92, 84, 98, 101, 100, 90, 80, 94, 97, and 32.

Also, council bill No. 100, and reported the same as correctly enrolled.

Report adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }  
May 14, 1862. }

MR. SPEAKER :

The council have passed

House file No. 108 : " Joint resolution relative to pay of clerks of the two houses for extra services," with attached amendments.

In which the concurrence of the house is requested.

JAMES TUFTS, *Secretary of Council.*

House file No. 108 : " Joint resolution relative to pay of the clerks of the two houses for extra services," with council amendments, was taken up for consideration.

The question being upon the concurrence of the house in council amendments,

Mr. Pinney called for the yeas and noes, which being ordered,

There were, yeas 5, noes 5, as follows :

In the affirmative, Messrs. Armstrong, Maloney, Puett, Wallace, and the speaker.

In the negative, Messrs. Burgess, Jacobson, Pinney, Waldron, and Wood.

So the amendment was not concurred in.

The following communication was received from the council :

COUNCIL CHAMBER, }  
May 14, 1862. }

MR. SPEAKER :

The council insist upon their amendment to house file No. 108, and request a committee of conference.

The chair has appointed on the part of the council as such committee, Messrs. Gregory and Bramble.

JAMES TUFTS, *Secretary of Council.*

Mr. Armstrong moved that a conference committee of two be appointed to confer with a like committee on the part of the council, relative to council amendments to house file No. 108.

Mr. Waldron called for the yeas and noes on the motion.

Which being ordered,

There were, yeas 6, noes 4, as follows :

In the affirmative, Messrs. Armstrong, Maloney, Pinney, Puett, Wallace, and the speaker.

In the negative, Messrs. Burgess, Jacobson, Waldron, and Wood.

So the motion prevailed.

The chair appointed Messrs. Puett and Pinney, as such committee.

On motion of Mr. Burgess, the house adjourned until to-morrow morning, at 8 o'clock.

JOHN L. TIERNON, *Speaker*.

J. R. HANSON, *Chief Clerk*.

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## SIXTIETH DAY.

THURSDAY, May 15, 1862.

House met pursuant to adjournment at 8 o'clock, A. M.

Speaker in the chair.

Prayer by the chaplain.

Roll called. Absent, Messrs. Donaldson, McBride, and Stanage.

The reading of the journal of yesterday was dispensed with on motion of Mr. Pinney, and the journal approved.

Mr. Puett offered the following resolution :

*Resolved*, That the chief clerk of the house be ordered to inquire of the honorable council, why their clerk has not transmitted to this house, house file No. 109, "An Act to locate the county seat of Clay county," which passed both houses on yesterday.

The resolution was adopted.

Mr. Jacobson moved that the house take a recess for fifteen minutes,

Which motion did not prevail.

Leave was granted Mr. McBride to introduce

House file No. 110: "An Act to prevent Indians from trespassing on ceded lands in this territory," which was

Read a first and second time, and

Rules being suspended, read a third time, and put upon its final passage,

Resulting as follows: yeas 9, noes 0.

Those who voted in the affirmative, were Messrs. Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Waldron, Wallace, and Wood.

So the bill passed, and its title agreed to.

The following communication was received from the council :

COUNCIL CHAMBER, }  
 May 15, 1862. }

MR. SPEAKER :

The council have passed  
 House file No. 109 : " An Act to locate the county seat of Clay  
 county."

And I herewith transmit the same.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett moved that the enrolling clerk be directed to enrol  
 House file No. 109, as it originally passed the house.  
 Which motion prevailed.

Mr. Puett moved that the chief clerk be instructed to erase  
 that portion of

House file No. 109, which was originally stricken out by the  
 house.

Which motion prevailed.

The following communication was received from the council :

COUNCIL CHAMBER, }  
 May 15, 1862. }

MR. SPEAKER :

The council have passed  
 House file No. 110, and I herewith return the same.

JAMES TUFTS, *Secretary of Council.*

Mr. Puett, from the committee on engrossed and enrolled bills,  
 reported that they had examined

House file No. 109 : " An Act to locate the county seat of Clay  
 county," and

Reported the same as correctly enrolled.

The report was adopted.

Mr. Waldron moved the suspension of house rule No. 4,

Which motion prevailed.

Mr. Pinney offered the following resolution :

*Resolved,* That the speaker of this house be directed to sign  
 house file No. 109 : " An Act to locate the county seat of Clay  
 county," and to sign the bill in the form in which it is reported to  
 the house by the enrolling committee.

The resolution was unanimously adopted.

On motion of Mr. Waldron, Mr. Wallace was excused from at-  
 tendance.

The conference committee reported that they had examined

House file No. 108 : " Relative to the pay of clerks of the two  
 houses," and

Reported the same back for further consideration.

A. W. PUETT, }  
 G. M. PINNEY, } *Committee.*

The report was adopted.

Mr. Waldron moved that the house do not concur in the council amendment to house file No. 108.

Which motion prevailed.

Mr. Waldron offered the following resolution :

*Resolved*, That the president of the council, in directing their secretary to erase a portion of house file No. 109: "An Act to locate the county seat of Clay county" (having passed the house), was a gross infringement upon all parliamentary rules and usages governing any legislative body.

The resolution was adopted, and the chief clerk of the house directed to transmit a copy of the same immediately to the council.

On motion of Mr. Jacobson, the house took a recess of fifteen minutes.

AFTER RECESS.

The speaker in the chair.

Mr. Burgess moved a call of the house.

Which motion prevailed.

The roll being called, Messrs. Burgess, Jacobson, McBride, Maloney, Pinney, Puett, and Waldron, answered to their names.

On motion of Mr. Pinney, Mr. Donaldson was excused from attendance.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined council bills Nos. 31, 98, and 89, and reported the same as correctly enrolled.

Report adopted.

The following communication was received from His Excellency the governor:

YANKTON, May 15, 1862.

TO THE HOUSE OF REPRESENTATIVES :

GENTLEMEN,—I have approved and signed the following bills, to wit:

House file No. 27: "An Act to establish a territorial road from the Big Sioux river by way of Vermilion to Yankton, Dakota territory."

House file No. 44: "An Act naming and locating the county seat of Cole county."

House file No. 60: "An Act granting to Henry A. Kennerly and J. M. Allen, a charter to keep a ferry across the Missouri river, near the mouth of Crow creek, in this territory."

House file No. 82: "An Act granting to town site claimants certain powers."

House file No. 85: "An Act conferring the rights of citizenship upon certain half breeds residing in this territory."



House file No. 103: "An Act fixing the time of holding a special term of court in the third judicial district."

House file No. 87: "An Act to provide for the location of the county seat of Cole county."

House file No. 5: "An Act to prevent stallions and other animals from running at large."

House file No. 32: "An Act prescribing the manner of conducting elections, of the canvass and return of the same."

Also, house file No. 93: "Joint resolution."

W. JAYNE, *Governor.*

The following communication was received from the council:

COUNCIL CHAMBER, }  
May 15, 1862. }

MR. SPEAKER:

The council have passed

Council file No. 21: "A joint resolution," and I herewith transmit the same.

JAMES TUFTS, *Secretary of Council.*

Council file No. 21: "A joint resolution," was

Read a first and second time.

Mr. Puett moved that rules be suspended, and the joint resolution read a third time, and put upon its final passage.

The motion did not prevail.

Mr. Puett moved to amend

Council file No. 21, by striking out in section 2 the figures "\$240," and insert the figures "\$200" in lieu thereof.

Carried.

Mr. Waldron moved to amend the third section of

Council file No. 21, by striking out "\$180," and insert "\$200" in lieu thereof.

Which motion prevailed.

Mr. Pinney moved that the rules be suspended, and

Council file No. 21 be read a third time, and put upon its final passage.

Which motion prevailed, and the vote being taken,

Resulted as follows: yeas 10, noes 0.

Those who voted in the affirmative were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Pinney, Puett, Stanage, Waldron, and Wood.

So the joint resolution passed, and its title agreed to.

Mr. Puett moved that the house take a recess until three o'clock in the afternoon.

The yeas and noes being called for and ordered on the motion,

There were, yeas 6, noes 4, as follows:

In the affirmative, Messrs. Armstrong, Burgess, Jacobson, McBride, Puett, and Stanage.

In the negative, Messrs. Maloney, Pinney, Waldron, and Wood.  
So the motion prevailed.

## AFTERNOON SESSION.

The clerk called the house to order, the speaker being absent.  
On motion of Mr. Puett, Mr. Pinney was chosen speaker, pro tem.

The following communication was received from the council :

COUNCIL CHAMBER, }  
May 15, 1862. }

MR. SPEAKER :

The council refuses to concur in house amendments to  
Council file No. 21 : " Joint resolution for compensation of the  
clerks of the legislative assembly."

JAMES TUFTS, *Secretary of Council.*

Mr. Puett, from the committee on engrossed and enrolled bills,  
reported that they had examined

Council bills Nos. 83 and 91.

Also, council file No. 20, and reported the same as correctly enrolled.

The report was adopted.

On motion of Mr. Maloney, the house receded from its amendments to

Council file No. 21 : " Joint resolution for compensation of clerks  
of the legislative assembly."

The private secretary of the governor appeared and presented  
the following communication :

YANKTON, May 15, 1862.

TO THE HOUSE OF REPRESENTATIVES :

GENTLEMEN, — I have approved and signed the following bills,  
to wit :

House file No. 80 : " An Act relative to the compensation of  
officers."

House file No. 84 : " An Act relative to salvage."

House file No. 110 : " An Act to prevent Indians trespassing  
upon ceded lands in this territory."

House file No. 90 : " An Act relative to revenue."

House file No. 98 : " An Act concerning fugitives from justice,  
and the surrender of the same."

House file No. 104 : " An Act to provide a remedy for forcible  
entries and unlawful detainer."

W. JAYNE, *Governor.*

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined House file No. 110, and reported the same as correctly enrolled. The report was adopted.

Mr. Puett introduced House file No. 111: "Joint resolution relative to the hour of adjournment of the two houses, which was Read a first and second time, and Rules being suspended, read a third time, and put upon its final passage, Resulting as follows: yeas 7, noes 0. Those who voted in the affirmative, were Messrs. Armstrong, Burgess, Jacobson, McBride, Maloney, Puett, and Wallace. So the resolution passed, and its title agreed to.

On motion of Mr. Puett, the house took a recess until 5 o'clock.

## AFTER RECESS.

The time having expired, the house was called to order by the speaker.

Mr. Puett, from the committee on engrossed and enrolled bills, reported that they had examined Council file No. 21, and reported the same as correctly enrolled. The report was adopted.

Mr. Pinney moved that the house of representatives adjourn sine die.

Which motion prevailed.

JOHN L. TIERNON, *Speaker.*

• J. R. HANSON, *Chief Clerk.*



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