

**COUNCIL JOURNAL**

OF THE

**FIFTH SESSION**

OF THE

**LEGISLATIVE ASSEMBLY,**

OF THE

**TERRITORY OF DAKOTA.**

**BEGUN AND HELD AT YANKTON, DECEMBER 4, 1866.**



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**YANKTON, DAKOTA TERRITORY**  
**G. W. KINGSBURY, PRINTER, UNION & DAKOTAIAN OFFICE**  
1866.

# COUNCIL JOURNAL.

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## FIRST DAY.

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TERRITORY OF DAKOTA,  
COUNCIL CHAMBER, YANKTON,  
Monday, December 4, 1865. }

On the fourth day of December, A. D. 1865, being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota, a quorum of the members of the Council of said Assembly met in the Council Chamber of the Capitol at Yankton, at the hour of 12 o'clock M., and proceeded to a temporary organization, in the following order, to-wit :

Mr. Stutsman called the Council to order, and

Nominated Mr. J. W. Turner for temporary President, and

A vote being taken,

Mr. Turner was declared duly elected temporary President of the Council.

Whereupon the temporary President took the chair, and

Mr. Geo. N. Propper, Secretary of the Council of the last Session, called the roll of members.

The following gentlemen responded to their names, to-wit :

*First District*—Messrs. Geo. Stickney, Charles LaBrecche and O. F. Stevens.

*Second District*—Messrs. John W. Turner, Knute Weeks and Nathaniel Ross.

*Third District*—Messrs. Enos Stutsman, M. K. Armstrong, G. W. Kingsbury and A. Van Osdel.

*Fourth District*—Mr. Austin Cole.

*Fifth District*—Mr. John J. Thompson.

Mr. Kingsbury nominated Mr. Armstrong for temporary Secretary, and

A vote being taken,

Mr. Armstrong was declared duly elected temporary Secretary of the Council.

A temporary organization being effected,

The members present rose in their seats, and

The usual oath was administered to them by His Hon. Ara Bartlett, Chief Justice of the Territory.

Mr. Stutsman moved that the Council do now proceed to a permanent organization,

Which motion prevailed. Whereupon,

Mr. Stevens nominated the Hon. Geo. Stickney for President, and

Mr. Weeks nominated the Hon. John W. Turner for the same office, and

The roll being called, Mr. Stickney received 6 votes, and Mr. Turner 4 votes, as follows :

Those voting for Mr. Stickney, are

Messrs. LaBreeche, Stevens, Kingsbury, Armstrong, Stutsman and Thompson.

Those voting for Mr. Turner, are

Messrs. Ross, Weeks, Van Osdel and Cole.

Messrs. Stickney and Turner were excused from voting.

And it appearing that Mr. Stickney had received a majority of all the votes cast, he was declared duly elected President of the Council.

Mr. Stutsman moved that a committee of two be appointed to escort the President to the chair.

Which motion prevailed. Whereupon,

The chair appointed Messrs. Stutsman and Thompson as such committee.

The committee having discharged that duty,

The President took the chair.

The President then announced as the order of business the election of officers of the Council for the present session.—  
Whereupon,

Mr. Van Osdel nominated J. R. Hanson for Secretary.

No other nomination being made, and a vote being taken,  
Mr. Hanson was declared duly elected Secretary of the Council.

Mr. Ross nominated Mr. E. Vinton for Assistant Secretary.

No other nomination being made, and a vote being taken,  
Mr. Vinton was declared duly elected Assistant Secretary of the Council.

Mr. Stutsman nominated Mr. J. D. Prentiss for Sergeant-at-Arms.

No other nomination being made, and a vote being taken,  
Mr. Prentiss was declared duly elected Sergeant-at-Arms of the Council.

Mr. LaBreeche nominated Mr. J. Broullette for Fireman.

No other nomination being made, and a vote being taken,  
Mr. Broullette was declared duly elected Fireman of the Council.

Mr. Cole nominated Mr. T. B. Fraley for Messenger, and

No other nomination being made, and a vote being taken,  
Mr. Fraley was declared duly elected Messenger of the Council.

Mr. Turner nominated Mr. Robert C. Allen for Enrolling and Engrossing Clerk.

No other nomination being made, and a vote being taken,  
Mr. Allen was declared duly elected Enrolling and Engrossing Clerk of the Council.

Mr. Turner nominated the Rev. M. Hoyt for Chaplain.

No other nomination being made and a vote being taken,  
Mr. Hoyt was declared duly elected Chaplain of the Council.

The election of permanent officers being concluded,

The officers elect, present, came forward, viz :

Messrs. Hanson, Vinton, Prentiss, Broullette and Hoyt, and  
Took the oath of office, which was administered by the President, and they severally entered upon the duties of their respective offices.



Mr. Armstrong moved that the Secretary be instructed to inform the House of Representatives of the permanent organization of the Council.

Which motion prevailed.

Mr. Kingsbury submitted the following resolution :

*Resolved*, That the Rules of the last session of the Council be adopted for the temporary government of this body. Which resolution,

On the motion of Mr. Stutsman, was  
Adopted.

Mr. Stutsman offered the following resolution :

*Resolved*, That a committee of three be appointed by the chair to draft rules for the government of the Council, and also to act in conjunction with a like committee on the part of the House to draft Joint Rules for the government of the two Houses. Which resolution,

On the motion of Mr. Thompson, was  
Adopted. Whereupon,

The President appointed Messrs. Stutsman, Cole and Stevens, as such committee.

Mr. Turner moved that the Council take a recess until 1½ o'clock, P. M.

Which motion prevailed.

AFTER RECESS.

At 1½ o'clock, P. M.,

The President resumed the chair, and the Council was called to order.

There being no quorum present,

On the motion of Mr. Stutsman,

The Council adjourned.

GEORGE STICKNEY

*President.*

ATTEST :-

J. R. HANSON,

*Secretary of the Council.*

SECOND DAY.

COUNCIL CHAMBER, YANKTON,  
 Tuesday, December 5th, 1865. }

The Council met pursuant to adjournment, and was called to order by the President in the chair.  
 Prayer by the chaplain.  
 Roll called.

The following members responded to their names :  
 Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stutsman, Stevens, Turner, Thompson, VanOsdel, Weeks, and Mr. President.

The Journal of the fourth instant was then read and approved.

R. C. Allen, Engrossing and Enrolling Clerk, then came forward and received the oath of office, administered by the President.

Mr. Armstrong submitted the following resolution :

*Resolved*, That a committee of three be appointed by the President to wait upon the Hon. Secretary of the Territory, and inform him that a suitable time piece is needed in this chamber to regulate the time of the sittings of this body.

The resolution was adopted. Whereupon,

The President appointed Messrs. Armstrong, Stevens, and Thompson, as such committee.

Mr. Stutsman submitted the following resolution :—

*Resolved*, That the use of this chamber, every Sabbath during the present session, be tendered to the Rev. M. Hoyt, and other ministers of the gospel, for the purpose of holding divine worship.

The resolution was adopted.

The President then announced the following standing committees :—

## STANDING COMMITTEES OF THE COUNCIL.

*Education.*—Armstrong, Turner, Cole,

*Incorporations.*—Ross, Kingsbury, Weeks.

*Elections.*—Thompson, LaBreeche, Gregory.

*Finance.*—VanOsdel, Gregory, Thompson,

*Military Affairs.*—Kingsbury, Stevens, Thompson.

*Indian Affairs.*—Cole, Armstrong, Weeks.

*Public Buildings.*—Turner, Armstrong, Gregory.

*Judiciary.*—Stutsman, Turner, Stevens.

*Territorial Affairs.*—VanOsdel, Armstrong, Ross.

*Expenditures.*—Turner, VanOsdel, LaBreeche.

*Public Printing.*—LaBreeche, Stevens, Thompson.

*Federal Relations.*—Stutsman, Stevens, Ross.

*Agriculture.*—LaBreeche, Cole, VanOsdel.

*Counties.*—Weeks, Thompson, Cole.

*Engrossed and Enrolled Bills.*—Kingsbury, Turner, Gregory.

*Highways, Bridges and Ferries.*—Stevens, VanOsdel, Stutsman.

Mr. Stutsman gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill providing a code for the courts of Justices of the peace, and asked permission to present it in printed form.

On the motion of Mr. Turner,  
Permission was granted.

Mr. Stutsman also gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill providing an election law for the Territory of Dakota, and asked permission to present it in printed form.

On motion of Mr. Turner,  
Permission was granted.

Mr. Stutsman also gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill providing for the collection of the revenue and for other purposes, and asked permission to present it in printed form.

On the motion of Mr Turner,  
Permission was granted.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 5th, 1865. }

MR. PRESIDENT:—I have the honor of informing your Honorable body that the House has passed the following resolution, viz :

*Resolved*, That the House is now permanently organized by the election of the following officers :

G. B. Bigelow—*Speaker*.

Geo. I. Foster—*Chief Clerk*.

John Reynolds—*Assistant Clerk*.

Geo. Falkenburg—*Sergeant-at-Arms*.

S. M. Kesler—*Messenger*.

K. P. Rônne—*Fireman*.

GEO. I. FOSTER,  
*Chief Clerk*.

Mr. Armstrong gave notice that he would on to-morrow introduce a memorial to Congress, relative to the location of the North Branch of the Pacific Railroad ; also,

A bill to amend chapter 19 of the session laws of 1864-5 ; also,

A bill to amend chapter 33 of the session laws of 1864-5.

Mr. Stutsman submitted the following resolution :

*Resolved*, That the Secretary be instructed to request the House to specify the time for the meeting of the two houses in joint convention to receive any communication that his Excellency, the Governor, may have to make.

The resolution was adopted.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
Tuesday, December 5th, 1865. }

MR. PRESIDENT:—I am instructed to inform the Honorable Council, that the House has appointed Messrs. Brookings, McCarthy, and Taylor, to act with a like committee on the part of the Council, to report on the subject of Joint Resolutions ; also,

That the House has appointed Messrs. Brouch, English, and Hampton, to act with a like committee on the part of the Council, to wait on his Excellency, the Governor, and inform him that the Council and House of Representatives are permanently organized, and that they are now ready to receive any communication he may have to make to them.

GEO. I. FOSTER,  
*Chief Clerk.*

Mr. Turner submitted the following resolution :

*Resolved,* That a committee of three be appointed by the President, to unite with a like committee of the House, to wait upon his Excellency, the Governor, and inform him that the two houses are permanently organized, and ready to receive any communication he may be pleased to make.

J. W. TURNER.

The resolution was adopted. Whereupon,  
The President appointed Messrs. Turner, Cole and Labreeche as such committee.

Mr. Armstrong submitted the following resolution :

*Resolved,* That a committee of three be appointed by the President to wait upon the Honorable Secretary of the Territory, and ascertain what arrangements have been made for the payment of the postage of members during the session.

The resolution was adopted. Whereupon,  
The President appointed Messrs. Armstrong, Thompson, and Ross, as such committee.

Mr. Kingsbury submitted the following resolution, and moved its adoption :

*Resolved,* That the use of the Council chamber be tendered to the Yankton Ladies Educational Aid Society, for the purpose of holding a festival, on Thursday evening next.

GEO. W. KINGSBURY.

The resolution was adopted.

Mr. Kingsbury submitted the following resolution :

*Resolved,* That Hon. J. B. S. Todd, be invited to a seat within the bar of the Council.

The resolution was adopted.

Mr. Statsman submitted the following resolution :

*Resolved*, That his Excellency the Governor, the members of the House of Representatives, and the officers thereof; the Federal officers of the Territory; the officers of the Territory, and the Delegate in Congress, from Dakota, be admitted to seats within the bar of the Council.

The resolution was adopted.

Mr. Kingsbury moved that the Council take a recess for 15 minutes.

Which motion prevailed.

AFTER RECESS.

The time having expired, the President resumed the chair, and,

The Council was called to order.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES,  
Tuesday, December 5th, 1865. }

MR. PRESIDENT:—I am instructed to inform your Honorable body that the House has passed the following resolution, viz :

*Resolved*, That the chief clerk be instructed to inform the Council that the House will meet the Council in joint convention at two o'clock this P. M., in the hall of the House, for the purpose of receiving the annual message of his Excellency the Governor, and transacting any other business that may legitimately come before the joint convention.

GEO. I. FOSTER,  
*Chief Clerk.*

Mr. Turner, from the special committee to wait upon the Governor, submitted the following report :

MR. PRESIDENT:—Your committee appointed to act in conjunction with a like committee of the House to inform the Governor, that the two houses were now permanently organized and ready to receive any communication he might be pleased to make, would respectfully report that they have performed the duty assigned them, and that his Excellency was pleased

to say he would communicate with them, at such time as the two houses should designate.

J. W. TURNER,  
*Chairman.*

Mr. Armstrong, from the special committee appointed to wait upon the Hon. Secretary of the Territory, and ascertain what amount of postage would be allowed the members of the Council, reported that the committee had performed the duty assigned them, and begged leave to submit the following communication from the Secretary :

SECRETARY'S OFFICE,  
Yankton, D. T., Dec. 5th, 1865. }

*To the Hon. President and members of the Council :*

GENTLEMEN :—I have the honor to inform you that three dollars worth of postage stamps will be furnished to each member, to pay his postage during the session.

I have also to inform you that each member will be furnished, weekly, with six copies of the *Union and Dakotian*, and each officer with three copies.

I have the honor to be,  
Your obedient servant,  
S. L. SPINK,  
*Secretary.*

Mr. Stutsman submitted the following resolution :

*Resolved*, That a committee of three be appointed by the chair to act with a like committee on the part of the House to wait upon his Excellency the Governor, and inform him that the two Houses will meet in Joint Convention in the Representative Hall, at the hour of 2 o'clock, P. M., this day, in order to receive any communication he may have to present.

The resolution was adopted. Whereupon,

The chair appointed Messrs. Turner, Cole and Weeks as such committee.

On the motion of Mr. Turner,

The Council took a recess until 2 o'clock, P. M., this day.

## AFTER RECESS.

At the hour of 2 o'clock P. M., the President resumed the chair, and

The Council was called to order.

Mr. Turner from the Special committee appointed to act with a like committee on the part of the House, to inform His Excellency the Governor when the two Houses would meet in joint convention, submitted the following report:

MR. PRESIDENT:—The committee appointed to act with a like committee of the House, to inform the Governor, the two Houses would meet in the Hall of the House of Representatives at 2 o'clock, P. M., to receive any communication he might be pleased to make, would respectfully report, that they have performed the duty assigned them, and His Excellency was pleased to say he would communicate with them in writing.

J. W. TURNER,

*Chairman.*

A committee of the House being announced, who, through their chairman, communicated as follows:

MR. PRESIDENT:—We have been appointed a committee to inform your Honorable Council that the House is now prepared to meet them in joint convention, and the committee will escort the Council to the Representative Hall. Thereupon,

On the motion of Mr. Stutsman,

The Council adjourned to the Representative Hall to meet the House in joint convention.

## IN JOINT CONVENTION.

The President of the Council took the chair as chairman of the joint convention.

The Chief Clerk of the House and Assistant Secretary of the Council were instructed to act as clerks of the joint convention.

The Roll being then called, the following gentlemen answered to their names:

*Members of the House*:—Ash, Austin, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg,



Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.

*Members of the Council*:—Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

It appearing that a quorum of each House was present,

The chairman proclaimed the joint convention fully organized, and ready for the business for which it was convened.—Whereupon,

Mr. Stutsman moved that a committee of two be appointed to wait upon his Excellency the Governor and inform him that the joint convention is in session and waiting his pleasure.

Which motion prevailed, and

The Chairman appointed Messrs. Turner and Collins as such committee.

After a brief absence the committee returned and reported as follows:

MR. CHAIRMAN:—Your committee appointed to inform his Excellency the Governor that the joint convention of the Legislative Assembly is now in session and awaiting his pleasure, have to report, that we have discharged the duty assigned us, and that the Governor will immediately communicate with the joint convention.

Mr. Brookings moved that the federal officers be admitted to seats within the bar.

Which motion prevailed.

The private secretary of the Governor then made his appearance, and read the fifth annual message of his Excellency, as follows:

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#### GOVERNOR'S MESSAGE.

*Gentlemen of the Council and House of Representatives:*

A year ago to-day, upon the assembling and organization of the last Legislative Assembly, I took occasion to refer to the gigantic rebellion which had devastated our country for the

past four years, and then stated that "we may now confidently anticipate that the end will soon come." Within five months from that day the prediction then made was fulfilled—the end did come. Our first great duty is to return our sincere and hearty thanks to Almighty God for our deliverance from intestine war; the preservation of our liberties and constitutional government; the blessings of health, and the measure of prosperity He has bestowed upon us as a nation. After four years of domestic violence, we are cheered with the return of peace and public tranquility; the effusion of fraternal blood is stopped, and we are enabled to hold up before the friends of constitutional liberty, and the monarchies and despotisms of the old world, a Republic rescued from destruction in an hour of imminent peril, by the united and energetic action of the American people, under the guidance of Divine Providence.

In the hour of our great triumph, indeed after treason had been throttled and overthrown, and traitors had thrown down their arms and were begging for mercy and pardon; when national sovereignty had been fully vindicated at the point of the bayonet, and the people fully convinced of the abominable heresy of the doctrine of State Rights, then it was that the head of this great nation—the good President, the Honest and Great man, the peaceful Hero—fell a victim to an enemy to his country and mankind, adding martyrdom itself to all his other scarcely less emphatic claims to human veneration, gratitude and love. President Lincoln had the rare gift of discerning and setting aside whatever is extraneous and false, and simplifying an inquiry or an argument, by just discrimination. He was by nature neither a leader or a follower, but was by the rare union of certain qualities of mind, both intellectual and moral, enabled to rise to the dignity of master of his own position, in a place difficult, almost if not wholly beyond the precedents of history.

The blow that struck President Lincoln from the sphere of usefulness, struck all the friends of justice, order, liberty and religion throughout the world. He was the instrument in the hands of God for the accomplishment of the greatest act which will illustrate our country—the definitive abolition of Slavery throughout this continent. He was not only the instrument

but the victim. Among the legacies which he leaves us, we shall ever regard as the most precious, the spirit of equity, moderation and peace, which was ever manifested by him in administering the affairs of the government.

His career closed at a moment when its dramatic unity was complete, and when his departure from life on earth was but the translation from time to *Immortality*. His patriotic influence will continue through generations yet unborn, and become invested with a moral power throughout the world which it never possessed while living. The holy cause of the Union which he sanctified with his blood, will only become the holier because of such sacrifice. Popular devotion to liberty and nationality was never lessened and never will be by the martyrdom of their champions. From an official and personal influence over almost innumerable millions of his countrymen, he has passed to a grander and loftier sphere, from which with Washington, Franklin and Jackson, he will wield a more potent sceptre through all coming time. Americans everywhere will take delight in honoring his memory.

From contemplating the virtues and memory of the dead, we turn with trust and confidence to his successor, the living President, Andrew Johnson, of Tennessee. A long official record, not only in the state of his adoption, but also in the United States Senate, gives the fullest and amplest attestation of his masterly capacity, patriotism and devotion to our whole country, and also to his executive wisdom and sterling devotion to the cause of Freedom and the Union.

The man who can stand, as did Andrew Johnson in the U. S. Senate, in 1861, and hurl defiance at Traitors, when treason ran rampant in the halls of Congress, and subsequently, with his life in hand, return to his adopted State and beard the lion in his very den, where to be loyal was almost certain death, is justly entitled to and should receive our fullest confidence and support in his patriotic and earnest efforts to restore our distracted and desolated country to peace, union, harmony and perfect freedom. In a life devoted to public service, we have abundant proof of his disinterested patriotism; his firmness and fearless independence; his opposition to slavery, and his detestation and hatred of treason. Let us give him our confi-

dence and our generous support in his efforts to re-establish peace, freedom and perfect union throughout our hitherto distracted country.

As slavery has been the cause of all our woes and burdens, it is our duty to labor for its total abolition. It was slavery that a little more than four years ago attempted to strike a death blow at our National life. It has publicly proclaimed itself an enemy to the Union, and to our unity as a free people. The barbarities committed by it have no parallel in the world's history. The enormities perpetrated by it upon the Union prisoners of war, were never equalled in atrocity since the creation of man. For many years past, there is no crime known among men that it has not committed under the sanction of law. It has bound men and women in chains and sold them in the public shambles like beasts. It has so constituted its courts that the complaints and appeals of these people could not be heard, by reason of the decision "*That black men had no rights that white men were bound to respect.*" It has silenced every free pulpit within its control, and debauched thousands which ought to have been free and independent, and would have been so declared in courts where strict justice was meted out. Such has been the character of Slavery in our land for the past half century, and now, since this hydraheaded monster, in its insane efforts to overthrow our free institutions, has signally failed, and brought about its own destruction, let us by every means in our power, strengthen the hands of the President and sustain him in all his efforts at reconstruction, based, as they are, upon the utter extinction of slavery in every one of the rebellious States. The results of the recent elections in all the loyal States that have held elections since the overthrow of the rebellion, clearly indicate this to be the sentiment of a large majority of the people, who, with such unanimity and patriotism stood by the country and Government in its darkest hours, when treason and traitors seemed destined to accomplish its destruction.

No surer indication is needed to guide and direct our course in the great and important national questions arising in reconstructing and re-admitting the late rebellious States to a participation in the affairs of the general government, than is found

in the course taken by the loyal voters who have so recently spoken through the ballot box on these great and all important issues.

PROGRESS OF THE INDIAN WAR.

It has for some time been the opinion of persons somewhat familiar with the controversy that, could the hostile Indians be seen by persons disconnected with the military operations of the Government in this country, thus enabling them to explain their position and state the grounds of their grievances, that peace would be the result of such explanation; by this means relieving our border settlements from the murderous and thieving raids of these savages, and the government from the enormous expenses incident to the prosecution of a war so remote from the general thoroughfares of the country. Entertaining these views, just at the close of the last session of Congress, the attention of the committee of Indian Affairs in the Senate was called to the subject, and for the purpose of making an effort in this direction, with a view of bringing about a permanent peace with these hostile Indians, Congress saw fit to make an appropriation of twenty thousand dollars for the purpose of making the experiment. It was discovered when the effort was about to be made, that owing to a military order in this Department on the subject, no such effort would be permitted by the Military Commander, because, forsooth, it was not in accordance with the views entertained by the Commander of the Department. So an order was promulgated prohibiting any Treaties to be made "except such understanding as was had with them by the Military Authorities."

This was the position of affairs when the new Secretary of Interior, Hon. James Harlan, came into office. He took hold of our Indian difficulties with an energy and determination hitherto unknown in that department, and by his energy and perseverance, soon made himself master of the position.

As the result of his labors on this subject, there is now every prospect that an early, permanent and lasting peace, will speedily take place between the government and these hostile Indians, and the millions heretofore squandered in fostering and prolonging this needless war, will either be left in the United States Treasury, or devoted to the reduction of our

large national debt, necessarily created in the prosecution of the war against the people of the revolted states. I am advised that the commission appointed by the President and sent to the Southwest has succeeded far beyond the expectations of the most sanguine in negotiating treaties, not only with rebel, but also with very nearly every band of hitherto hostile Indians, and that an early and lasting peace may be expected to follow at once, as the result of these negotiations.

The Commission sent to the Northwest to treat with the Indians of this and adjoining Territories, I fully believe would have been equally successful could they have got into the Indian country at a time of year when it was possible for the Indians to meet them. So far as they have been able to see the Indians, they have succeeded equally as well as the other Commission, and it now, in my opinion, only remains for them to be able to meet the other bands of Indians, to re-establish friendly relations with all these tribes; indeed, the Indians themselves stated repeatedly in Council that it was the universal desire of all to make peace, and live hereafter on friendly terms with their white brethren.

I see no cause to apprehend a renewal of this controversy next season, unless forced upon us by the heedlessness or recklessness of persons residing in, or passing through the Indian country; and I sincerely hope that persons in passing through the country will exercise the utmost discretion and circumspection, and give no cause for a renewal of this struggle which now seems so near a satisfactory solution.

#### IMMIGRATION.

The subject of fostering and promoting Immigration into our sparsely settled Territory is one of vital importance, and on this account should receive at your hands, prompt, earnest and careful consideration, in order that you may, if possible, devise some means by which our broad acres of hitherto unsettled, unimproved, uncultivated, rich virgin soil, may become settled, improved and cultivated, thereby contributing to render security doubly secure in our border settlements, adorn and enrich our common country, enable us to establish all over our Territory, churches, schools and seminaries of learning,

through which, and by which, our children are to be made good, useful and respected citizens of this great country.

So important has the question been deemed in a national point of view, that the last Congress passed a law, approved July 4th, 1864, establishing a Bureau of Immigration in the State Department, and appropriated twenty-five thousand dollars to put the machinery in operation, for the protection and encouragement of emigration from the Old World. The effect of this law, under the wise and judicious management of the Commissioner of Immigration, has been to more than double the number arriving in this country from the old world.

I know of no other State or Territory presenting as great inducements and advantages as are now to be found in this Territory, in the immediate vicinity of fine flourishing towns, on a navigable river, contiguous to good and reliable markets for every species of products raised in this country, with thousands upon thousands of acres of as fine, rich, productive and arable lands, as the sun ever shone upon, not yet in market, but surveyed and subject to settlement and entry under the Homestead Law so generously provided by a beneficent Government, by which every settler who desires it may secure a farm of one hundred and sixty acres, every foot of which is equal in productiveness to the best land to be found in the valleys of the Connecticut, Mohawk, or Ohio, for the insignificant sum of twelve dollars. It appears to me that you have only to lay these matters before the people of the Eastern States, or those coming from the old world, in such a light as to show all these advantages, to secure such an influx of Immigration as will in one or two seasons, fill the Valleys of the Missouri, Big Sioux, Vermillion and James rivers, with an enterprising, intelligent, frugal and industrious population, who will ever after be showering blessings upon your heads for having called their attention in this direction. Many of our western states have for years had in practical operation a system for the encouragement of Immigration, which, I believe has been attended with satisfactory results. Quite recently, I think within the past year, the state of Missouri has passed a law authorizing the appointment, by the Governor, of commissioners for the encouragement of Immigration to that state, by

the selection of three of its prominent citizens, whose duty it is made to lay before the public the advantages presented for settlement in that state; and I notice by the recent Message of the Governor, that their efforts in this direction have been attended with marked and very decided success.

I would therefore recommend the enactment of a law creating one or more Commissioners of Immigration in this Territory, whose duty it shall be to lay before the Commissioner of Immigration at Washington, his agent in New York, and such other persons as will co-operate in promulgating the advantages to be derived by the Immigrant from settling in this Territory.

For the purpose of showing you the interest the Government proposes to take in seconding your efforts, in this direction, I transmit herewith the correspondence which has taken place between the Hon. Commissioner of Immigration and myself, to this time, together with copies of the law of Congress, and copies of circular issued to Consular Agents in furtherance of this object.

#### TERRITORIAL EXPENSES.

No adequate provision has as yet been made by the Legislative Assembly, for defraying the current expenses of the Territorial Officers, or liquidating present indebtedness. At the last session of the Legislature, I took occasion to refer to this subject, and suggested that steps ought to be taken to raise, by taxation, a sufficient sum to meet our present indebtedness and provide for the current fiscal year. I regret to inform you that no such provisions were made at that time, consequently the indebtedness still remains, and the salaries of our Territorial Auditor and Treasurer still remain unpaid. By a recent law of Congress, each state and territory is entitled to receive from the library of Congress a certain number of copies of the Journals and documents of Congress, upon such state or Territory's defraying the necessary expense attending the delivery of such documents at their respective capitols. Several boxes of such documents were some time since forwarded by the Secretary of the Interior, by express from Washington, for our Territorial library, upon which there are charges to the amount of about one hundred and sixty dollars. These



books have now been lying in the express office at Sioux city for some months for the reason that no provision has been made by the Legislative Assembly for paying the charges on them.

It would seem to me that adequate provision ought at once to be made for receiving these books and documents, and means provided for defraying the expense of transportation. For your information, I transmit herewith copies of correspondence with the Secretary of the Interior on this subject.

The states and territories have generally adopted the practice of interchanging the laws, journals, and Supreme Court decisions, with each other, which is a very important matter, as by this means in each state and territorial library are to be found a copy of the laws and Supreme Court decisions of each. Such exchanges are necessarily attended with some expense which must be provided for by their respective legislatures.

I therefore regard it as the imperative duty of the present Legislative Assembly to provide by law a sufficient fund to meet these expenses. This should not only be done, but means should at the same time be provided for defraying our current and contingent expenses. I recommend therefore the prompt levy and collection of at least two thousand dollars for this purpose.

In case the legislature should see fit to adopt some measure for the encouragement of Immigration, involving the expenditure of money or the creation of a debt, it would seem to be your duty to provide a fund for the liquidation of such debt. In such case, I would recommend a law authorizing the issue, by your Auditor and Treasurer, of Territorial bonds, drawing interest, having not less than five nor more than ten years to run, with the prompt levy and collection of a sufficient Territorial tax to meet the accruing interest. Means may very properly be provided in this way in furtherance of this object without imposing an oppressive burthen upon our present settlers. I am clearly of the opinion that one or two thousand dollars per annum, judiciously expended in promoting this object, will be amply compensated in the increased flow of Immigration into our Territory.

In connection with this subject, I would suggest for your consideration the propriety of providing a suitable building for

an armory and powder magazine, in which to store the Territorial arms, and fixed ammunition. Thus far, storage has been furnished by our citizens, free of expense to the Territory; and it seems to me that the time has now arrived for the Territory to provide the necessary buildings and defray the expense of taking care of property sent here by the general government for mutual protection, and for the common benefit of all.

#### GOVERNMENT WAGON ROADS.

Congress, at the close of its last session, provided by law for the opening of three very important wagon roads across the Territory, and made liberal appropriations to secure the prompt laying out and opening of these lines. One of the routes, commencing at Niobrarah, Nebraska Territory, running thence through the southern portion of this Territory to Virginia city, Montana, has, I am informed, been explored throughout its whole length, by the energetic efforts of the Superintendent selected by the Secretary of the Interior to look out and establish the route. Having very recently returned to his home in Sioux city, in the absence of information on the subject, I am not able to inform you of the results of his explorations.

The general character of the country from Sioux city to the mouth of the Big Shyenne over which the second road is now being surveyed, which may properly be called the middle route, is such as to require but little outlay to make a good road, with the exception of the bridging of three very important streams, the Big Sioux, Vermillion and Dakota rivers. I am informed by the Superintendent of this road that owing to the scarcity of suitable timber for bridge building along this line, the improvement contemplated by Congress in making the appropriation is going to be much more expensive than was at first supposed. As this road runs for a distance of one hundred and fifty miles through our best and most important settlements, it may very justly be considered at the present time, the most important of the three routes to our citizens. It is therefore hoped that Congress will early take such action as to insure the speedy opening of this entire line of road.

The third road or route commences on the Minnesota State line and terminates at or near Fort Conner on Powder River,

where it is expected this line will intersect the road from Niobrara, Nebraska, to Virginia City in Montana Territory.

A preliminary examination of this route, I am informed, has been made, by its Superintendent, from the State line of Minnesota to the forks of the Big Sheyenne river, and the general character of the country is such as to require but small outlay in the way of improvement to make a good road the whole distance. Too much importance cannot well be attached to the early opening of these lines of thoroughfare, and it is hoped, that should it be found necessary in order to secure their speedy opening that Congress make further appropriations upon any one of them, I trust you will cordially lend your aid in this direction. They may in my opinion, justly be considered as the forerunners of a railroad on each line, if by their speedy opening the travel to the gold fields of Idaho and Montana is thrown over these routes. I confidently anticipate that the day is not far distant when a daily line of post coaches, leaving some one of the numerous towns in this vicinity, will be unable to carry the passengers desiring to take some one of these routes to the gold fields of the Northern Rocky Mountains, by reason of the great distance saved by taking these lines over that now traveled via Omaha, Fort Laramie and Salt Lake City, thence to Montana and Idaho. It is well settled that the distance saved on either of these lines will not be less than six hundred miles, or six days constant travel by stage.

#### CAPITOL BUILDING.

During the prosecution of the war on the part of the Government for the suppression of the rebellion, (now happily closed by the rebels laying down their arms and returning to their allegiance,) from motives of patriotism on the part of our citizens and officers, and in order that the government might not become embarrassed or weakened by calls being made upon it by our people which could be avoided, though at great personal discomfort and inconvenience to the present time, it has not been thought best to urge upon Congress the necessity of providing a more comfortable and commodious place for the meeting of our Legislative Assembly, Supreme and District Court, Library, Governor's, Secretary's and Chief Justice's offices.

It is believed, however, now, since the war is over and the

supremacy of the Government is acknowledged throughout our whole country, that we may very properly lay before Congress our claims for consideration, and ask that a reasonable appropriation be made for a Capitol building, which will afford more comfortable and commodious rooms in which you can hold your sessions, for the Supreme and District Court, Territorial Library, and the necessary public offices, where the records and papers may be preserved and be less liable to destruction by fire or from other causes, thus saving to the Government a large annual outlay in rents made necessary for lack of such provisions. It is believed too that Congress will readily second your views in this direction in consideration of your forbearance heretofore, and with a view of providing more suitably in future for your comfort and convenience, and stopping as it will a heavy annual outlay for rent, amounting to several thousand dollars per annum.

I recommend that you early memorialize Congress asking for such reasonable appropriation as in its wisdom it shall see fit to grant, in furtherance of this object.

#### AMENDMENT OF PRESENT LAWS.

Practice in the various courts in the Territory has demonstrated the fact that there are many discordant provisions to be found in our statutes.

This lack of harmony has, doubtless, in most cases, inadvertently crept in for want of sufficient time on the part of the committees, to examine and compare existing provisions in reporting new laws for the consideration of the Legislature. In order to remedy this evil it would seem to be your duty to investigate thoroughly for the discordant provisions and wherever they are found to exist, promptly apply, by Legislative enactment, the needed remedy.

It is believed that much of your time may more profitably be spent in improving and harmonizing existing provisions of our statutes, than in seeking new channels of Legislation.

#### PACIFIC RAILROAD.

The location of the northern branch of the Pacific Railroad is doubtless a question of far greater importance than any to which I can at this time call your attention, and when presenting, as we do, for the consideration of the President of the

United States, by far the shortest and most practicable route up the valley of the Missouri and Niobrara rivers to intersect the trunk line in the vicinity of Fort Laramie, thus forming almost an air line from the passes of the Rocky Mountains to Chicago,—the great Railroad centre of the Northwest; our claims it appears to me, are paramount to all others, which have been heretofore contemplated or even spoken of for this line of road.

I call your attention to this subject at the present time for the reason that it is reported that a company has already been designated to construct the line under consideration, and that it is contemplated by this company to construct the road from Sioux City down the valley of the Missouri river in a south easterly direction, for a distance of one hundred miles or more, to intersect the branch of the Pacific Railroad running west from Omaha. How long will it take, I beg leave to inquire, to reach California by traveling in this direction? Is it probable that Congress in making such liberal appropriations to encourage the early construction of this line of road, contemplated or expected the funds of the Government would be used for constructing a railroad running south east from Sioux City, in order to form a railroad connection with the Pacific Coast? I think not. I have no doubt that Congress, when legislating upon the subject, expected the persons or companies selected to construct the several branches, would at least try to shorten the distance and time to California by constructing the roads in that direction.

Believing this to be the case, I recommend that you early call the attention of the President to this subject, and memorialize him to reconsider the action of his predecessor, President Lincoln, in designating the company to construct this branch of the Pacific Railroad, and in case this cannot be done, that you lay the matter before Congress and solicit from that body such legislation as will require the company designated, to construct this branch, in starting from Sioux City, *towards California* by the most direct and practicable route.

The memorial passed at the last session of the Legislative Assembly on this subject, approved, Jan. 12th, 1865, clearly sets forth not only many of the advantages gained in selecting

the Niobrarah route, but also some of the disadvantages in adopting the route southeast from Sioux City. I respectfully submit this subject for your consideration, hoping that you will, by prompt and judicious action, secure to our constituents the advantage to be derived from having this road constructed through the southern portion of this Territory, fully believing this to be in accordance with the views of a large majority of Congress in making the appropriation to encourage its construction.

#### PRIVATE LAWS.

I beg leave to submit, whether it would not be better to pass some general laws on the subjects most frequently presented for your consideration by individual citizens, such as ferry charters, town sites, &c.

On reference to our existing laws, I find that we already have upon our statute books sixty-one chapters of private laws. A large majority of these are, I think, *ferry charters*, many of them entirely useless and utterly worthless.

In all cases where the franchises granted have not been improved, I recommend the repeal of the law, and in lieu of special privileges to individuals in future, the enactment of a general ferry law, under which any person desiring to run a ferry, may do so upon complying with the provisions of the statute made for the protection of the public in all such cases. It occurs to me that this may also be done very properly in the case of town sites, bridges, &c. The enactment of such general laws, early in the session, will preclude the introduction of a large number of private bills on these subjects.

#### EDUCATION.

The report of the Territorial Superintendent of Common Schools which will be submitted for your consideration in accordance with the provisions of existing statutes, will show that in several organized counties reasonable progress has been made in the organization of new school districts and the opening of schools therein, while in several of the counties little or nothing has been done in the way of opening schools. While reasonable progress has been made in some cases in this direction, there is still ample room and abundant reason for renewed effort on the part of the friends of Education all over the settled

parts of the Territory, and it is sincerely to be hoped that the friends of the cause everywhere, particularly County Superintendents, will take hold of this subject with renewed energy and press upon the attention of the people the great importance of providing at once ample accomodation and instruction for all the children of this Territory. In case experience has demonstrated that our common school law is defective in any particular, it is to be hoped that you will early make an investigation of the matter and promptly supply, by requisite legislation, such defects, so that in future, in this particular, no excuse can be presented for delay in the prompt organization of school districts, building of school houses, employment of school teachers, together with ample provisions for their prompt payment.

CONCLUSION.

I have endeavored briefly to call your attention to matters deemed important, and such, it has seemed to me, as ought first to occupy your attention. While many subjects of importance have doubtless been overlooked in this communication, still, as it will be my privilege and duty to make suggestions from time to time, to your honorable bodies, such omissions may hereafter be supplied. And now, in conclusion, allow me to express the hope that the different branches of our Territorial Government will work together in harmony, with an unselfish desire to promote the general interests of all sections of our Territory, by which means we shall not only best satisfy our own feelings in the consciousness of duty well performed, but advance the cause of religion, liberty, and free government—in thus contributing our mite towards ameliorating the condition of mankind.

NEWTON EDMUNDS.

On motion of Mr. Brookings,  
The joint convention dissolved.

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Whereupon the Council returned to the Council Chamber,  
and the President resumed the chair, and  
Called the Council to order.

Mr. Armstrong moved that 1500 copies of the Governor's message be printed for the use of the Council.

Which motion prevailed.

On motion of Mr. Stutsman,

The Council adjourned until 11 o'clock, A. M., to-morrow.

GEORGE STICKNEY

*President.*

ATTEST :-

J. R. HANSON,  
*Secretary.*

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## THIRD DAY.

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COUNCIL CHAMBER, }  
Wednesday, December 6th, 1865. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following gentlemen responded to their names:—

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The Journal of the fifth instant was then read and approved.

T. B. Fraley, Messenger, then came forward and received the oath of office administered by the President.

### INTRODUCTION OF BILLS.

Pursuant to notice Mr. Armstrong introduced council bill



No. 1, entitled, A Memorial to Congress relative to the location of the North Branch of the Pacific Rail Road; also,

Council bill No. 2, An act to amend chapter 33, session laws of 1864-5.

#### RESOLUTIONS.

Mr. Armstrong submitted the following resolution :

*Resolved*, That the use of this hall is hereby respectfully tendered to the Dakota Historical Society, on Tuesday evening next, for the purpose of holding their annual meeting for the election of officers. Which resolution

On motion of Mr. Stutsman,  
Was adopted.

Mr. Armstrong, from the special committee appointed to wait upon the Hon. Secretary of the Territory and request that a clock be placed in this hall, submitted the following report :

MR. PRESIDENT:—Your committee, appointed to wait upon the Secretary of the Territory, and request that a clock be placed in this hall, would report that they have discharged that duty, and were informed by the Secretary that he would endeavor to furnish a suitable time piece at an early day.

M. K. ARMSTRONG,  
*Chairman.*

Mr. Stutsman from the Council committee on Joint rules, submitted the following report :

MR. PRESIDENT:—Your committee appointed to act in conjunction with a like committee on the part of the House, to draft Joint rules for the Council and House of Representatives, have performed the duty assigned them and respectfully submit the accompanying draft as the result of their joint labors.

E. STUTSMAN, *Ch'n*  
O. F. STEVENS.

#### JOINT RULES.

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 con-

fer 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 was 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 endorsement of the Secretary or Clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of three from the Council and three from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment 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 House.

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 and hour of presentation, which shall be entered upon the Journal of the House in which the bill originated.

8. All joint resolutions and memorials to Congress, to the President of the United States, to the heads of Departments, or to any other person or persons, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House of Representatives and the President of the Council, and before being transmitted to the Secretary of the Territory for safe keeping, shall be carefully copied by the enrolling and engrossing clerk, if there be one, and if not,

by the committee having charge of enrolling and engrossing of the House in which said joint Resolutions or Memorials originated, and such copies after being attested by the presiding officers of each House and the Secretary of the Council and the Chief Clerk of the House, shall be forwarded by the Presiding Officer of the House in which they originated to the President of the United States, or the Speaker of the House of Representatives of Congress, or to the person or persons to whom they are intended to be sent.

9. When any bill, joint resolution, or memorial which shall have passed 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 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. On all questions in joint convention of the two Houses, the names of the members shall all be arranged in Alphabetical order, and they shall all be called upon to vote in the order in which they stand arranged.

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Mr. Stutsman, from the select committee on Council rules, submitted the following report:—

**MR. PRESIDENT:**—Your select committee appointed to draft rules for the government of the Council, have to report that they have had the matter under consideration, and respectfully submit the accompanying draft as the result of their labors.

E. STUTSMAN, *Ch'n.*

Q. F. STEVENS.

## STANDING RULES OF THE COUNCIL.

### ORDER OF DAILY BUSINESS.

After calling the House to order, the following order shall govern :

1. Prayer by the chaplain.
2. Calling the roll.
3. Reading of Journal.
4. Petitions or Memorials to be offered.
5. Notice of bills.
6. Introduction of bills.
7. Resolutions.
8. Reports of committees.
9. Communications on the President's table.
10. Reports in possession of the Council which offer grounds for a bill.
11. Bills or other matter before the Council, and unfinished the preceding day.
12. The general file of bills, and other papers agreeable to their introduction.

### RULES.

1. The President shall take the chair at eleven o'clock, A. M., or the hour to which the Council was adjourned, and call the house to order; and if a quorum be present he shall direct the Journal of the preceding day to be read and mistakes or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council.

2. One-fourth of the members may have a call of the Council, and absent members be sent for.

3. Questions shall be put in this form, viz: "As many as are of the opinion that (as the case may be) say 'aye.'" And after the affirmative voice is expressed, "as many as are of

the contrary opinion, say 'no.' " If the President doubt, or a division be called for, the Council shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. All motions (except to adjourn, postpone or commit) shall be reduced to writing, if required by any member of the Council. A motion may be withdrawn before it is amended by the Council.

5. Every member present, when a question is put, shall vote unless he shall, for special cause, be excused by a vote of the Council; but no member shall vote on any question in the event of which he is directly and personally interested, or in any case where he was not present when the question was put.

6. When a member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but—1, to adjourn; 2, to lie on the table; 3, for the previous question; 4, to postpone to a day certain; 5, to commit or amend, and 6, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be allowed on the same day, and at the same stage of the bill or proposition.

8. 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 effects shall be to put an end to all debate, and bring the Council to a direct vote upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

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

11. Every bill shall be introduced on the report of a committee, or by motion for leave, or on giving at least one day's previous notice. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day without a suspension of this rule.

12. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

13. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment, and if committed, then the question shall be, whether to Select or Standing Committee, or a Committee of the Whole. If to a committee of the Whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution requiring the concurrence of both Houses shall be committed or amended until it shall have been twice read.

14. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On a third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

15. A bill or resolution, may be committed at any time previous to its passage.

16. In filling blanks, the largest sum and the longest time shall be first put.

17. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority,

may move a reconsideration on the same or the following day; but when a motion to reconsider shall be laid on the table, a motion to reconsider can not be again made.

18. Before acting on Executive business, the Council Chamber shall be cleared, by direction of the President, of all persons except members, the Secretary and Sergeant-at-arms; the members enjoined to observe secrecy, and the Secretary and Sergeant-at-arms to be sworn.

19. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of two-thirds of the members present.

20. The rules of parliamentary practice comprised in Cushing's Manual, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the Council and the joint rules of the Council and House of Representatives.

21. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare openly and without debate his assent or dissent to the question. In taking the ayes and noes and upon the call of the House, the names of the members shall be taken alphabetically.

22. On the passage of all bills and joint resolutions, the ayes and noes shall be taken.

23. All bills and joint resolutions, after the second reading, shall be printed, unless otherwise ordered by the Council.

24. On questions of sustaining the chair, when his decision is appealed to the Council, the President cannot vote.

25. A majority of all the members of the Council, voting for a resolution to remove the President, shall be sufficient to vacate the chair, and a majority of the votes cast, if a quorum be present, shall be sufficient to sustain an appeal from his decision.

26. There shall be appointed by the chair the following standing committees.

Judiciary,	Counties,
Education,	Territorial Affairs,
Military Affairs,	Agriculture,
Incorporations,	Expenditures,

Finance,	Federal Relations,
Elections,	Public Printing,
Public Buildings,	Engrossed and Enrolled Bills,
Indian Affairs,	Highways, Bridges and Ferries.

27. The chair cannot change a committee after being once formed, without a resolution to that effect by the Council.

Mr. Turner moved that the report of the committee on Joint Rules, be considered in committee of the whole House after the order of daily business has been gone through with.

Which motion prevailed.

COUNCIL BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 1, was then taken up, and  
 Read the first and second time, and  
 On the motion of Mr. Stutsman,  
 Referred to the committee on Federal Relations.

Council bill No. 2, was then taken up, and  
 Read the first and second time, and  
 On the motion of Mr. Armstrong,  
 Referred to the committee on Judiciary.

Mr. Kingsbury moved that the report of the committee on Council Rules be adopted.

Which motion prevailed.

The following messages were then received from the House:

HOUSE OF REPRESENTATIVES,  
 December 6th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform the Hon. Council that the House has elected Rev. M. Hoyt, Chaplain.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES,  
 December 6th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform the Hon. Council that the House has adopted the Joint Rules



for the government of the Council and House of Representatives,  
as submitted by the Joint committee appointed by the Council  
and House.

GEO. I. FOSTER,  
*Chief Clerk.*

The order of daily business being concluded,  
The President announced the report of the committee on  
Joint Rules in committee of the Whole House.

After some time spent therein the President resumed the chair,  
and

Mr. Cole reported as follows :

MR. PRESIDENT :—The committee of the Whole House have  
had under consideration the report of the committee on Joint  
Rules, but not having gone through with the same, respectfully  
report the matter back to the House and ask leave to sit  
again.

A. COLE,  
*Chairman.*

The question being on granting leave,  
Leave was granted.

On the motion of Mr. Turner,

The Council adjourned until 11 o'clock, A. M., Friday next :

GEORGE STICKNEY,  
*President.*

ATTEST :—

J. R. HANSON,  
*Secretary.*

## FIFTH DAY.

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COUNCIL CHAMBER,  
Friday, December 8th, 1865. }

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The Journal of the sixth instant was then read and approved.

### RESOLUTIONS.

Mr. Turner submitted the following resolution:

*Resolved,* That his Excellency the Governor and Ex-Governors, the members of the House of Representatives and the officers thereof; the Federal officers of the Territory and the Delegate and Ex-Delegate in Congress, from Dakota, be admitted as privileged persons to seats within the bar of this Council.

J. W. TURNER.

The Governor's message was then taken up for consideration.

Mr. Kingsbury moved the consideration of the message be postponed until the order of daily business should be gone through with.

Which motion prevailed.

The resolution submitted by Mr. Turner, relative to admitting persons within the bar of the Council, was then taken up, and

On the motion of Mr. Turner,

Was adopted as a rule of the Council, to take the place of the resolutions, upon the same subject, submitted by Mr. Kingsbury and Mr. Stutsman, respectively, on the 5th inst.

UNFINISHED BUSINESS.

The hour for the consideration of the unfinished business having arrived,

Mr. Stutsman moved that the report of the committee on Joint Rules, of the 6th inst., be taken up, and considered in Council.

Which motion prevailed.

The Joint Rules, as reported by the committee, were then taken up, and acted upon in the following order, to-wit:

Sec. 1 was read, and

On the motion of Mr. Armstrong,  
Adopted.

Sec. 2 was then read, and

On the motion of Mr. Stutsman,  
Adopted.

Sec. 3 was then read, and

On the motion of Mr. Stutsman.  
Adopted.

Sec. 4 was then read, and

On the motion of Mr. Armstrong,  
Adopted.

Sec. 5 was then read, and

On the motion of Mr. Turner,  
Adopted.

Sec. 6 was then read, and

On the motion of Mr. Turner,  
Adopted.

Sec. 7 was then read, and

On the motion of Mr. Turner,  
Adopted.

Sec. 8 was then read,

Mr. Stutsman moved its adoption.

Mr. Armstrong moved the following amendment:

Strike out the words "and before being transmitted to the Secretary of the Territory for safe keeping," and insert the following in lieu thereof: "and within three days of the date of presentation to the Governor."

The question being upon the adoption of the amendment, and

The yeas and nays being called for and ordered,

It was decided in the negative.

Yeas five; nays six; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Ross, Turner, VanOsdel and Weeks.

Those who voted in the negative, are

Messrs. Kingsbury, LaBreeche, Stevens, Stutsman, Thompson and Mr. President.

So the amendment was not adopted.

The question recurring on the original motion made by Mr. Stutsman, and

The yeas and nays being called for and ordered,

It was decided in the affirmative.

Yeas nine; nays two; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Weeks and Mr. President.

Those who voted in the negative, are

Messrs. Turner and VanOsdel.

So the motion prevailed, and

Sec. 8 was adopted.

Sec. 9 was then read, and

On the motion of Mr. Stutsman, was Adopted.

Sec. 10 was then read, and

On the motion of Mr. Armstrong, Adopted.

Sec. 11 was then read, and

On the motion of Mr. Stutsman,  
Adopted.

Sec. 12 was then read, and  
On the motion of Mr. Kingsbury,  
Adopted.

Sec. 13 was then read, and  
On the motion of Mr. Stutsman,  
Adopted.

Sec. 14 was then read, and  
On the motion of Mr. Stutsman,  
Adopted.

Sec. 15 was then read, and  
On the motion of Mr. Kingsbury,  
Adopted.

On the motion of Mr. Turner,  
The Council adjourned.

GEORGE STICKNEY;

*President*

ATTEST:—

J. R. HANSON;  
*Secretary.*

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SIXTH DAY.

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COUNCIL CHAMBER }  
Saturday, December 9th, 1865. }

The Council met pursuant to adjournment and was called  
order by the  
President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names :

Messrs. LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

#### NOTICE OF BILLS-

Mr. Armstrong gave notice that he would on Monday, introduce a bill to provide for the appointment of a Board of Immigration, and for the issue of ten per cent. interest bearing Territorial bonds, for the payment of an Immigrant Agent.

Mr. Armstrong gave notice that he would on Monday, or some subsequent day, introduce a bill to amend chapter XX of the session laws of 1863-4.

Mr. Armstrong gave notice of his intention to introduce a bill, on Monday next, amending section 7, chapter XXIII, of the session laws of 1863-4.

Mr. Armstrong gave notice of his intention to introduce, on Monday or some subsequent day, a memorial to the Post Master General asking a renewal of mail service on Post Route No. 13,577 from Mankato, Minnesota, to Yankton, the capital of Dakota, via Sioux Falls City.

#### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Turner introduced council bill No. 3, An act fixing the time of holding the courts in the First, Second and Third Judicial Districts and the time of holding the Court in the county of Union.

Pursuant to notice, Mr. Armstrong introduced council bill No. 4, An act to amend chapter XIX of session laws of 1864-5.

#### RESOLUTIONS.

Mr. Armstrong submitted the following resolution :

*Be it Resolved*, That a committee of one be and the same is hereby appointed, consisting of the chairman of the Judiciary committee on the part of the Council, to act with a similar committee to be appointed on the part of the House, to confer with the Judges of the Supreme court, now in session in this city, and respectfully request the said Judges to communicate

to this Legislature, whether, in their judgment, any farther legislation is needed, either by amendment, revision, or new enactments in order to harmonize and render effective the existing provisions of the Civil and Criminal Codes of this Territory.

Mr. VanOsdel submitted the following resolution :

*Resolved*, That his Excellency, the Governor, be respectfully requested to cause to be immediately removed from the vicinity of the James river, a band of Indians now encamped in that locality.

#### REPORTS OF COMMITTEES

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on Judiciary have had under consideration council bill No. 2, An act to amend chapter 53, session laws of 1864-65. And as the bill fixes the weights and measures for the Territory, the committee have instructed me to report the same back with the recommendation that it be referred to the committee on Agriculture.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have had under consideration council bill No. 1, Memorial to Congress relative to the location of the North Branch of the Pacific Railroad, and report the same back with the recommendation that the bill do pass.

E. STUTSMAN,  
*Chairman.*

The Governor's message was then taken up for consideration.

Mr. Stutsman moved that the message be made the special order of the day, in committee of the whole House, after the order of daily business should be gone through with.

Which motion prevailed.

The resolution submitted by Mr. VanOsdel was then taken up and read.

Mr. VanOsdel moved its adoption.

Which motion prevailed.

Mr. Turner moved that a committee of two be appointed to present the resolution to the Governor.

Which motion prevailed, and

The chair appointed Messrs. Turner, and Thompson, as such committee.

The resolution submitted by Mr. Armstrong was then taken up, read, and

On the motion of Mr. Thompson,

Adopted.

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 3, was then taken up, and

Read the first and second time, and

On the motion of Mr. Turner,

Referred to the committee on Judiciary.

Council bill No. 4 was then taken up, and

Read the first and second time, and

On the motion of Mr. Stutsman,

Referred to the committee on Agriculture.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 9th, 1865. }

MR. PRESIDENT :—I am instructed by the House to inform the honorable Council that the House has passed house file No. 3, Joint Resolution relative to S. L. Spink, which I herewith transmit, and request the concurrence of the Council therein.

GEO. I. FOSTER,

*Chief Clerk.*

Council-bill No. 1, A memorial to Congress relative to the North branch of the Pacific Railroad, was then taken up, and

On the motion of Mr. Turner,

Referred to the committee of the whole House after the business on the calendar should be disposed of.



Council bill No. 2, An act to amend chapter 33, session laws of 1864-65, was then taken up, and

The report of the committee on Judiciary read, and

On the motion of Mr. Armstrong,

Adopted.

So the bill was recommitted to the committee on Agriculture.

House file No. 3, A joint resolution relative to S. L. Spink, was then taken up, and

Read the first and second time, and

On the motion of Mr. Stutsman,

The rules were suspended, and

The bill read the third time.

Mr. Turner moved the bill be referred to its appropriate committee, with instructions to amend as follows :

In the 6th line, after the word "of" strike out the words, "all her loyal citizens," and insert, "this Legislature."

Mr. Stutsman called for a division of the question.

Mr. Kingsbury moved the resolution made by Mr. Turner be laid on the table.

The yeas and nays being called for and ordered, upon the motion to lay upon the table,

It was decided in the affirmative.

Yeas six ; nays five ; as follows :

Those who voted in the affirmative, are

Messrs. Kingsbury, LaBreeche, Stevens, Stutsman, Thompson and Mr. President.

Those who voted in the negative, are

Messrs. Armstrong, Ross, Turner, VanOsdel and Weeks,

So the motion prevailed,

Mr. Weeks moved to adjourn,

Which motion did not prevail.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 9th, 1865. }

MR. PRESIDENT :—I have the honor to inform the honorable Council, that the Speaker of the House has appointed the following Standing Committees :

*Ways and Means.*—Collins, Taylor and Lewis.  
*Judiciary.*—Brookings, Taylor and McCarthy.  
*Internal Improvements.*—McHenry, Brough and Kellogg.  
*Public Lands.*—Taylor, Watson and English.  
*Federal Relations.*—Lewis, Whitehorn and Cooper.  
*Education.*—Austin, Ash and Ryan.  
*Towns and Counties.*—Watson, Curry and Stevens.  
*Military Affairs.*—English, McHenry and Watson.  
*Incorporations.*—Taylor, Lewis and Austin.  
*Agriculture.*—Whitehorn, Watson and Stevens.  
*Manufactures.*—McHenry, Ash and Lent.  
*Elections.*—Collins, Cooper and Whitehorn.  
*Indian Affairs.*—Lewis, Hampton and Watson.  
*Public Printing.*—Ash, Kellogg and Brown.  
*Highways, Bridges and Ferries.*—Kellogg, Fargo and  
 Lewis.  
*Engrossment.*—McCarthy, Fargo and Watson.  
*Enrollment.*—Cooper, Taylor and Watson.

GEO. I. FOSTER,  
*Chief Clerk.*

The question then being upon the passage of the bill, and  
 The yeas and nays being ordered,  
 It was decided in the negative,  
 Yeas five; nays six; as follows:  
 Those who voted in the affirmative, are  
 Messrs. Kinsbary, Stevens, Stutsman, Thompson, and Mr.  
 President.  
 Those who voted in the negative, are  
 Messrs. Armstrong, LaBrecche, Ross, Turner, VanOsdel,  
 and Weeks.  
 So the bill did not pass.

The order of daily business being concluded,  
 The President announced the Governor's message in com-  
 mittee of the whole House.  
 After some time spent therein, the President resumed the  
 chair, and  
 Mr. Armstrong submitted the following report:  
 MR. PRESIDENT:—The committee of the whole House have

had under consideration the Governors message, and have agreed upon the following recommendations :

All that portion of the message from the beginning to the first sub-head, be referred to the committee on Military Affairs.

That all that portion of the message under the sub-head of "Progress of the Indian war," be referred to the committee on Indian Affairs.

That all that portion of the message under the sub-head of "Immigration," be referred to the committee on Territorial Affairs.

That all that portion of the message under the sub-head of "Territorial Expenses," be referred to the committee on Finance.

That all that portion of the message under the sub-head of "Government Wagon roads," be referred to the committee on Highways, Bridges and Ferries.

That all that portion of the message under the sub-head of "Capitol Building," be referred to the committee on Federal Relations.

That all that portion of the message under the sub-head of "Amendment of present laws," be referred to the committee on Judiciary.

That all that portion of the message under the sub-head of "Pacific Railroad," be referred to the committee on Incorporations.

That all that portion of the message under the sub-head of "Private laws," be referred to the committee on Incorporations.

That all that portion of the message under the sub-head of "Education," be referred to the committee on Education.

That all that portion of the message under the sub-head of "Conclusion," be referred to the committee of the whole House, upon each Saturday, after the conclusion of the regular business

M. K. ARMSTRONG,  
*Chairman.*

On the motion of Mr. Stutsman,

The report of the committee was concurred in.

Mr. Turner moved that the vote by which house file No. 3 was lost on its passage, be reconsidered.

Which motion prevailed, and  
 On the motion of Mr. Stutsman,  
 The bill was referred to the committee on Judiciary.

On the motion of Mr. Stutsman,  
 The Council adjourned until eleven o'clock, A. M., Monday  
 next.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON,  
*Secretary.*

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## EIGHTH DAY.

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COUNCIL CHAMBER, }  
 Monday, December 11th, 1865. }

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called:

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, Weeks and Mr. President.

The Journal of the ninth instant was then read and approved.

### MEMORIALS.

Pursuant to notice, Mr. Armstrong introduced council bill No. 5, A memorial to Congress asking for the continuation of

Post Route No. 13,577, from St. Paul, the capitol of Minnesota, to Yankton, the capitol of Dakota Territory.

#### NOTICE OF BILLS.

Mr. Kingsbury gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill providing for the incorporation of cities, towns and villages.

#### INTRODUCTION OF BILLS.

Pursuant to notice, Mr. Armstrong introduced council bill No. 6, An act to amend section 7, chapter 23, of the session laws of 1863-4.

#### REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT :—Your committee on Judiciary, to whom was referred house file No. 3, Joint resolution, have had the same under consideration, and in order to perfect the text of the original, they have agreed upon the accompanying substitute, and have instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Turner, from the Special committee appointed on the ninth inst., to wait upon the Governor, submitted the following report :

MR. PRESIDENT ;—The committee appointed by the Council to wait upon his excellency the Governor, and present to him a copy of the resolution relating to a band of Indians encamped in the vicinity of James river, would respectfully report that they have performed the duty assigned them, and ask to be discharged from its further consideration.

J. W. TURNER,  
*Chairman.*

#### ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced council bill No. 1, in committee of the Whole House.

After some time spent therein, the President resumed the chair, and

Mr. Kingsbury reported as follows :

MR. PRESIDENT:—The committee of the Whole, to whom was referred council bill No. 1, A memorial to Congress relative to the location of the north branch of the Pacific railroad, have had the same under consideration, and have instructed me to report the same back, with the accompanying amendment, and recommend that the bill do pass, and also, ask to be relieved from its further consideration.

G. W. KINGSBURY,  
*Chairman.*

On the motion of Mr. Turner,

The report of the committee was concurred in.

The report of the committee on Judiciary, reporting back substitute for house file No. 3, was then taken up for consideration.

On the motion of Mr. Stutsman,

The report was adopted.

The original bill and the substitute were then read, and there being no amendment proposed, and

The question then being upon the passage of the substitute, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed.

Mr. Stutsman moved that the title be amended by adding after the words "Joint resolution," the following words—"requesting the confirmation of the appointment of Secretary Spink."

Which motion prevailed, and

The title was so amended and then agreed to.

## MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
Monday, December 11th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has ordered printed, one thousand copies of the Governor's message.

GEO. I. FOSTER,  
*Chief Clerk.*

## COUNCIL BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 5, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Kingsbury,  
Referred to the committee on Federal Relations.

Council bill No. 6, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Armstrong,  
Referred to the committee on Agriculture.

Council bill No. 1, was then taken up, and there having been amendments proposed by the committee of the Whole House, it was

On the motion of Mr. Stutsman,  
Ordered engrossed for a third reading to-morrow.

By unanimous consent, Mr. Stutsman submitted the following resolution :

*Resolved,* By the Council, the House concurring therein, that the two Houses meet in joint convention at such time as may be designated by the House, for the purpose of consulting upon the best and most feasible means to be adopted respecting the revenue of the Territory, and upon other matters of a general nature. And further, that the House be and is respectfully requested to take action in the premises.

On the motion of Mr. Turner,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON,  
*Secretary.*

## NINTH DAY.

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COUNCIL CHAMBER,  
 Tuesday, December 12th, 1865. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the eleventh inst., was then read and approved.

The order of daily business having been gone through with,

On the motion of Mr. Ross,

The Council took a recess of twenty minutes.

The time having expired, the President resumed the chair and called the Council to order.

Mr. Turner asked leave of absence for Mr. Stevens, from next Thursday the 14th inst, until next Monday the 18th inst., on account of family illness.

On the motion of Mr. Ross,

Leave of absence was granted.

### MESSAGES FROM THE HOUSE.

The following message was then received from the House:

HOUSE OF REPRESENTATIVES,  
 December 12th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed house file No.



1, A memorial and joint resolution for the establishment of a military post at the north base of the Black Hills, which is herewith transmitted, and respectfully ask the concurrence of the Council therein.

I have also to inform your honorable body that the chairman of the committee on Judiciary has been appointed by the House a committee of one on the part of that body, to act in conjunction with a similar committee on the part of the Council to confer with the Judges of the Supreme Court, now in session in this city, and respectfully request the said Judges to communicate to this Legislature, whether, in their judgment any further legislation is needed, either by amendment, revision, or new enactments, in order to harmonize and render effective the existing provisions of the Codes of this Territory.

I have also to inform you that the House has concurred in Council amendments to house file No. 3, joint resolution.

GEO. I. FOSTER,  
*Chief Clerk.*

On the motion of Mr. Ross,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:  
J. R. HANSON,  
*Secretary.*

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## TENTH DAY.

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COUNCIL CHAMBER }  
Wednesday, December 13th, 1865. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, and Mr. President.

The Journal of the twelfth instant, was then read and approved.

On the motion of Mr. Turner,

Leave of absence was granted Mr. Weeks, until Tuesday next, the nineteenth instant.

On the motion of Mr. Ross,

Mr. Stutsman was excused for non-attendance yesterday.

#### NOTICE OF BILLS.

Mr. Stutsman gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill incorporating the North Platte and Green river Bridge and Ferry company.

Mr. VanOsdel gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill regulating the kind of fences and the height of the same.

#### REPORTS OF COMMITTEES

Mr. Armstrong, from the committee on Education, submitted the following communication from the "Ladies Educational Aid Society."

YANKTON, D. T.,  
December 12th, 1865. }

*Gentlemen of the Council:*—Permit me to tender you the thanks of the "Yankton Ladies Educational Society," for the use of the Council chamber, for the Thanksgiving festival, Thursday evening, December 7th. The profits of the festival, I am happy to inform you, amounted to \$222.25 which is to aid in the erection of a school house in this village.

By granting to our society the use of your hall, you have materially assisted in the good work in which we are engaged.

Very respectfully,

FRANCES A. FOSTER;

*Secretary.*

Mr. Turner, from the committee on Engrossed and Enrolled bills, submitted the following report :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills have examined council bill No. 1, A memorial to Congress relative to the North Branch of the Pacific Railroad, and have found the same correctly engrossed.

J. W. TURNER,

*For the committee.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on Judiciary have considered council bill No. 3, An act fixing the time of holding the courts in the First, Second and Third Judicial Districts and the time of holding the Court in the county of Union. And have instructed me to report the same back with the recommendation that it be made the special order in committee of the whole House, this day at the conclusion of the business upon the daily calendar.

E. STUTSMAN,

*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have had under consideration council bill No. 5, A memorial to Congress asking for the continuation of Post Route 13,577, from St. Paul, the capitol of Minnesota, to Yankton, the capitol of Dakota Territory, and have instructed me to report the same back with the recommendation that the bill do pass.

E. STUTSMAN,

*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following reports :

MR. PRESIDENT:—Your committee on Agriculture to whom was referred council bill No. 2, An act to amend chapter 33, of the session laws of 1864-5, have had the same under consideration and report the same back with the attached amendments and recommend its passage.

CHARLES LABREECHE,

*Chairman.*

MR. PRESIDENT :—Your committee on agriculture, to whom was referred council bill No. 4, An act to amend chapter 19 of the session laws of 1864-5, have had the same under consideration and report the same back and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

#### INTRODUCTION OF BILLS.

Mr. Stutsman, pursuant to notice, introduced council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same.

#### BILLS ON THEIR FIRST AND SECOND READING.

House file No. 1, Memorial and Joint resolution for the establishment of a Military Post at the North Base of the Black Hills, was then taken up, and

Read the first and second time, and

On the motion of Mr. VanOsdel,

Referred to the committee on Territorial Affairs.

Mr. VanOsdel submitted a letter from Brevet Major General Alfred Sully, in relation to wagon roads, which was read, and

On the motion of Mr. Armstrong,

Referred to the same committee.

House file No. 4, A memorial for the establishment of a mail route from Fort Randall, to Fort Sully, D. T., was then taken up, and

Read the first and second time, and

On the motion of Mr. Kingsbury,

Referred to the committee on Federal Relations.

Council bill No. 7, was then taken up, and

Read the first and second time, and

On the motion of Mr. VanOsdel,

Referred to the committee on Education.

On the motion of Mr. Stutsman,

The vote by which the bill was referred was reconsidered, when,

On the motion of Mr. Turner,

It was made the special order in committee of the whole House, to-morrow after the order of daily business shall be gone through with.

House file No. 2, Memorial to the Secretary of War praying that the Headquarters of this Military District may be established at Yankton, or Fort Randall, Dakota Territory, was then taken up, and

Read the first and second time, and

On the motion of Mr. Turner,

Made the special order to-morrow in committee of the whole House after the order of daily business shall be disposed of.

#### BILLS ON THEIR THIRD READING.

Council bill No. 3, was then taken up, and

The report of the committee on Judiciary, recommending its reference to the committee of the whole House at the conclusion of the business upon the daily calendar, read, and

On the motion of Mr. Turner,

The report was adopted.

Council bill No. 2, reported back by the committee on Agriculture, with attached amendments, was then taken up, and

The first amendment read, and

On the motion of Mr. Stutsman,

Adopted. When,

On the motion of Mr. Turner,

The bill was re-committed to the committee on Agriculture.

Council bill No. 4, was then taken up, and there being no amendments proposed it was

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanQsdel, and Mr. President.

None voting in the negative.

So the bill was passed, and  
On the motion of Mr. Stutsman,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in said bill.

Council bill No. 5, was then taken up, and  
On the motion of Mr. Stutsman,  
*Ordered* engrossed for the third reading to-morrow.

MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 13th, 1865. }

MR. PRESIDENT :—I am instructed by the House to inform your honorable body that the House has passed the following memorials, which are herewith transmitted and the concurrence of the Council requested.

House file No. 2, A memorial to the Secretary of War, praying that the Headquarters of this Military District may be established at Yankton, or Fort Randall, Dakota Territory.

House file No. 4, A memorial to Congress for the establishment of a mail route from Fort Randall, Dakota Territory, to Fort Sully, in the same Territory.

I have also to inform you that the communication from this body relative to the meeting of the two Houses in Joint convention for the purpose of consulting upon the best and most feasible means to be adopted respecting the Revenue of the Territory, &c., was laid on the table.

GEO. I. FOSTER,  
*Chief Clerk.*

SPECIAL ORDER.

The business on the calendar being disposed of,  
The President announced council bill No. 3, in committee of the whole House.

After some time spent therein, the President resumed the chair, and

Mr. Kingsbury reported as follows :

MR. PRESIDENT :—The committee of the whole, to whom was referred council bill No. 3, An act fixing the time of hel-

ding the District courts in the first, second and third Judicial Districts; and the time of holding the courts in the county of Union, have had the same under consideration and have instructed me to report the bill back with annexed amendments, recommending their adoption and the passage of the bill.

G. W. KINGSBURY,  
*Chairman.*

The bill was then taken up for consideration, and the amendments read.

On the motion of Mr. Stutsman,  
The amendment to section 1, was adopted.

On the motion of Mr. Kingsbury,  
The amendment to section 4, was adopted, when

On the motion of Mr. Turner, the bill was ordered engrossed for the third reading to-morrow.

On the motion of Mr. Stutsman,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON.  
*Secretary.*

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## ELEVENTH DAY.

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COUNCIL CHAMBER, }  
Thursday, December 14th, 1865. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names :

Messrs. Armstrong, Kingsbury, LaBreeche, Stutsman, Thompson, Turner, VanOsdel and Mr. President.

The journal of the thirteenth inst., was then read and approved.

#### REPORTS OF COMMITTEES.

Mr. Van Osdel, from the committee on Territorial Affairs, submitted the following report :

MR. PRESIDENT:—Your committee on Territorial Affairs have had under consideration house file No. 1, A memorial for the establishment of a military post at the north base of the Black Hills ; also, a communication from Gen. Sully to Gov. Edmunds, relating to the same, and report the memorial back with the attached amendment and recommend that the bill do pass as amended.

A. VANOSDEL, *Chairman.*

N. V. ROSS,

M. K. ARMSTRONG.

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have considered house file No. 4, A memorial to Congress for the establishment of a mail route from Fort Randall, Dakota Territory, to Fort Sully in said Territory, and I have been instructed to report the same back with the recommendation that the bill do pass.

E. STUTSMAN,

*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT:—Your committee on Agriculture, to whom was referred council bill No. 6, An act to amend section 7, of chapter 23, of session laws of 1863-4, have had the same under consideration, and report the same back without amendment, and recommend its passage.

CHARLES LABREECHE,

*Chairman.*



Mr. Kingsbury, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, beg leave to report that they have examined council bill No. 3, An act fixing the time of holding the courts in the the first, second and third Judicial Districts, and the time of holding the courts in the county of Union ; and council bill No. 5, A memorial to Congress asking for the continuation of post route No. 13,577, from St. Paul, the capitol of Minnesota, to Yankton, the capitol of Dakota, and find the same correctly engrossed.

GEO. W. KINGSBURY,  
*Chairman.*

BILLS ON THEIR THIRD READING.

Council bill No. 1, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
“shall the bill pass?”

It was decided in the affirmative.

Yeas ten ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross,  
Stutsman, Thompson, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the House in the said bill.

House file No. 1, reported back by the committee on Territorial Affairs, with an attached amendment, was then taken up, and

The amendment read, when

On the motion of Mr. Stutsman, it was

Adopted.

The bill was then

Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross,  
 Stutsman, Thompson, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

House file No. 4, was then taken up, and there being no  
 amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross,  
 Stutsman, Thompson, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

Council bill No. 3, was then taken up, and

On the motion of Mr. Stutsman,

Made the special order for to-morrow in committee of the  
 whole House.

Council bill No. 5, was then taken up, and there being no  
 amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stutsman, Thompson, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 6, was then

Taken up and there being no amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas nine ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman, Thompson, Turner, VanOsdel and Mr. President.

Mr. Cole was excused from voting.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in said bill.

#### ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day.

The President announced council bill No. 7, in committee of the whole House, whereupon,

On the motion of Mr. Stutsman,

The Council resolved itself into a committee of the whole House, on council bill No. 7.

After some time spent therein, the President resumed the chair, and

Mr. Kingsbury reported as follows :

MR. PRESIDENT:—The committee of the Whole to whom

was referred council bill No. 7; An act providing for elections and to prescribe the canvass and return of the same, have had the same under consideration, and have instructed me to report progress and ask leave to sit again.

G. W. KINGSBURY,  
*Chairman.*

On the motion of Mr. Stutsman,

The report of the committee of the whole House was concurred in.

MESSAGES FROM THE HOUSE.

The following messages were then received from the House.

HOUSE OF REPRESENTATIVES, }  
December 14th, 1865. }

MR. PRESIDENT:—I am instructed to inform you that the House has passed house file No. 5, A memorial to the President of the United States, which memorial I herewith transmit, requesting the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
December 14th, 1865. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has passed house file No. 6, A memorial to the Congress of the United States, relative to a mail route from Fort Sully, D. T., to Virginia City, Montana Territory, which memorial is herewith transmitted and the concurrence of the Council requested.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
December 14th, 1865. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has adopted the following resolution:

*Resolved,* That this House meet at seven o'clock, P. M., this day for the purpose of hearing the address of the Hon. W. E. Gleeson, and that the honorable Council be and is hereby invited to seats within the bar of this House.

GEO. I. FOSTER,  
*Chief Clerk.*

## BILLS ON THEIR FIRST AND SECOND READING.

House file No. 5, A memorial to the President of the United States, relative to the appointment of an Indian agent, was then taken up.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Indian Affairs.

House file No. 6, A memorial to the Congress of the United States, relative to a mail route from Fort Sully to Virginia City, was then taken up, and

Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Federal Relations.

On the motion of Mr. Turner,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON,  
*Secretary.*

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TWELFTH DAY.

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COUNCIL CHAMBER, }  
Friday, December 15th, 1865. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stutsman, Thompson, Turner, VanOsdel, and Mr. President.

The Journal of the fourteenth instant, was then read and approved.

#### NOTICE OF BILLS.

Mr. Kingsbury in the chair.

Mr. Stickney gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for an act granting to Barney McGraw, a ferry charter across the Missouri river.

Mr. Armstrong gave notice that he would on to-morrow introduce a memorial to Congress, asking for a Geological Survey of the Black Hills and Bad Lands of Dakota, in connection with the military forces under General Sully in this District.

#### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Armstrong introduced council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a college in Dakota Territory.

Pursuant to notice Mr. Stutsman introduced council bill No. 9, An act incorporating the North Platte and Green river Bridge and Ferry company.

#### RESOLUTIONS.

Mr. VanOsdel submitted the following resolution:

*Resolved*, That the committee on Territorial Affairs are hereby instructed to call upon his Excellency, the Governor, and request him to furnish this body all official correspondence concerning Immigration, that may have passed between himself and the Bureau of Immigration during the past year. Which resolution,

On the motion of Mr. Turner, was  
Adopted.

Mr. Stutsman submitted the following resolution :

*Resolved*, That the chaplain be excused from services to this body for to-morrow and Monday next. Which resolution, On the motion of Mr. Stutsman, was Adopted.

Mr. Kingsbury submitted the following resolution :

*Resolved*, That the use of this Council chamber be granted to the Masonic order of this city, for the purpose of holding a meeting of that society on Wednesday evening next. Which resolution, On the motion of Mr. Stutsman, was Adopted.

#### REPORTS OF COMMITTEES

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have had under consideration house file No. 6, A memorial to the Congress of the United States relative to a mail route from Fort Sully, Dakota Territory, to Virginia city, Montana Territory. The committee have agreed upon the opinion that the matter prayed for is material to the interests of the great north west, as well as this Territory, and have therefore instructed me to report the bill back with the recommendation that the same do pass.

E. STUTSMAN,  
*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT:—Your committee on Agriculture, to whom was recommitted council bill No. 2, have had the same under consideration and report the same back with attached amendments, and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 8, was then taken up, and

Read the first and second time,

Mr. Stutsman moved that the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Education.

Council bill No. 9, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Stutsman,  
Referred to the committee on Incorporations.

BILLS ON THEIR THIRD READING.

Council bill No. 2, reported back by the committee on Agriculture with attached amendments, was then taken up, and the amendments read. When

On the motion of Mr. Ross,

The first amendment proposed by the committee, was adopted.

On the motion of Mr. Stutsman,

The second amendment proposed by the committee was adopted.

On the motion of Mr. Stutsman,

The third amendment proposed by the committee was adopted.

On the motion of Mr. Stutsman,

The fourth amendment proposed by the committee was adopted.

On the motion of Mr. Stutsman,

The bill was ordered engrossed for a third reading to-morrow.

House file No. 6, was then taken up, and there being no amendments proposed, it was

Read the third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas ten ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stutsman, Thompson, Turner, VanOsdel, and Mr. President.



None voting in the negative.  
 So the bill was passed, and  
 On the motion of Mr. Stutsman,  
 Its title was agreed to

## ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced council bill No. 7, house file No 2 and council bill No. 3, in committee of the whole House.—Whereupon,

On the motion of Mr. Stutsman,

The Council resolved itself into the committee of the whole House on the said bills.

After some time spent therein, the President resumed the chair, and

Mr. Kingsbury reported as follows:

MR. PRESIDENT:—The committee of the Whole, to whom was referred council bill No. 7, An act providing for Elections and to prescribe the canvass and return of the same, have had the same under consideration, and have deferred action on the same until Monday next. Also,

House file No. 2, A memorial to the Secretary of War, praying that the Headquarters of this Military District may be established at Yankton, or Fort Randall, D. T., which I have been instructed to report back with annexed amendment.—Also,

Council bill No. 3, An act fixing the time of holding the District courts in the first, second and third Judicial Districts; and the time of holding the courts in the county of Union; with annexed amendment, and recommend its adoption.

The committee further have instructed me to ask that it may be discharged from further action on the two last named bills.

GEO. W. KINGSBURY,

*Chairman.*

On the motion of Mr. Stutsman,

The report of the committee was concurred in.

The amendment proposed by the committee of the whole House to house file No. 2, was then taken up and read, when

On the motion of Mr. Stutsman,  
The amendment was adopted.

Mr. Stutsman moved the bill be referred to a special committee of three with instructions to report a substitute.

Which motion prevailed, and

The chair appointed Messrs. Stutsman, Turner and La-Breeche, as such committee.

The amendments proposed by the committee of the whole House to council bill No. 3, were then taken up and read, when

On the motion of Mr. Stutsman,

The amendments were adopted, and

On the motion of Mr. Stutsman,

The bill was ordered engrossed for a third reading tomorrow.

On the motion of Mr. Turner,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:

J. R. HANSON,

*Secretary.*

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## THIRTEENTH DAY.

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COUNCIL CHAMBER,  
Saturday, December 16th, 1865. }

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman, Turner, Van Osdel and Mr. President.

The Journal of the fifteenth instant was then read and approved.

#### PETITIONS AND MEMORIALS.

Pursuant to notice Mr. Armstrong introduced council bill No. 10, A memorial to Congress, asking for a geological survey of the Black Hills and Band Lands in connection with the military forces under Gen. Sully, in this Territory.

#### NOTICE OF BILLS.

Mr. Turner in the chair.

Mr. Stickney gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for An act to amend section 8, chapter 23, laws of Dakota, 1863-4.

#### INTRODUCTION OF BILLS.

Pursuant to notice, Mr. Stickney introduced council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river.

#### REPORTS OF COMMITTEES.

Mr. Armstrong, from the committee on Education, submitted the following report:

MR. PRESIDENT:—The committee on Education, to whom was referred council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a college in Dakota Territory, have had the same under consideration, and I am instructed to report the same back without amendment, and recommend that it do pass.

M. K. ARMSTRONG,  
*Chairman,*

Mr. Kingsbury, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, have examined council bill No. 2, An act to amend chapter 33, session laws of 1864-5; also, council bill No. 3, An act fixing the time of holding the district courts in the first, second and third Judicial Districts, and the time of holding the courts in the county of Union, and beg leave to report that they have found the same correctly engrossed.

G. W. KINGSBURY,  
*Chairman.*

The Special committee on house file No. 2, submitted the following report:

MR. PRESIDENT:—The Special committee to which was referred house file No. 2, A memorial to the Secretary of War praying that the headquarters of this military district may be established at Yankton or Fort Randall, Dakota Territory, together with amendment and instructions, have considered the same, and have agreed upon a substitute bill, incorporating the gist of the original bill with the amendment, which substitute we herewith report and recommend that it do pass.

E. STUTSMAN,  
C. LABREECHE,  
J. W. TURNER.

**BILLS ON THEIR FIRST AND SECOND READING.**

Council bill No. 10, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Turner,  
Referred to the committee on Federal Relations.

Council bill No. 11, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. VanOsdel,  
Referred to the committee on Highways, Bridges and Ferries.

**BILLS ON THEIR THIRD READING.**

Council bill No. 2, was then taken up, and there being no amendments proposed it was  
Read the third time.

The question then being on its passage, and it being put,  
“shall the bill pass?”

It was decided in the affirmative,

Yeas eight ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in said bill.

Council bill No. 3, was then

Taken up and there being no amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eight ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
Turner, VanOsdel, and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

House file No. 2, was then taken up, and the report of the Special committee reporting back a substitute, read, when

On the motion of Mr. Stutsman,

The substitute was agreed to.

The substitute (house file No. 2,) was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas seven ; nays none ; as follows :

Those who voted in the affirmative, are  
Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
VanOsdel and Mr. President.

None voting in the negative,  
So the bill passed, and  
On the motion of Mr. Ross,  
Its title was agreed to.

Council bill No. 8, was then taken up, and there being no  
amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
Turner, VanOsdel and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Armstrong,  
Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the  
House in the said bill.

#### MESSAGES FROM THE HOUSE.

The following messages were then received from the House:

HOUSE OF REPRESENTATIVES, }  
December 16th, 1865. }

MR. PRESIDENT:—I am instructed to inform your honorable  
body that the House has concurred in Council amend-  
ment to house file No. 1, Memorial for the establishment of a  
Military Post at the North Base of the Black Hills of Da-  
kota Territory.

I am also instructed to inform you that the communication  
from the honorable Council to the House on the eleventh inst.,  
relative to the meeting of the House in Joint convention, for  
purposes therein mentioned, has been taken from the table.

I am further instructed to inform your honorable body that

the House will meet the Council in joint caucus at such time as the Council shall designate.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
December 16th, 1865. }

MR. PRESIDENT :—I am instructed by the House to inform your honorable body that the House has passed council bill No. 1, Memorial to Congress, relative to the location of the North Branch of the Pacific railroad. Also,

Council bill No. 4, An act to amend chapter 19 of session laws of 1864-5; also, council bill No. 5, A memorial to Congress asking for the continuation of Post Route 13,577, from St. Paul, the capitol of Minnesota, to Yankton, the capitol of Dakota Territory, which are herewith transmitted.

GEO. I. FOSTER,  
*Chief Clerk.*

#### ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced the Governor's message in committee of the Whole House.

After some time spent therein, the President resumed the chair, and

Mr. Armstrong submitted the following report:

MR. PRESIDENT :—The committee of the Whole House have had under consideration that portion of the Governor's message comprised under the sub-head "conclusion," and have instructed their chairman to report that they have made some progress therein, and respectfully report the matter back to the House.

M. K. ARMSTRONG.  
*Chairman.*

On the motion of Mr. Stutsman,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST :—

J. R. HANSON.  
*Secretary.*

## FIFTEENTH DAY.

COUNCIL CHAMBER,  
Monday, December 18th, 1865. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Roll called .

The following members responded to their names :

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman, Turner, and Mr. President.

The journal of the sixteenth inst., was then read and approved.

### PETITIONS AND MEMORIALS.

By unanimous consent, Mr. Stutsman introduced council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory.

### NOTICE OF BILLS.

Mr. Kingsbury gave notice of his intention to introduce a bill providing for the management and keeping of slaughter houses in this Territory; also,

A bill relative to the sale of Intoxicating liquors to Indians; also

A bill regulating the sale of poisons.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Kingsbury introduced council bill No. 13, An act on the subject of towns.

### REPORTS OF COMMITTEES.

Mr. Ross, from the committee on Incorporations, submitted the following report.

MR. PRESIDENT :—Your committee on Incorporations, to



whom was referred council bill No. 9, An act to incorporate the North Platte and Green river Bridge and Ferry Company, have had the same under consideration, and beg leave to report the bill back without amendment and recommend its passage.

N. V. ROSS,  
*Chairman.*

Mr. Cole, from the committee on Indian Affairs, submitted the following report :

MR. PRESIDENT:—The committee on Indian Affairs to whom was referred house file No. 5, A memorial to the President of the United States, relative to the appointment of an Indian agent, have had the same under consideration, and have instructed me to report the same back without amendment and recommend that it do pass.

A. COLE,  
*Chairman.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 12, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Kingsbury,  
Referred to the committee on Federal Relations.

Council bill No. 13, was then taken up, and  
Read the first and second time.

Mr. Kingsbury moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Counties.

#### BILLS ON THEIR THIRD READING.

House file No. 5, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
“shall the bill pass?”

It was decided in the affirmative.

Yeas nine; nays none; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stutsman, Turner, VanOsdel and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Ross,  
Its title was agreed to.

Council bill No. 9, was then taken up.

Mr. Stutsman moved the bill be recommitted to a special committee of three.

Which motion prevailed, and  
The chair appointed Messrs. Stutsman, Turner, and Cole as such committee.

#### ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced council bill No. 7, in committee of the whole House.

After some time spent therein, the committee arose, and Mr. Armstrong reported as follows:

MR. PRESIDENT:—The committee of the Whole, to whom was referred council bill No. 7, an Act providing for elections and to prescribe the canvass and return of the same, have had the same under consideration, and have instructed me to report the same back, with the accompanying amendments, and recommend that the bill do pass as amended.

M. K. ARMSTRONG,  
*Chairman.*

On the motion of Mr. Stutsman,

The report was received, and the committee was discharged from further consideration of the said bill.

The amendments proposed by the committee of the Whole were then taken up, and read.

On the motion of Mr. Turner,  
The first amendment proposed was adopted.

On the motion of Mr. Stutsman,  
The second amendment proposed by the committee was adopted.

On the motion of Mr. Stutsman,  
The third amendment proposed was adopted, when

On the motion of Mr. Stutsman,  
The bill was ordered engrossed for a third reading to-morrow.

MESSAGES FROM THE HOUSE

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 18th, 1865. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has passed council bill No. 6, an Act to amend section 7, chapter 23, of the session laws of 1863-4, which I herewith transmit.

GEO. I. FOSTER,  
*Chief Clerk.*

In response to the communication from the House of the sixteenth instant, relative to a joint caucus of the two Houses,

Mr. Stutsman moved that the Council meet the House in joint convention to-morrow at half past eleven o'clock, A. M.

Which motion prevailed.

On the motion of Mr. Turner,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON,  
*Secretary.*

## SIXTEENTH DAY.

COUNCIL CHAMBER,  
Tuesday, December 19th, 1865. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman, Turner, VanOsdel, and Mr. President.

The journal of the eighteenth inst., was then read and approved.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Kingsbury introduced Council bill No. 14, An act to regulate the sale of poisons.

By unanimous consent, Mr. Armstrong introduced council bill No. 15, An act in relation to county surveyors.

### REPORTS OF COMMITTEES.

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs, has waited on his excellency the Governor, asking for all communications concerning immigration. His excellency informs your committee that such communications are in the hands of the chief clerk of the House.

A. VANOSDEL:

Mr. Stutsman, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal Relations,

have had under consideration council bill No 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory. The committee have agreed upon the opinion that the appropriation prayed for is necessary, and have accordingly instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have considered council bill No. 10, A memorial to Congress asking for a geological survey of the Black Hills and Bad Lands, in connection with the military forces under General Sully, in this Territory, and have instructed me to report the same back recommending its passage.

E. STUTSMAN,  
*Chairman.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, beg leave to report that they have examined council bill No. 7, An act providing for elections, and to prescribe the canvass and return of the same, and have found the same correctly engrossed.

G. W. KINGSBURY,  
*Chairman.*

Mr. Stutsman, from the committee on Highways, Bridges and Ferries, submitted the following report :

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, have had under consideration council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river, and have instructed me to report the same back recommending its passage.

E. STUTSMAN,  
*Chairman.*

The Special committee on council bill No. 9, submitted the following report :

**MR. PRESIDENT:**—Your Special committee to whom was referred council bill No. 9, An act incorporating the North Platte and Green River Bridge and Ferry Company, have had the same under consideration, and the committee have deemed it advisable to draft a substitute, instead of recommending the numerous amendments deemed necessary in order to perfect the bill. The committee have, therefore, agreed upon the substitute herewith reported, which, in the opinion of the committee, embraces all the desired amendments, and remedies the objectionable features of the bill.

All of which is respectfully submitted, with the recommendation that the substitute be adopted and that the same do pass.

E. STUTSMAN,  
J. W. TURNER.

*Committee.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills, submitted the following report :

**MR. PRESIDENT:**—Your committee on Engrossed and Enrolled bills, beg leave to report that in conjunction with the committee on Enrollment of the House, they have examined council bill No. 1, A memorial to Congress, relative to the North Branch of the Pacific railroad ; also,

Council bill No. 5, A memorial to Congress asking for the continuation of Post Route 13,577, from St. Paul, the capitol of Minnesota, to Yankton, the capitol of Dakota Territory, via Mankato and Sioux Falls city ; also,

Council bill No. 4, An act to amend chapter 19 of session laws of 1864-5 ; also,

Council bill No. 6, an Act to amend section 7, chapter 23, of the session laws of 1863-4, and have found the same correctly enrolled.

G. W. KINGSBURY,  
*Chairman.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills, submitted the following report :

**MR. PRESIDENT:**—Your committee on Engrossed and Enrolled bills, have the honor to report that they presented to his excellency the Governor, for his approval, this day at twelve

o'clock, M., council bill No. 6, An act to amend section seven, chapter 23, of session laws of 1863-4; also, council bill No. 4, An act to amend chapter 19, of session laws of 1864-5.

GEO. W. KINGSBURY,  
*Chairman,*

**BILLS ON THEIR FIRST AND SECOND READING.**

Council bill No. 14, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and

The bill was referred to the committee on Agriculture.

Council bill No. 15, was then taken up, and  
Read the first and second time.

Mr. Kingsbury moved the bill be referred to its appropriate committee.

Which motion prevailed, and

The bill was referred to the committee on Territorial Affairs.

**BILLS ON THEIR THIRD READING.**

Council bill No. 7, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
Turner, VanOsdel, and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Armstrong,

Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the  
House in the said bill.

Council bill No. 9, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
 “shall the bill pass?”

It was decided in the affirmative,

Yeas nine ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
 Stevens, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
 House in the said bill.

Council bill No. 10, was then taken up, and

On the motion of Mr. Armstrong,

Laid upon the table for future consideration.

Council bill No. 11, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
 “shall the bill pass?”

It was decided in the affirmative.

Yeas nine ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
 Stevens, Turner, VanOsdel and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Armstrong,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
 House in the said bill.

Council bill No. 12, was then taken up, and

Read the third time.

The question then being on its passage and it being put,  
 “shall the bill pass?”

It was decided in the affirmative.

Yeas nine ; nays none ; as follows :



Those who voted in the affirmative, are  
Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens,  
Stutsman, Turner, VanOsdel and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Ross,

Its title was agreed to

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

#### RESOLUTIONS.

Mr. Stutsman submitted the following resolution :

*Resolved*, That the President appoint two members to act on the committee on Finance, in the places of Messrs. Gregory and Thompson, who are absent from their seats. Which resolution,

On the motion of Mr. Armstrong,

Was adopted, and

The chair appointed as such committee, Messrs. Turner and Stevens.

Mr. Ross submitted the following resolution :

*Resolved*, That the regular hour of meeting, until otherwise ordered, be at the hour of ten o'clock, A. M. Which resolution,

On the motion of Mr. Ross,

Was adopted.

Mr. Stutsman moved that a committee of two be appointed to wait upon the honorable House, and ascertain if that body is now ready to meet the Council in joint convention.

Which motion prevailed, and

The chair appointed Messrs. Stutsman and Turner as such committee.

On motion of Mr. Ross,

The Council took a recess of ten minutes.

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The time having expired,

The President resumed the chair, and called the Council to order.

The select committee, appointed to wait upon the honorable House, submitted the following report :

MR. PRESIDENT:—Your select committee appointed to wait upon the House and inform them that the Council is ready to meet the House in joint convention or “caucus,” performed the duty assigned them, and have to report that they found the House in deep discussion of the subjects of joint convention and joint caucus. And the committee, after waiting a reasonable time, were not able to obtain any response from the honorable Speaker relative to the wishes of the House ; and your committee are, therefore, unable to give you any information as to what the House really intends to do.

E. STUTSMAN,  
J. W. TURNER.

Hereupon, a committee of three, from the House, was announced, who made their appearance in the hall, and informed the Council that the House was now ready to meet them in joint convention, and that they would escort the Council to the Representative hall. Whereupon,

On the motion of Mr. Stutsman,

The Council adjourned to the Representative hall to meet the House in joint convention.

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### IN JOINT CONVENTION.

The President of the Council took the chair as chairman of the joint convention.

The chief clerk of the House and the assistant secretary of the Council, were instructed to act as clerks of the joint convention.

The roll being then called, the following gentlemen answered to their names:

*Members of the House.*—Messrs. Ash, Austin, Brookings, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn, and Mr. Speaker.

*Members of the Council.*—Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Turner, VanOsdel and Mr. President.

It appearing that a quorum of each House was present, and the convention fully organized,

Mr. Stutsman submitted the following resolution :

*Resolved,* That it is the opinion of this joint convention that sound policy would suggest the propriety of the passage of a memorial, by this Legislative Assembly, to the President of the United States, praying him to order into market certain townships and parts of townships of the public domain in this Territory, as may be designated by this Legislature.

Mr. Stutsman moved the resolution be adopted.

A division of the convention being called for on the motion to adopt,

There were fifteen voting in the negative, and fourteen in the affirmative,

So the motion did not prevail.

Mr. Stutsman submitted the following resolution :

*Resolved,* That it is the sense of this convention that the Revenue law, which is proposed to be introduced during the present session of the Legislative Assembly, should contain a provision requiring every male person above the age of twenty-one to pay a poll tax yearly of one dollar, for the benefit of common schools.

Which resolution was adopted.

On the motion of Mr. Stutsman,

The joint convention dissolved.

Whereupon, the Council returned to the council chamber, and The President resumed the chair.

On the motion of Mr. Stutsman,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON.

*Secretary.*

## SEVENTEENTH DAY.

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COUNCIL CHAMBER,  
 Wednesday, December 20th, 1865. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. LaBreeche, Stevens, Stutsman, Turner, VanOsdel, Weeks, and Mr. President.

The Journal of the nineteenth instant, was then read and approved.

### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Turner introduced council bill No. 16, Joint Resolution relative to Abraham Lincoln.

Pursuant to notice, Mr. VanOsdel introduced council bill No. 17, A bill to regulate and establish a fence law.

Pursuant to previous notice, Mr. Stutsman introduced council bill No. 18, An act to establish the courts and define the jurisdiction of Justices of the Peace.

### RESOLUTIONS.

Mr. Stutsman submitted the following preamble and resolution :

WHEREAS, The congress of the United States, at the last session thereof, among other things, provided for the construction of bridges on the Big Sioux, Vermillion, Dakota, and other streams within this Territory, which undertaking was, by the Hon. Secretary of the Interior, placed in the hands of Superintendent G. C. Moody, who thus far has done nothing

on any of the proposed bridges; with the exception of the one on the Big Sioux, for which he has procured all or the greater portion of the materials, but has suspended work upon the same for the want, as we are informed, of funds; and

WHEREAS, The appropriation of ten thousand dollars was, in the opinion of Congress as well as of individuals residing in the immediate vicinity of the proposed bridge, ample to erect such a bridge as is deemed necessary; and

WHEREAS, Great dissatisfaction is expressed by the citizens of this Territory and of the State of Iowa, who are most directly interested in the early completion of said bridge, it becomes the duty of this Legislative Assembly to inquire into the real ground of complaint, in order that the blame, if blame there justly be, may rest upon the proper person. Therefore,

*Be it Resolved*, That a committee of two be appointed by the chair, whose duty it shall be, in conjunction with a like committee on the part of the House, to wait upon Superintendent G. C. Moody, and respectfully request him to furnish this Legislative Assembly an itemized statement of his disbursements of public moneys, appropriated for the erection of a bridge over the Big Sioux River. And further, that the Secretary be instructed to transmit a copy hereof to the House of Representatives, respectfully requesting action by the House as herein contemplated. Which resolution,

On the motion of Mr. Stutsman,  
Was adopted.

The chair appointed Messrs. Cole and LaBreeche, as such committee.

On the motion of Mr. Stutsman,  
The Secretary was instructed to furnish the committee with a certified copy of the resolution.

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 16, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to a select committee of three,

Which motion prevailed, and

The chair appointed Messrs. Turner, Stutsman and Stevens, as such committee.

Council bill No. 18, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Judiciary.

Council bill No. 17, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Agriculture.

On the motion of Mr. Stutsman,  
The Council took a short recess.

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After a short time spent in recess,  
The President resumed the chair, and called the Council to order.

Mr. Kingsbury submitted the following preamble and resolution :

WHEREAS, The committee on Engrossed and Enrolled Bills, at present, is composed of but two members of the Council ;

*Be it Resolved*, That said committee be increased to the usual number of members appointed on all Standing Committees. Which resolution,

On the motion of Mr. Kingsbury,  
Was adopted.

The President appointed Mr. Stevens as such committee.

#### MESSAGES FROM THE HOUSE

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 20th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform the honorable Council that the House has passed house file No.

11, an Act relative to county officers, which I herewith transmit, and request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

On the motion of Mr. VanOsdel,

Mr. Cole was excused for non-attendance upon this Council on yesterday.

House file No. 5, an Act relative to county officers, was then taken up, and

Read the first and second time.

Mr. Turner moved the bill be referred to its appropriate committee,

Which motion prevailed, and so the bill was

Referred to the committee on Judiciary.

On the motion of Mr. Armstrong,

Council bill No. 10, was then taken from the table, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

Ordered, That the Secretary request the concurrence of the House in said bill.

On the motion of Mr. VanOsdel,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON,  
*Secretary.*

## EIGHTEENTH DAY.

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COUNCIL CHAMBER,  
Thursday, December 21st, 1865. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Turner, VanOsdel, Weeks and Mr. President.

The journal of the twentieth inst., was then read and approved.

### NOTICE OF BILLS.

Mr. Kingsbury in the chair.

Mr. Stickney gave notice that on to-morrow or some subsequent day of the session, he would introduce a memorial to Congress praying that chapter 130 of volume 12, United States Statutes at Large, be so amended that the provisions of said act may apply to the Territories.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Kingsbury introduced council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians.

### REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary have had under consideration council bill No. 18, an Act to establish the Courts and define the jurisdiction of Justices of the Peace, and



have instructed me to report the same back with the recommendation that the bill be made the special order in committee of the whole House, this day, after the conclusion of the business upon the daily calendar.

E. STUTSMAN,  
*Chairman.*

Mr. Turner, from the special committee to whom was referred council bill No. 16, submitted the following report:

MR. PRESIDENT:—The select committee to whom was referred Joint Resolutions relative to Abraham Lincoln, have had the same under consideration and have directed their chairman to report them back to the Council with a recommendation that they do pass.

J. W. TURNER,  
*Chairman.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 19, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Turner,  
Referred to the committee on Indian Affairs.

Council bill No. 16, was then taken up, and  
On the motion of Mr. Armstrong,  
Made the special order for to-morrow in committee of the whole House, after the conclusion of the business on the daily calendar.

Council bill No. 18, was then taken up, and  
The report of the committee on Judiciary, reporting the bill back and recommending its reference to the committee of the whole House after the conclusion of the business upon the daily calendar, read, and  
On the motion of Mr. Stutsman,  
The report was concurred in.

SPECIAL ORDER.

The business upon the daily calendar being concluded,  
On the motion of Mr. Stutsman,  
The Council resolved itself into the committee of the whole House on council bill No. 18.

After some time spent therein, the committee arose, and Mr. Turner reported as follows:

MR. PRESIDENT:—The committee of the Whole House have had under consideration council bill No. 18, an Act to establish the Courts and define the jurisdiction of Justices of the Peace, and having gone through with the same, have instructed their chairman to report the bill back to the House with the request to be relieved from its further consideration, and recommend its re-commitment to the committee on Judiciary.

J. W. TURNER,  
*Chairman.*

On the motion of Mr. Stutsman,  
The request of the committee was granted, and their recommendation concurred in.

So the bill was recommitted to the committee on Judiciary.

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House:

HOUSE OF REPRESENTATIVES, }  
December 21st, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 3, an Act fixing the time of holding courts in the first, second and third Judicial Districts; and the time of holding the courts in the county of Union; with attached amendments, which bill I herewith transmit.

I have also to inform you that the House has passed council bill No. 12, A memorial to Congress praying for an appropriation to erect a Capitol building in Dakota Territory, which bill I herewith transmit.

I have also to inform you that the House has passed house file No. 19, A memorial to Congress asking for the establishment of a mail route from Sioux Falls, Dakota Territory, to Ponca, Nebraska Territory, which bill I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

House file No. 19, A memorial to Congress asking for the

establishment of a mail route from Sioux Falls, Dakota Territory, to Ponca, Nebraska Territory, was then taken up, and

Read the first and second time,

Mr. Kingsbury moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was

Referred to the committee on Federal Relations.

Council bill No. 8, returned from the House with amendments, was then taken up for consideration.

The first amendment proposed by the House was then read as follows:

In section first, fourth line, strike out the words "third Monday of May," and insert in lieu thereof the "second Monday of May."

The question being on agreeing to the amendment, and it being put "will the Council agree thereto?"

The amendment was disagreed to.

The second amendment proposed by the House was then read as follows:

In section three, lines three and four, insert the words "first Monday of June," in lieu of "fourth Monday in June"

The question then being on agreeing to the amendment, and it being put "will the Council agree thereto?"

The amendment was disagreed to.

On the motion of Mr. Stutsman,

The Council took a short recess.

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After a short time spent in recess,

The President resumed the chair, and called the Council to order.

On the motion of Mr. Turner,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON,

*Secretary.*

## NINETEENTH DAY.

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COUNCIL CHAMBER,  
Friday, December 22d, 1865. }

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Turner, Van Osdel, Weeks and Mr. President.

[The journal of the twenty-first instant was then read and approved.]

### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Armstrong introduced council bill No. 20, An act to establish a public school law for the Territory of Dakota.

### RESOLUTIONS.

Mr. Kingsbury submitted the following resolution:

*Resolved*, That the use of this Council chamber be granted to the Yankton Ladies Educational Aid Society, for the purpose of holding a festival therein, on the evening of the 25th instant. Which resolution,

On the motion of Mr. Stutsman, was  
Adopted.

### REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary to whom was re-committed council bill No. 18, An act to establish the

courts and define the jurisdiction of Justices of the Peace, have had the same under consideration, and have agreed upon the following amendments thereto, to-wit:

- Sec. 2, line 15, change the word 'petson,' to 'person.'
- Sec. 37, line 2, after first word, change 'an,' to 'and.'
- Sec. 92, line 1, change the word 'include,' to 'including.'
- Sec. 175, line 6, change the word 'resident,' to 'residents.'
- Sec. 205, line 4, change the word 'elling,' to 'selling.'
- In form of execution, line 6, change 'made,' to 'make.'
- Sec. 267, line 3, change the word 'affilavit,' to 'affiant.'
- Sec. 292, line 2, strike out the words 'or recorder of deeds.'

With these amendments, in the opinion of the committee, the bill is as nearly perfect as the brief time allowed will permit them to render it.

The committee have accordingly instructed me to report the bill back with the attached amendments, with the recommendation that the same do pass.

E. STUTSMAN,  
*Chairman.*

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs, to whom was referred council bill No. 15, have had the same under consideration, and report the same back recommending its passage.

A. VAN OSDEL,  
*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal Relations have considered house file No. 19, A memorial to Congress asking for the establishment of a mail route from Sioux Falls, Dakota Territory, to Ponca, Nebraska Territory, and have instructed me to report the bill back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT:—Your committee on Agriculture to whom was referred council bill No. 14, An act to regulate the sale of poisons, have had the same under consideration and report the same back without amendment, and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills, submitted the following reports :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled Bills, have the honor to report that they presented to the Secretary of the Territory, on the 21st instant, council bill No. 1, A memorial to Congress relative to the North Branch of the Pacific Railroad; also, council bill No. 5, A memorial to Congress asking for a continuation of Post Route 13,577, from St. Paul, Minnesota, to Yankton, D. T., via Mankato and Sioux Falls city.

GEO. W. KINGSBURY,  
*Chairman.*

MR. PRESIDENT:—Your committee on Engrossed and Enrolled Bills, have to report that in connection with the committee on Enrollment of the House, they have examined council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory, and have found the same correctly enrolled.

G. W. KINGSBURY,  
*Chairman.*

MR. PRESIDENT:—Your committee on Engrossed and Enrolled Bills, beg leave to report that they have examined council bill No. 18, An act to establish the courts and define the jurisdiction of Justices of the Peace, and have found the same correctly engrossed.

G. W. KINGSBURY,  
*Chairman.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 20, was then taken up, and,

Read the first and second time.

Mr. Kingsbury moved the bill be referred to its appropriate committee.

Which motion prevailed, and so

The bill was referred to the committee on Education.

Council bill No. 13, A bill to authorize the sheriffs of the different counties of this Territory to levy a tax on all non-residents grazing or herding cattle or sheep within the limits of any organized county of this Territory, was then taken up, and

Read the first and second time, and

On the motion of Mr. Armstrong,

Referred to the committee on Judiciary.

#### BILLS ON THEIR THIRD READING.

Council bill No. 15, was then taken up for consideration.

On the motion of Mr. Armstrong,

The bill was laid upon the table until to-morrow.

Council bill No. 18, reported back by the committee on Judiciary with amendments, was then taken up and

The first amendment proposed by the committee read.

The question then being on its adoption, and it being put, The amendment was adopted.

The second amendment was then read, and

The question then being on its adoption, and it being put, The amendment was adopted.

The third amendment was then read,

And the question being on its adoption and it being put, The amendment was adopted.

The fourth amendment was then read,

The question then being on its adoption, and it being put, The amendment was adopted.

The fifth amendment was then read,

The question then being on its adoption, and it being put, The amendment was adopted.

The sixth amendment was then read,

The question then being on its adoption, and it being put, The amendment was adopted.

The seventh amendment, was then read,  
The question then being on its adoption, and it being put,  
The amendment was adopted.

The eighth amendment was then read,  
The question then being on its adoption, and it being put,  
The amendment was adopted.

On the motion of Mr. Stutsman,  
The bill was then ordered engrossed for the third reading  
to-morrow.

Council bill No. 14, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens,  
Stutsman, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Kingsbury,

Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the  
House in the said bill.

House file No. 19, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens,  
Stutsman, Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.



## MESSAGES FROM THE HOUSE.

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES, }  
December 22d, 1865. }

MR. PRESIDENT:—I am instructed to inform your honorable body that there was a mistake in reporting the amendments made by the House to council bill No. 3, An act fixing the time of holding the District Courts in the first second and third Judicial Districts, and the time of holding the courts in the county of Union. The mistake occurred in reporting an amendment to the time of holding the District Court in the first Judicial District, instead of in the county of Union.

The amendment was as follows :

In Sec. 4, line 4, insert the word "first," in lieu of "third," before the words "Tuesday of April."

I herewith transmit said bill.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
December 22d, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 2, An act to amend chapter 33, session laws of 1864-5; also

Council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river, which bills I herewith transmit.

I have also to inform you that the House has passed house file No. 13, A bill to authorize the sheriffs of the different counties of this Territory to levy a tax on all non-residents grazing or herding cattle or sheep within the limits of any organized county of this Territory; which bill I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

Council bill No. 3, returned from the House with amendments, was then taken up, and

On the motion of Mr. Stutsman,  
Laid upon the table.

Mr. Stutsman introduced the following preamble and resolution :

WHEREAS, The Council has just been informed by the House that the amendments by the House to council bill No. 3, as communicated on yesterday, are erroneous, through a mistake in transmitting the same ; and

WHEREAS, the Council did, on yesterday, refuse to concur in said amendments ; therefore,

*Be it Resolved*, That the vote on yesterday, by which the Council refused to concur in the amendments communicated from the House, be reconsidered.

Which resolution, on motion, was  
Adopted.

#### ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced council bill No. 16, in committee of the whole House.

After some time spent therein, the President resumed the chair and

Mr. Ross reported as follows :

MR. PRESIDENT:—The committee of the whole House have had under consideration council bill No. 16, and having gone through with the same, have instructed their chairman to report the bill back to the House and recommend its reference to a select committee of five, and request to be relieved from its further consideration.

N. V. ROSS,  
*Chairman.*

On the motion of Mr. Stutsman,

The report was agreed to, and

The chair appointed as such committee Messrs. Kingsbury, Armstrong, Turner, Ross, and Stevens.

On the motion of Mr. Stutsman,

The vote by which council bill No. 18, was ordered engrossed for a third reading to-morrow, was re-considered, and

On the motion of Mr. Stutsman,

Ordered engrossed for a third reading to-day.

Council bill No. 18, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross,  
Stevens, Stutsman, Turner, VanOsdel, Weeks, and Mr. Pres-  
ident.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

The following communication was then received from his  
Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, December 21, 1865. }

SIR:—I have the honor to enclose herewith An act to amend  
chapter 19 of session laws of 1864-5; also, An act to amend  
section 7, chapter 23, of session laws of 1863-4, which I have  
this day approved and signed.

I am sir,

Very Respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,

*President of the Council.*

On the motion of Mr. Ross,  
The Council adjourned.

GEORGE STICKNEY,

*President.*

ATTEST:—

J. R. HANSON,

*Secretary.*

## TWENTIETH DAY.

COUNCIL CHAMBER,  
Saturday, December 23d, 1865. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Turner, VanOsdel, Weeks and Mr. President.

[The Journal of the twenty-second instant, was then read and approved.]

## NOTICE OF BILLS.

Mr. Armstrong gave notice that he would on some subsequent day of the session, introduce a bill to authorize the levy and collection of a direct tax of four mills on the dollar, for the erection of a common jail in Yankton county.

Mr. Kingsbury gave notice that he would on Monday or some subsequent day of the session, introduce a bill to regulate the license and keeping of dogs.

Mr. Stutsman gave notice that on Monday next, or some other day after this session, it was his present intention to introduce a bill providing for the encouragement of the cultivation of *dorges*, and to improve the breed thereof; and also to prescribe a punishment for the *drowning of purpes*.

Mr. Stutsman gave notice that on Monday next or some subsequent day of the session, he would introduce a bill providing a Civil Code for the Territory of Dakota, and asked permission to introduce the same in printed form.

On the motion of Mr. Turner,  
Permission was granted.

#### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Kingsbury introduced council bill No. 22, An act to prohibit nuisances, and to promote the public health.

Mr. Armstrong, pursuant to previous notice, introduced council bill No. 21, An act to regulate the fees of county officers.

#### REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT :—Your committee on Judiciary, have had under consideration house file No. 11, An act relative to county officers, and the committee are of the opinion that an act upon the subject of justices, and constables qualifying and giving bond, is necessary ; but the bill being so defective in many essential respects, cannot be made to answer the purpose intended. The committee have therefore agreed upon a substitute bill, entitled An act requiring justices of the peace and constables to qualify and give bond ; which, in the opinion of the committee, contains the requisite provisions to secure the legislation sought. I have accordingly been instructed to report the substitute with the recommendation that it be adopted, and that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT :—Your committee on Engrossed and Enrolled bills have the honor to report that they handed to the Secretary of the Territory, for safe keeping, on Friday, December 22, 1865, council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building.

G. W. KINGSBURY,  
*Chairman.*

## BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 21, was then taken up, and  
Read the first and second time.

Mr. Armstrong moved the bill be referred to its appropriate  
committee.

Which motion prevailed, and so  
The bill was referred to the committee on Judiciary.

Council bill No. 22, was then taken up, and  
Read the first and second time.

On motion of Mr. Kingsbury,  
Referred to the committee on Judiciary.

## BILLS ON THEIR THIRD READING.

Council bill No. 15, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative,  
Yeas ten; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman,  
Stevens, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Turner,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

House file No. 11, reported back by the committee on Ju-  
diciary, with a substitute, was then taken up, and

On the motion of Mr. Stutsman,  
The substitute was agreed to.

The substitute was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.  
Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stutsman, Stevens, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Ross,  
Its title was agreed to.

ORDER OF THE DAY.

The hour having arrived for the consideration of the order of the day,

The President announced the concluding portion of the Governor's message in committee of the Whole House.

After some time spent therein, the President resumed the chair, and

Mr. Stevens reported as follows:

MR. PRESIDENT:—The committee of the Whole have had under consideration, special order to-wit: The concluding portion of the Governor's message, and having arrived at no resolution thereon, ask leave to sit again.

O. F. STEVENS,  
*Chairman.*

On the motion of Mr. Turner,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:

J. R. HANSON,  
*Secretary.*

## TWENTY-SECOND DAY.

COUNCIL CHAMBER,  
Monday, December 25th, 1865. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Turner, Weeks and Mr. President.

The journal of the twenty-third inst., was then read and approved.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Armstrong introduced council bill No. 23, An act to authorize the county commissioners of Yankton county, to levy and collect a direct tax to build a county jail.

Pursuant to previous notice, Mr. Stutsman introduced council bill No. 24, A bill for an act to encourage the cultivation of dogs, and the improvement of the breeds thereof; and to prescribe the punishment for the drowning of puppies.

Mr. Cole in the chair.

By unanimous consent, Mr. Stickney introduced council bill No. 25, An act to amend chapter twenty-three of the laws of 1863-4.

### REPORTS OF COMMITTEES

Mr. Stutsman, from the committee on Judiciary, submitted the following report :



MR. PRESIDENT:—Your committee on Judiciary have had under consideration house file No. 13, entitled, A bill to authorize the sheriffs of the different counties of this Territory, to levy a tax on all non-resident's grazing and herding cattle or sheep within the limits of any organized county of this Territory. And your committee have instructed me to report the same back with the recommendation that the bill be recommit-  
ted to the committee on Territorial Affairs, with the instructions to report a substitute bill.

E. STUTSMAN,  
*Chairman.*

Mr. Cole, from the Special committee appointed the twentieth inst., to wait upon G. C. Moody, Esq., in conjunction with a like committee on the part of the House, and request him to furnish this Legislative Assembly with an itemized statement of his disbursements on the Big Sioux Bridge, reported,

That the committee had discharged the duty imposed upon them, and that Mr. Moody informed the said committee that he would furnish the Legislative Assembly the desired information some day this week.

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 23, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to a select committee of three,

Which motion prevailed, and so the bill was  
Referred to the committee on Counties.

Council bill No. 24, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Turner,  
Laid upon the table, and ordered printed.

Council bill No. 25, was then taken up, and  
Read the first and second time.

Mr. Turner moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Education.

## BILLS ON THEIR THIRD READING.

House file No. 13, reported back by the committee on Judiciary, recommending its reference to the committee on Territorial Affairs, was then taken up, and

The report read, and

On the motion of Mr. Turner,

Was adopted.

So the bill was recommitted to the committee on Territorial affairs.

On the motion of Mr. Stutsman,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON.

*Secretary.*

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TWENTY-THIRD DAY.

COUNCIL CHAMBER,  
Tuesday, December 26th, 1865. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

The journal of the twenty-fifth inst., was then read and approved.

#### NOTICE OF BILLS.

Mr. Kingsbury gave notice of his intention to introduce a bill regulating the rates of printers fees.

#### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Kingsbury introduced Council bill No. 26, An act to regulate the license and keeping of dogs.

#### REPORTS OF COMMITTEES.

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills, submitted the following report :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, in conjunction with the committee on Enrollment of the House, have examined council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river; also, council bill No. 2, An act to amend chapter 33, of the session laws of 1864-5, and have found the same correctly enrolled.

GEO. W. KINGSBURY,  
*Chairman,*

Mr. Cole, from the committee on Indian Affairs, submitted the following report.

MR. PRESIDENT:—Your committee on Indian Affairs, to whom was referred council bill No. 19, An act to prohibit the furnishing of intoxicating liquor to Indians, have had the same under consideration, and have instructed me to report the bill back, and recommend its passage.

AUSTIN COLE,  
*Chairman.*

Mr. Kingsbury, from the special committee appointed on the twenty-third inst., submitted the following report:

MR. PRESIDENT:—The select committee to whom was referred council bill No. 16, Joint Resolutions relative to Abraham Lincoln, have duly considered the same, and beg leave to

report said bill back with the accompanying amendments, and recommend that the same do pass.

G. W. KINGSBURY,  
J. W. TURNER.  
N. V. ROSS,  
M. K. ARMSTRONG,  
Q. F. STEVENS.

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills, submitted the following reports :

MR. PRESIDENT :—Your committee on Engrossed and Enrolled bills, have to report that in conjunction with the committee on Enrollment of the House, they have examined council bill No. 9, An act incorporating the North Platte and Green River Bridge and Ferry Company, and have found the same correctly enrolled.

GEO. W. KINGSBURY.  
*Chairman.*

MR. PRESIDENT :—Your committee on Enrollment have to report that they handed to his excellency, the Governor, for his approval, on Tuesday, Dec. 26, at twelve o'clock, M., the following bills :

Council bill No. 2, An act to amend chapter thirty-three of the session laws of 1864-5 ; also,

Council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river ; also,

Council bill No. 9, An act incorporating the North Platte and Green River Bridge and Ferry Company.

GEO. W. KINGSBURY.  
*Chairman.*

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES,  
December 26th, 1865. }

MR. PRESIDENT :—I am instructed to inform your honorable body that the House has passed council bill No. 9, (substitute,) An act incorporating the North Platte and Green River Bridge and Ferry company, which bill I herewith transmit.

I have also to inform you that the House has passed house

file No. 20, A bill to regulate the admission of attorneys, which bill I herewith transmit, and respectfully request the concurrence of the Council therein.

I have also to inform you that the House has adopted council substitute to house file No. 11, An act relative to county officers.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 26, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Kingsbury,  
Referred to the committee on Territorial Affairs.

House file No. 20, A bill to regulate the admission of attorneys, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Kingsbury,  
Referred to the committee on Judiciary.

Mr. Stutsman moved that Mr. Thompson be excused for the time absent during the session, on account of sickness.  
Which motion prevailed.

BILLS ON THEIR THIRD READING.

Council bill No. 19, was then taken up, and  
Read the third time.  
The question then being on its passage, and it being put,  
"shall the bill pass?"  
It was decided in the affirmative.  
Yeas twelve; nays none; as follows:  
Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.  
None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Turner,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 16, reported back by the select committee with attached amendments, was then taken up and

The first amendment proposed by the committee read.

Mr. Turner moved its adoption.

Mr. Kingsbury moved to amend the motion by adopting the amendment as a substitute for the first section of the original bill.

The question being on the motion to amend the motion to adopt.

The motion prevailed.

The question then being upon the motion as amended,

The motion prevailed, and

So the first amendment was adopted.

The second amendment was then read, and

On the motion of Mr. Kingsbury,

Adopted.

The third amendment was then read, and

On the motion of Mr. Turner,

Adopted, when

On the motion of Mr. Armstrong,

The bill was ordered engrossed for the third reading to morrow.

On the motion of Mr. Armstrong,

Council bill No. 3, was then taken from the table,

Pending the consideration of which,

On the motion of Mr. Stutsman,

The Council adjourned.

GEORGE STICKNEY,

*President.*

ATTEST:—

J. R. HANSON,

*Secretary.*

## TWENTY-FOURTH DAY.

COUNCIL CHAMBER,  
Wednesday, December 27th, 1865. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

The journal of the twenty-sixth inst., was then read and approved.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Armstrong introduced council bill No. 27, An act creating a Board of Immigration for the Territory of Dakota.

### REPORTS OF COMMITTEES.

Mr. Armstrong, from the committee on Education, submitted the following report:

MR. PRESIDENT:—Your committee on Education, to whom was referred council bill No. 25, An act to amend chapter 23 of session laws of 1863-4, have had the same under consideration, and have instructed me to report the same back and recommend that it do pass.

M. K. ARMSTRONG,  
*Chairman.*

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs,

to whom was referred council bill No. 22, a bill relative to the public health, have had the same under consideration, and report it back recommending its passage.

A. VANOSDEL,  
*Chairman.*

Mr. Weeks, from the committee on Counties, submitted the following report :

MR. PRESIDENT :—The committee on Counties, to whom was referred council bill No. 13, An act on the subject of towns, have directed their chairman to report the same back to the Council with the recommendation that it do pass.

C. WEEKS,  
*Chairman.*

Mr. LaBreeche, from the special committee appointed in conjunction with a like committee from the House, to wait upon G. C. Moody, Esq., and request him to furnish this Legislative Assembly with an itemized statement of his disbursements on account of the Big Sioux bridge, submitted the following communication from Mr. Moody :

MESSRS. COLE, AND LABREECHE, *Committee on behalf of the Council; and*

KELLOGG, AND MCCARTHY, *on behalf of the House of Representatives, of the Territory of Dakota.*

GENTLEMEN :—Having presented me with a copy of a joint resolution of the Hon. Legislative Assembly of the Territory of Dakota, requesting me to furnish to such Legislative Assembly a statement of my disbursements on account of the appropriation for the Big Sioux Bridge, and requested me to state in writing whether I would comply with such request; I have the honor to reply, that I shall be very happy to furnish the Hon. Bodies of which you are the representatives, any information in my possession which may serve to assist them in the performance of their arduous duties when properly requested, and inasmuch as the information asked for seems, by the passage of the resolution, to be deemed of such a nature, I



will furnish such statement as soon as I can conveniently do so.

I have the honor to be,

Very Respectfully,

Your ob't serv't,

G. C. MOODY.

Mr. Turner, from the committee on Engrossed and Enrolled Bills, reported that the committee had examined council bill No. 16, Joint Resolution relative to Abraham Lincoln and Andrew Johnson, and have found the same correctly engrossed.

#### UNFINISHED BUSINESS.

Council bill No. 3, being the unfinished business of yesterday, was then taken up.

On the motion of Mr. Stutsman,

The Secretary was ordered to request the House to appoint a conference committee on the said bill.

#### MESSAGES FROM THE HOUSE.

The following messages were then received from the House:

HOUSE OF REPRESENTATIVES, }  
December 27th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 15, An act in relation to county surveyors, which bill I herewith transmit.

I have also to inform you that the House has passed the following house files: house file No. 10, A bill to amend section 8, chapter 37 of the session laws of 1862; house file No. 16, An act prohibiting the harboring of Indians within the organized counties; and house file No. 22, joint resolution endorsing the policy of President Johnson, which are herewith transmitted and the concurrence of the Council requested therein.

I have also to inform you that council bill No. 18, An act to establish the courts and define the jurisdiction of Justices of the Peace, has been laid on the table.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
December 27th, 1865. }

MR. PRESIDENT:—I have the honor herewith to transmit the annual report of the Territorial Board of Education, presented to the House of Representatives on the 21st instant, in compliance with a resolution adopted by that body on the 19th instant, requesting the Board of Education to make a report of their doings, &c.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 27, was then taken up, and  
Read the first and second time, and

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so

The bill was referred to the committee on Territorial Affairs.

House file No. 10, A bill to amend section eight, chapter 37 of the session laws of 1862, was then taken up, and

On the motion of Mr. Stutsman,

Referred to the committee on Judiciary.

House file No. 16, (substitute bill) An act prohibiting the harboring of Indians within the organized counties, was then taken up, and

Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so

The bill was referred to the committee on Indian Affairs.

House file No. 22, Joint Resolution indorsing the policy of President Johnson, was then taken up, and

On the motion of Mr. Armstrong,

Referred to the committee on Federal Relations.

BILLS ON THEIR THIRD READING.

Council bill No. 13, was then taken up, and

On the motion of Mr. Stutsman,

Recommitted to the committee on Military Affairs.

Council bill No. 22, was then taken up, and  
 On the motion of Mr. Armstrong,  
 Recommended to the committee on Territorial Affairs.

Council bill No. 25, was then taken up, and  
 Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative,  
 Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, LaBreeche, Ross, Stutsman, Thompson,  
 Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,  
 So the bill was passed, and  
 On the motion of Mr. Weeks,  
 Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the  
 House in the said bill.

Council bill No. 16, was then taken up, and  
 Read the third time.

The question then being on its passage, and it being put  
 "shall the bill pass?"

It was decided in the affirmative.  
 Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, LaBreeche, Ross, Stutsman, Thomp-  
 son, Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative.  
 So the bill was passed, and  
 On the motion of Mr. Stutsman,  
 Its title was agreed to

*Ordered,* That the Secretary request the concurrence of the  
 House in the said bill.

The report of the Board, of Education was then taken up  
 for consideration, and

On the motion of Mr. Stutsman,  
 Laid upon the table, and a sufficient number ordered printed  
 for the use of the Council.

On the motion of Mr. Weeks,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON,  
*Secretary.*

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## TWENTY-FIFTH DAY.

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COUNCIL CHAMBER,  
Thursday, December 28th, 1865. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, LaBreeche, Ross, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the twenty-seventh inst., was then read and approved.

### NOTICE OF BILLS.

Mr. Turner gave notice that it was his intention to introduce a bill providing a fence law for the Territory.

### REPORTS OF COMMITTEES.

Mr. Armstrong, from the committee on Indian Affairs, submitted the following report:

MR. PRESIDENT:—The undersigned, a majority of the committee on Indian Affairs, to whom was referred house file No. 16, a substitute bill for an act to prohibit the harboring of Indians within the organized counties, have had the same under consideration, and in the absence of the chairman of the committee, we herewith report the bill back and recommend that it do pass.

M. K. ARMSTRONG,  
C. WEEKS.

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary have had under consideration house file No. 10, entitled, A bill to amend section eight, chapter thirty-seven, of the session laws of 1862. The object of said bill is to reduce the amount of property exempt by law from execution, which, in the judgment of the committee, would, under existing circumstances, operate most injurious to the people of this Territory. The moment you break down a liberal and well guarded exemption, you open the door to the credit system, which encourages extravagance and finally results in a financial crash, and the inextricable ruin of many families, that under the existing laws would be prosperous and happy. The committee have, therefore, instructed me to report the bill back with the recommendation that it be rejected.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary, have had under consideration house file No. 20, A bill regulating the admission of attorneys to the several courts of this Territory, and have instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT :—Your committee on Territorial Affairs, to whom was recommitted council bill No. 22, An act to prohibit nuisances and to promote the public health, have examined the same, and find that the provisions of the act are substantially embodied in chapter 12, of the Penal Code of this Territory. It is therefore recommended that the bill be indefinitely postponed.

A. VANOSDEL,  
*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT :—Your committee on Federal Relations have had under consideration house file No. 22, purporting to be Joint resolution indorsing the policy of Andrew Johnson ; from an examination of which it would appear that either the wrong document has been transmitted, or that the House has indulged in a pleasant joke by transmitting a paper purporting to be a bill upon a serious subject, written throughout in pencil, and not a bill in the legal acceptation of the term. The committee have therefore instructed me to report the paper back, with the recommendation that the same be returned to the House with the request for an explanation.

E. STUTSMAN,  
*Chairman.*

Mr. Weeks, from the committee on Counties, submitted the following report :

MR. PRESIDENT :—Your committee on Counties, to whom was referred council bill No. 23, An act to authorize the county commissioners of Yankton county, to levy and collect a direct tax to build a county jail, have had the same under consideration, and report it back without amendment and recommend its passage.

C. WEEKS,  
*Chairman.*

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES,  
December 28, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 14, An act to regulate the sale of poisons, which bill I herewith transmit.

I am also instructed to inform you that the House has passed house file No. 21, A bill regulating the printing and distribution of the laws and journals of Dakota Territory, which bill I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

House file No. 21, A bill regulating the printing and distribution of the laws and journals, was then taken up, and

Read the first and second time.

Mr. Weeks moved the bill be referred to its appropriate committee.

Which motion prevailed, and so the bill was  
Referred to the committee on Judiciary.

BILLS ON THEIR THIRD READING.

Council bill No. 22, reported back by the committee on Territorial Affairs, recommending its indefinite postponement was then taken up, and the report read, and

On the motion of Mr. Stutsman,

The report of the committee was agreed to.

So the bill was indefinitely postponed.

Council bill No. 23, was then taken up, and

On the motion of Mr. Armstrong,

Recommitted to the committee on Judiciary.

House file No. 10, reported back by the committee on Judiciary, recommending it be rejected, was then taken up, and the report read.

Mr. Stutsman moved that the bill be recommitted to the committee on Judiciary, with instructions to report a substitute bill,

equalizing the exemption, but in no case to decrease the aggregate of the amount exempt.

Which motion prevailed, and so.

The bill was recommitted to the committee on Judiciary.

House file No. 16, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, LaBreeche, Ross, Stevens, Stutsman,  
Thompson, Turner, VanOadel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. VanOadel,

Its title was agreed to.

House file No. 20 was then taken up, and

Read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are.

Messrs. Armstrong, LaBreeche, Ross, Stevens, Stutsman,  
Thompson, Turner, VanOadel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

House file No. 22, reported back by the committee on Federal Relations recommending it be sent back to the House for an explanation, was then taken up, and the report of the committee read, and

On the motion of Mr. Stutsman,

The recommendation was concurred in.



## COMMUNICATIONS FROM THE GOVERNOR.

The following communication was then received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, December 27, 1865. }

SIR:—I have the honor to transmit herewith, An act granting to Barney McGraw a ferry charter across the Missouri river; also, An act incorporating the North Platte and Green River Bridge and Ferry Company; also, An act to amend chapter 33, of the session laws of 1864-5, which I have this day examined, approved and signed.

I am sir,

Very Respectfully,  
Your ob't serv't,  
NEWTON EDMUNDS,  
*Governor.*

HON. GEORGE STICKNEY,  
*President of the Council.*

On the motion of Mr. Turner,  
The Council adjourned,

GEORGE STICKNEY,  
*President.*

ATTEST:  
J. R. HANSON,  
*Secretary.*

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TWENTY-SIXTH DAY.

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COUNCIL CHAMBER, }  
Friday, December 29th, 1865. }

Council met pursuant to adjournment, and was called to order by the

**President in the chair.**

**Prayer by the Chaplain.**

**Roll called.**

**The following members responded to their names:**

**Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, Van Osdel, Weeks and Mr. President.**

**The journal of the twenty-eighth instant was then read and approved.**

#### NOTICE OF BILLS.

**Mr. LaBreeche gave notice that on to-morrow or some subsequent day of the session he would introduce a bill to provide for an act to amend chapter thirty-five of the laws of 1862.**

**Mr. Ross gave notice that he would on to-morrow, or some subsequent day of this session, introduce a bill for an act Incorporating the Black Hills Mining and Lumbering Association.**

**Mr. Weeks gave notice that on to-morrow or some subsequent day of the session he would introduce a memorial to Congress asking for the establishment of a Military Post on the Vermillion river.**

#### REPORTS OF COMMITTEES.

**Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:**

**MR. PRESIDENT:—Your committee on Territorial Affairs, to whom was referred council bill No. 27, An act creating a Board of Immigration for the Territory of Dakota, have had the same under consideration, and report it back recommending its passage.**

**A. VANOSDEL,**  
*Chairman,*

**Mr. LaBreeche, from the committee on Agriculture, submitted the following report:**

**MR. PRESIDENT:—Your committee on Agriculture, to whom was referred council bill No. 17, An act to regulate and establish a fence law, have had the same under consideration and re-**

port back a substitute for the original bill, and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

Mr. Kingsbury, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills have to report that in conjunction with the committee on Enrollment of the House they have examined council bill No. 15, An act in relation to county surveyors; also, council bill No. 14, An act to regulate the sale of poisons, and have found the same correctly enrolled.

G. W. KINGSBURY,  
*Chairman.*

Mr. Stevens, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on Enrollment would respectfully report that they have visited the office of his Excellency, the Governor, in pursuance of their prescribed duty, for the purpose of presenting to his Excellency, certain bills for his approval, and learned from his private secretary, that the Governor was absent from the county on business connected with Indian Affairs.

O. F. STEVENS.

#### BILLS ON THEIR THIRD READING.

Council bill No. 17, reported back by the committee on Agriculture with a substitute, was then taken up, and the substitute read.

Mr. Stutsman moved the word "Territory," be inserted in the enacting clause.

Which motion prevailed; when  
On motion of Mr. Stutsman,  
The substitute was agreed to, and  
The bill ordered engrossed for a third reading to-morrow.

Council bill No. 27 was then taken up, and  
On the motion of Mr. Armstrong,

Made the special order in committee of the whole House to-morrow, at the conclusion of the order of daily business.

MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES. }  
December 29th, 1865. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 7, An act to provide for elections and to prescribe the canvass and return of the same, which bill I herewith transmit.

I have also to inform you that Messrs. Collins, Taylor, Fargo, Brown, McCarthy, and Stevens, have been appointed a committee on the part of the House in the matter of difference between the two Houses concerning council bill No. 3, An act fixing the time of holding courts in the first, second and third Judicial Districts, and the time of holding the courts in the county of Union.

GEO. I. FOSTER,  
*Chief Clerk.*

Mr. Stutsman moved, that, in accordance with the communication from the House relative to a conference committee, the chair appoint a conference committee consisting of one member from each county, to confer with the committee of the House, relative to council bill No. 3.

Which motion prevailed, and,

The chair appointed as such committee, Messrs. Stevens, Turner, Armstrong, Cole, and Thompson.

ORDER OF THE DAY.

On the motion of Mr. Stutsman,

The vote by which council bill No. 27 was made the special order to-morrow in committee of the whole House was reconsidered, and the bill made the special order to-day. Whereupon

On the motion of Mr. Stutsman,

The Council resolved itself into the committee of the whole House on the said bill.

After some time spent therein, the committee arose, and

Mr. Van Osdel reported as follows :

MR. PRESIDENT:—The Council in committee of the Whole

have had under consideration council bill No. 27, An act creating a Board of Immigration, and have instructed their chairman to report it back to the Council and recommend that it be referred to a select committee of one from each Representative District.

On the motion of Mr. Armstrong,  
The report was concurred in, and  
The chair appointed Messrs. Armstrong, LaBreeche, Turner, Cole, and Thompson, such committee.

Mr. Turner, asked leave of absence for the chaplain, and for his colleague, Mr. Ross, until next Tuesday, the 2d day of January, 1866.

Leave was granted

On the motion of Mr. Stutsman,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON.  
*Secretary.*

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TWENTY-SEVENTH DAY.

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COUNCIL CHAMBER,  
Saturday, December 30, 1865. }

The Council met pursuant to adjournment and was called to order by the  
President in the chair.  
Roll called.

The following members responded to their names :

Messrs. Cole, LaBreeche, Stevens, Stutsman, Turner, Van-Osdel, Weeks and Mr. President.

The Journal of the twenty-ninth instant, was then read and approved.

#### REPORTS OF COMMITTEES

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee to whom was recommit-  
ted house file No. 10, entitled, A bill to amend section eight,  
chapter thirty-seven, of session laws of 1862, with instructions  
to report a substitute, have again had the bill under considera-  
tion, and in accordance with instructions, the committee have  
agreed upon a substitute bill, entitled, An act to amend chap-  
ter thirty-seven, laws of 1862, which, in the opinion of the  
committee, is free from the objections to the original bill, as  
pointed out in their former report on the same. The commit-  
tee have therefore instructed me to report the same back with  
the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on Judiciary have had  
under consideration council bill No. 23, An act to authorize the  
county commissioners of Yankton county to levy and collect a  
direct tax to build a county jail, the committee have agreed  
upon a substitute bill, entitled, An act to authorize a special  
election in Yankton county on the question of assessing a tax  
to build a county jail, and the committee have instructed me  
to report the same back with the recommendation that it do  
pass.

E. STUTSMAN,  
*Chairman.*

Mr. Turner, from the committee on Engrossed and Enrolled  
Bills, reported back council bill No. 17, An act to regulate and  
establish a fence law, as correctly engrossed.

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report :

MR. PRESIDENT :—The committee on Territorial Affairs, to whom was recommitted house file No. 13, A bill to authorize the sheriffs of the different counties of this Territory to levy a tax on all non-residents grazing or herding cattle or sheep within the limits of any organized county of this Territory ; have had the same under consideration, and beg leave to report the same back and recommend that the bill lie on the table until the introduction of the Revenue Law, of which notice has been given, and for the following reasons :

First. Section 6, of the Organic Act provides that “the land or property of non-residents shall not be taxed higher than the lands or other property of residents, nor shall any discrimination be made in taxing the different kinds of property, but all property subject to taxation shall be in proportion to the value of the property taxed.”

Second. This bill provides for the levy and collection of a *per capita* tax on all stock of non-residents grazing or herding cattle or sheep in the organized counties, by special levy and sale, at a different time from that now prescribed by law for the yearly collection of taxes.

Third. It is the opinion of your committee that the Revenue Law of the Territory can be so amended as to provide for the annual assessment and collection of taxes in the months of December, January and February, at a time when non-residents are usually engaged in herding their cattle on the lands of the counties in this Territory. Your committee would therefore ask to be relieved from the further consideration of said bill, but would respectfully recommend the subject matter of the same to the favorable action of the Council in revising the Revenue Law of the Territory.

A. VANOSDEL, *Chairman*,  
M. K. ARMSTRONG.

Mr. Armstrong, from the committee on Education, submitted the following report :

MR. PRESIDENT :—Your committee on Education, to whom was referred that portion of the Governor's message under the head of “Education,” also the “Reports of the Superintendent

of Public Instruction," and council bill No. 20, An act to establish a public school law for the Territory of Dakota, have had the same under consideration and have endeavored, as far as consistent with the judgment of the committee to conform to the recommendations of the Governor's message and Superintendent's report, and we herewith report the bill back for the consideration of the Council, with the following several amendments, to-wit :

In section 6, 5th line, printed bill, strike out the words, 'printing his annual report and.'

In section 7, 3d line, after the word 'Dakota,' insert the words, 'in the month of January of each year,' and in same section, 4th line, after the word 'Territory,' insert the words, 'except by permission of the district board.'

In section 9, line 12, insert the word 'this' before the word 'section,' and strike out the words, 'of this act.'

In section 10, line 1, strike out the words, 'public instruction,' and insert 'public schools.'

In section 11, line 2, after the words 'sub-livide the same,' insert the words 'whenever petitioned by the citizens thereof.'

In section 12, line 2, strike out the words 'public instruction' and insert the words 'public schools.'

In section 13, line 1, strike out the words 'public instruction,' and insert the words 'public schools.'

In section 13, lines 7 and 8, strike out all the proviso after the word 'district.'

In section 14, line 2, strike out the word 'towns,' and insert the word 'counties.'

In section 14, line 8, strike out the words 'county clerk,' and insert the words 'Register of Deeds.'

In section 19, line 4, strike out the words 'public instruction,' and insert 'public schools.'

In section 19, line 5, strike out the words 'public instruction' and insert 'public schools.'

In section 21, strike out all of lines 12 and 13, and change the following Nos. '8, 9 and 10,' to '7, 8 and 9.'

In section 24, line 6, after the word 'dollars' insert the words 'to the school district fund,'



In section 26, line 3, strike out the word 'commissioners' and insert 'superintendent.'

In section 29, lines 2 and 3, strike out the words 'which shall not be less than three months.'

In section 32, line 1, strike out the words 'of the district board.'

In section 43, line 2, insert the word 'and' after the word 'year.'

In section 44, line 2, strike out the word 'voters' and insert the word 'vote.'

In section 52, line 5, strike out the words 'in the manner prescribed in section 12 of this act,' and insert 'upon the order of the county superintendent.'

In section 61, line 3, before the words 'the respective districts' insert the words 'each of.'

In section 71, line 5, strike out the words 'shall forfeit his or her wages for teaching such school' and insert 'shall forfeit the sum of ten dollars to such school district.'

In section 80, 3d line, strike out the words 'commissioners have' and insert 'superintendent has.'

In section 83, line 3, after the words 'school district' insert the words 'in the sum of —— dollars.'

In section 87, line 8, strike out the words 'district clerk' and insert 'county superintendent.'

In section 88, line first, strike out the words 'public instruction' and insert 'public schools.'

M. K. ARMSTRONG.

J. W. TURNER.

#### BILLS ON THEIR THIRD READING.

Council bill No. 23, reported back by the committee on Judiciary, with a substitute, was then taken up.

On the motion of Mr. Stutsman,

The substitute was agreed to, when it was

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Yeas eight; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Cole, LaBreeche, Stevens, Stutsman, Turner, Van-  
Osdel, Weeks and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Turner,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

House file No. 10, reported back by the committee on Judi-  
ciary, with a substitute, was then taken up.

On the motion of Mr. Stutsman,  
The substitute was agreed to, when it was  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Cole, LaBreeche, Stevens, Stutsman, Turner, Van-  
Osdel, Weeks and Mr. President.

None voting in the negative.  
So the bill was passed, and  
On the motion of Mr. VanOsdel,  
Its title was agreed to.

Council bill No. 17, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman,  
Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.  
So the bill was passed, and  
On the motion of Mr. Turner,  
Its title was agreed to

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 20, reported back by the committee on Education, with sundry amendments, was then taken up for consideration.

The first amendment was then read, and adopted.

The second amendment was then read, and adopted.

The third amendment was then read, and adopted.

The fourth amendment was then read, and adopted.

The fifth amendment was then read, and adopted.

The sixth amendment was then read, and adopted.

The seventh amendment was then read, and adopted.

The eighth amendment was then read, and adopted.

The ninth amendment was then read, and adopted.

The tenth amendment was then read, and adopted.

The eleventh amendment was then read, and adopted.

The twelfth amendment was then read, and adopted.

The thirteenth amendment was then read, and adopted.

The fourteenth amendment was then read, and adopted.

The fifteenth amendment was then read, and adopted.

The sixteenth amendment was then read, and adopted.

The seventeenth amendment was then read, and adopted.

The eighteenth amendment was then read, and adopted.

The nineteenth amendment was then read, and adopted.

The twentieth amendment was then read, and adopted.

The twenty-first amendment was then read, and adopted.

The twenty second amendment was then read, and adopted.

The twenty third amendment was then read, and adopted.

The twenty-fourth amendment was then read, and adopted.

The twenty fifth amendment was then read, and adopted.

The twenty sixth amendment was then read, and adopted.

The twenty-seventh amendment was then read, and adopted, when

On the motion of Mr. Stutsman,

The bill was recommitted to the committee on Education.

House file No. 13, reported back by the committee on Territorial Affairs, recommending that it lie upon the table until

the introduction of the Revenue Law, of which notice has been given, was then taken up.

On the motion of Mr. Stutsman,  
The report of the committee was agreed to, and so  
The bill was laid upon the table.

Mr. Stutsman moved that a special committee of three be appointed by the chair to draft a Revenue Law for the Territory.

Which motion prevailed, and  
The chair appointed as such committee, Messrs. Armstrong, Turner and LaBreeche.

Mr. Stutsman introduced the following resolution, and moved its adoption :

WHEREAS, The Hon. G. W. Kingsbury, chairman of the committee on Engrossed and Enrolled bills, is prevented giving his attention to the duties of said committee, owing to a press of other business, therefore,

*Resolved*, That Mr. Kingsbury be relieved from serving on said committee, and that Mr. Armstrong be appointed a member of said committee in his stead.

The resolution was adopted.

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES. }  
December 30th, 1865.

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has passed council bill No. 18, An act to establish the courts and define the jurisdiction of justices of the peace, with attached amendment, which bill I herewith transmit and respectfully request the council to concur in said amendment.

I have also to inform you that the House has passed council bill No. 19, An act to prohibit the furnishing of intoxicating liquor to Indians; also, council bill No. 25, An act to amend chapter twenty-three, of the session laws of 1853-4; which bills I herewith transmit.

I have also to inform you that the House has passed the following house files, to-wit :

House file No. 23, Memorial to the Senate of the U. S., relative to the treaty between the Ronca Indians and the U. S., pending before said honorable body, asking that certain settlers be indemnified in case it is ratified.

House file No. 24, A memorial for daily mail service from Sioux City to Yankton.

House file No. 26, An act locating a Territorial road in Union county,

House file No. 28, A bill to incorporate the Big Sheyenne River Bridge and Ferry Company; and

House file No. 29, A memorial to the Post Master General requesting service on mail route No. 15,562; which, I herewith transmit and respectfully request the concurrence of the Council therein.

I also return herewith house file No. 22, Joint resolution relative to Andrew Johnson; properly engrossed.

I have also to inform you that the House has passed house file No. 17, An act to release Georgianna H. Young from the bonds of matrimony; which bill I herewith transmit, together with testimony taken before the select committee to whom the bill was referred in the House, and respectfully ask the concurrence of the Council in the said bill.

GEO. I. FOSTER,  
*Chief Clerk.*

On the motion of Stutsman,

Council bill No. 24, was made the special order to-day in committee of the whole House after the consideration of the order of daily business.

Council bill No. 18, returned from the House with attached amendment, was then taken up.

On the motion of Mr. Stutsman,

The amendment was agreed to.

#### BILLS ON THEIR FIRST AND SECOND READING:

House file No. 17, An act to release Georgianna H. Young from the bonds of matrimony, was then taken up, and

Read the first and second time, and

On the motion of Mr. Armstrong,

Referred to the committee on Judiciary.

House file No. 22, returned from the House with the explanation asked for by the Council on the 28th, was then taken up, and

Read the first and second time.

Mr. VanOsdel moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Federal Relations.

House file No. 23, Memorial to the Senate of the U. S., relative to the treaty between the Ponca Indians and the U. S., pending before said honorable body, asking that certain settlers be indemnified in case it is ratified; was then taken up, and

Read the first and second time.

Mr. Turner moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Indian Affairs.

House file No. 24, A memorial for daily mail service from Sioux City to Yankton, was then taken up, and

Read the first and second time.

Mr. VanOsdel moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Federal Relations.

House file No. 26, An act locating a Territorial road in Union county, was then taken up, and

Read the first and second time.

Mr. Turner moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Highways, Bridges and Ferries.

House file No. 27, A memorial to the Post Master General, requesting service on mail route No. 15,562; was then taken up, and

Read the first and second time,

Mr. Armstrong moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Federal Relations.

House file No. 28. A bill to incorporate the Big Cheyenne River Bridge and Ferry company; was then taken up, and

Read the first and second time, and

On the motion of Mr. Stutsman,

Referred to the committee on Incorporations.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the order of the day,

The president announced council bill No. 24, in committee of the whole House, whereupon

On the motion of Mr. Stutsman,

The Council resolved itself into the committee of the whole House on the said bill.

After some time spent therein, the committee arose, and

Mr. VanOsdel reported that the committee of the Whole had had under consideration council bill No. 24, and had instructed their chairman to report the subject matter under consideration back to the House, and ask leave to sit again.

Leave was granted.

On the motion of Mr. Stutsman,

The Council adjourned.

GEORGE STICKNEY,

*President.*

▲TTTEST:—

J. R. HANSON,

*Secretary.*

## TWENTY-NINTH DAY.

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COUNCIL CHAMBER, }  
Monday, January 1st, 1866. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, Turner, Weeks, and Mr. President.

The journal of the thirtieth inst., was then read and approved.

### REPORTS OF COMMITTEES.

Mr. Armstrong, from the committee on Education, submitted the following report:

MR. PRESIDENT:—The committee on Education to whom was recommitted council bill No. 20, An act to establish a public school law for the Territory of Dakota, have re-examined the same, and herewith report the bill back with an attached amendment, and recommend that the bill do pass as amended.

M. K. ARMSTRONG,  
*Chairman.*

Mr. Cole, from the committee on Indian Affairs, submitted the following report:

MR. PRESIDENT:—The committee on Indian Affairs, to whom was referred house file No. 23, A memorial to the Senate of the United States, relative to the treaty between the Ponca Indians and the United States, pending before said Honorable Body, asking that certain settlers be indemnified in case it is ratified; have had the same under consideration, and report



the same back without amendment and recommend its passage.

A. COLE,  
*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—The committee on Judiciary have had under consideration house file No. 17, An act to release Georgeanna H. Young from the bonds of matrimony, and after carefully examining the written testimony accompanying the same, the committee are forced to the conclusion that the conduct of Lewis Young, has been of such a character as to render it utterly impossible for his wife and child to live with him; (see affidavits of Frances Rounds, George T. Rounds, and Georgeanna H. Young, herewith reported.) Therefore, the committee are united upon the opinion that said Georgeanna H. Young, ought to be released from the bonds of matrimony uniting her to said Lewis Young, and that she should have the exclusive control of her child, Emma Belle Young, during minority, as provided by the bill. The committee have accordingly instructed me to report the bill back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on Judiciary, have had under consideration house file No. 21, entitled, A bill regulating the printing and distribution of the laws and Journals. And the committee have agreed upon a substitute bill, entitled, An act to provide for the printing and distribution of the laws and Journals, which they herewith report, with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—Your committee on Federal Relations, have had under consideration house file No. 27, A memorial to

the Post Master General, requesting service on mail route No. 15,562, and the committee have instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,

*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal Relations have had under consideration house file No. 22, Joint Resolution endorsing the policy of President Johnson, and in view of the fact that the Council has already passed Joint Resolutions endorsing the policy of the late President, and also that of the present chief Magistrate, the committee deem it unnecessary to re-inact that which has already been done. I have therefore been instructed to report the bill back without recommendation, with the request that the committee be relieved from further action thereon.

E. STUTSMAN,

*Chairman.*

Mr. Stutsman, from the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal Relations, have had under consideration house file No. 24, A memorial to the Post Master General in relation to the establishment of a daily mail from Sioux city Iowa, to Yankton, Dakota Territory, and believing the matter prayed for most necessary and desirable, the committee have instructed me to report the bill back with the recommendation that it do pass.

E. STUTSMAN,

*Chairman.*

Mr. Armstrong, from the special committee appointed on the 30th ult., to draft a Revenue law, submitted the following report:

MR. PRESIDENT:—The special committee to whom was assigned the duty of drafting a revenue law for the Territory, beg leave to report by bill herewith presented, entitled, An act in relation to Territorial and county revenue.

M. K. ARMSTRONG,

J. W. TURNER,

CHAS. LABREECHE.

Mr. Stevens, from the committee on conference, on council bill No. 3, submitted the following report :

MR. PRESIDENT :—The select committee of the two Houses, appointed to confer on matters of difference between the two Houses on council bill No. 3, An act fixing the time of holding the district courts in the first, second and third Judicial Districts, and the time of holding the courts in the county of Union, have considered the matter referred to them, and have agreed upon a substitute bill, and instructed me to report the same back with the recommendation that it do pass.

O. F. STEVENS,

*Chairman on the part of Council.*

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
Monday, January 1st, 1856. }

MR. PRESIDENT :—I am instructed to inform your honorable body that the House has passed house file No. 15, A bill to increase the revenue for school purposes, which bill I herewith transmit and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,

*Chief Clerk.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 28, An act in relation to Territorial and county revenue, was then taken up, and

Read the first and second time, and

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so

The bill was referred to the committee on Finance.

House file No. 15, A bill to increase the revenue of the different counties for school purposes, was then taken up, and

Read the first and second time, and

On the motion of Mr. Stutsman,

Referred to the committee on Finance.

## BILLS ON THEIR THIRD READING.

Council bill No. 3, reported back by the conference committee with a substitute, was then taken up,

On the motion of Mr. Armstrong,

The substitute was agreed to. It was then

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, Turner, Weeks, and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered.* That the Secretary request the concurrence of the House in the said bill.

Council bill No. 20, reported back by the committee on Education with an attached amendment, was then taken up, and

On the motion of Mr. Stutsman,

The amendments proposed were agreed to, when

On the motion of Mr. Stutsman,

The bill was ordered engrossed for a third reading to-morrow.

House file No. 17, was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays one; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, Weeks and Mr. President.

Mr. Turner voted in the negative.

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

House file No. 21, reported back by the committee on Judiciary with a substitute, was then taken up.

On the motion of Mr. Stutsman,  
The substitute was agreed to. It was then  
Read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman,  
Thompson, Turner, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Turner,  
Its title was agreed to.

House file No. 22, reported back by the committee on Federal Relations, without recommendation, and asking to be relieved from its farther consideration, was then taken up.

On the motion of Mr. Stutsman,

The report of the committee was received, and the bill laid  
upon the table.

House file No. 23, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman,  
Thompson, Turner, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stutsman,  
Its title was agreed to.

House file No. 24, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas nine ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman,  
 Thompson, Turner, Weeks, and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

House file No. 27, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas nine ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman,  
 Thompson, Turner, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and,

On the motion of Mr. Armstrong,

Its title was agreed to.

On the motion of Mr. Turner,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON,  
*Secretary.*

## THIRTIETH DAY.

COUNCIL CHAMBER,  
Tuesday, January 2d, 1866. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, LaBreeche, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the first inst., was then read and approved.

### NOTICE OF BILLS.

Mr. Armstrong in the chair.

Mr. Stickney gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for an act to release Rachel J. Rowley, from the bonds of matrimony.

### INTRODUCTION OF BILLS.

Mr. LaBreeche, pursuant to previous notice, introduced council bill No. 29, An act to amend chapter thirty-five, of the laws of 1862.

### REPORTS OF COMMITTEES

Mr. Stevens, from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 26, An act locating a Territorial road in Union county; have had the same

under consideration, and report the same back with attached amendment and recommend its passage.

O. F. STEVENS.

*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills have examined council bill No. 25, An act to amend chapter 23 of the laws of 1863-4; also council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians; also council bill No. 18, An act to establish the courts and define the jurisdiction of Justices of the Peace; and found the same correctly enrolled.

M. K. ARMSTRONG,

J. W. TURNER.

O. F. STEVENS.

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, have examined council bill No. 20, An act to establish a public school law; and found the same correctly engrossed.

M. K. ARMSTRONG,

*Chairman.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 29, was then taken up, and

Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee,

Which motion prevailed, and so

The bill was referred to the committee on Agriculture.

#### BILLS ON THEIR THIRD READING.

House file No. 26, reported back by the committee on Highways, Bridges and Ferries, with an attached amendment, was then taken up, and the amendment read, when

On the motion of Mr. Stutsman,

The amendment was agreed to.



The bill was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative,

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, LaBreeche, Stevens, Stutsman, Thompson,  
Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

Council bill No. 20, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, LaBreeche, Stevens, Stutsman, Thompson,  
Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stevens,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

On the motion of Mr. Turner,

The Council adjourned.

GEORGE STICKNEY,

*President.*

ATTEST:—

J. R. HANSON,

*Secretary.*

## THIRTY-FIRST DAY.

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COUNCIL CHAMBER,  
 Wednesday, January 3d, 1866. }

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Stevens, Stutsman, Thompson, Turner, Van Osdel, Weeks and Mr. President.

The journal of the second instant was then read and approved.

### NOTICE OF BILLS.

Mr. Weeks gave notice that, on to-morrow or some subsequent day of the session, he would introduce a bill to regulate the election precincts of Clay county.

### INTRODUCTION OF BILLS.

Mr. Cole in the chair.

Mr. Stickney introduced, pursuant to notice, council bill No. 30, An act to release Rachel J. Rowley from the bonds of matrimony.

### REPORTS OF COMMITTEES.

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have to report, that they did at the hour of twelve o'clock,

M., January second, 1866, present to the Governor for his approval, the following bills:

Council bill No. 18, An act to establish the courts and define the jurisdiction of justices of the peace; also, council bill No. 19, An act to prohibit the furnishing of intoxicating liquor to Indians; also, council bill No. 7, An act to provide for elections, and prescribe the canvass and return of the same; also, council bill No. 25, An act to amend chapter twenty-three, of the session laws of 1863-4.

M. K. ARMSTRONG.

*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary, have had under consideration council bill No. 21, An act to regulate the fees of county officers; and report the same back recommending its passage.

E. STUTSMAN,

*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have examined council bill No. 21, An act to establish the fees of county officers; and find the same correctly engrossed.

M. K. ARMSTRONG,

*Chairman,*

Mr. Stevens, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, beg leave to report that they did at the hour of eleven o'clock, A. M., this day, present to the Governor, for his approval, council bill No. 14, An act to regulate the sale of poisons; also, council bill No. 15, An act in relation to county surveyors.

O. F. STEVENS.

## BILLS ON THEIR THIRD READING.

Council bill No. 21, was then taken up.

Stutsman offered the following amendment :

and section 15 ; after the last word, line 24, add the following words, 'and for issuing all official notices and other papers which the rates are not fixed by law, a fee of fifteen cents per folio.'

The amendment was,

on the motion of Mr. Armstrong,

passed, when

on the motion of Mr. Stutsman,

it was ordered engrossed for the third reading to-

day on the motion of Mr. Stutsman,

the Council went into recess.

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Short time spent in recess.

The President resumed the chair, and called the Council to

order on the motion of Mr. Armstrong,

which council bill No. 21, was ordered engrossed

for reading to-morrow, was reconsidered, when

on the motion of Mr. Stutsman,

the bill was ordered engrossed for a third reading to-day, and as it had been engrossed, it was accordingly

read the third time.

The question then being on its passage, and it being put "shall the bill pass?"

It was decided in the affirmative.

Yeas ten ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. VanOsdel,

its title was agreed to

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

MESSAGES FROM THE HOUSE.

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES, }  
January 3, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson ; which I herewith transmit.

I have also to inform you that the House has passed house file No. 25, (substitute,) A memorial to the Secretary of War and Generals Pope and Sully ; which bill I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January 3, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 23, (substitute,) An act to authorize a special election in Yankton county ; which bill I herewith transmit.

I have also to inform you that the House has passed house files of the following titles :

House file No. 37, A bill to incorporate the Black Hills Mining, Exploring, Manufacturing and Transportation Company ; house file No. 38, An act relative to the commissioners and probate judge of Todd county ; and house file No. 31, A memorial to Congress asking for an appropriation to classify the laws of Dakota Territory ; which bills I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 30, was then taken up, and  
Read the first and second time, and

Mr. VanOsdel moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Judiciary.

House file No. 25, (substitute,) A memorial to the Secretary of War and Commanding Generals Pope and Sully; was then taken up, and

Read the first and second time,

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Military Affairs.

House file No. 31, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; was then taken up, and

Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Judiciary.

House file No. 37, A bill to incorporate the Black Hills Mining, Exploring, Manufacturing and Transportation Company; was then taken up, and

Read the first and second time.

Mr. Armstrong moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Incorporations.

House file No. 38, An act relative to the commissioners and probate judge of Todd county; was then taken up, and

Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Counties.

On the motion of Mr. Weeks,  
The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON.  
*Secretary.*

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## THIRTY-SECOND DAY.

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COUNCIL CHAMBER, }  
Thursday, January 4th, 1866. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the third inst., was then read and approved.

### INTRODUCTION OF BILLS.

Pursuant to previous notice, Mr. Weeks introduced council bill No. 31, A memorial to the Secretary of War praying for the establishment of a military post on the Vermillion river.

## REPORTS OF COMMITTEES.

Mr. VanOsdel, from the committee on Finance, submitted the following report :

MR. PRESIDENT:—Your committee on Finance, to whom was referred house file No. 15, A bill to increase the revenue of the different counties for school purposes; have had the same under consideration, and report it back recommending that it go before the Council in committee of the whole for their consideration.

A. VANOSDEL,  
*Chairman.*

Mr. VanOsdel, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT:—Your committee on Agriculture, to whom was referred council bill No. 29, An act to amend chapter thirty-five of the laws of 1862; have had the same under consideration, and report the same back without amendment and recommend it do pass.

A. VANOSDEL.

Mr. Stutsman, from the committee on Judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on Judiciary, have had under consideration house file No. 31, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; and have agreed upon two amendments thereto, and have instructed me to report the bill, with amendments attached, back, recommending their adoption and that the bill do pass.

E. STUTSMAN,  
*Chairman.*

## MESSAGES FROM THE HOUSE

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES, }  
January 4th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 3, An act fixing the time of holding the District courts in the first, second and third Judicial Districts, and the time of



holding the courts in the county of Union; also, council bill No. 10, Memorial to Congress asking for a Geological survey of the Black Hills and Bad Lands in connection with the military forces under General Sully, in this district; with attached amendments, which bills I herewith transmit.

I am also instructed to inform you that the House has passed house files of the following titles, viz; House file No. 32, An act to locate and establish a Territorial road from the Missouri river to the North line of Union county; House file No. 34, An act to amend chapter 71 of the laws of 1862; which bills I herewith transmit and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January 4th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has concurred in council amendments to house file No. 21, An act to provide for the printing and distribution of the laws and Journals; also that the House has concurred in Council amendment to house file No. 26, An act locating a Territorial road in Union county.

GEO. I FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 31 was then taken up, and

Read the first and second time, and

Mr. Turner moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Military Affairs.

House file No. 32, An act to locate and establish a Territorial road from the Missouri river to the North line of Union county; was then taken up, and

Read the first and second time.

Mr. Weeks moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Highways, Bridges and Ferries.

House file No. 34, An act to amend chapter 71 of the laws of 1862; was then taken up, and

Read the first and second time, and

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was

Referred to the committee on Highways, Bridges and Ferries.

#### BILLS ON THEIR THIRD READING.

Council bill No. 29, was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in said bill.

House file No. 15, reported back by the committee on Finance recommending its reference to the committee of the whole House, was then taken up, and

On the motion of Mr. Stutsman,

The report was agreed to.

On the motion of Mr. Armstrong,

The bill was made the special order in committee of the whole House at 11 o'clock, this day.

House file No. 31, reported back by the committee on Judiciary, with attached amendments, was then taken up, and

The first amendment read, and

On the motion of Mr. Armstrong,  
Adopted.

The second amendment was then read, and

On the motion of Mr. Stutsman,  
Adopted.

The bill was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas six ; nays one , as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Stevens, Stutsman, Thompson,  
and Mr. President.

Mr. Turner voted in the negative.

Messrs. Ross, VanOsdel and Weeks, were excused from  
voting.

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

Council bill No. 10, returned by the House with an amend-  
ment, was then taken up for consideration.

On the motion of Mr. Armstrong,

The amendment was concurred in.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the order of  
the day,

The President announced house file No. 15, in committee of  
the whole House.

After some time spent therein, the President resumed the  
chair, and

Mr. Thompson reported as follows :

MR. PRESIDENT:—The committee of the whole House have  
had under consideration house file No. 15, and have instructed  
their chairman to report the said bill back with the recommen-  
dation that it be indefinitely postponed.

J. THOMPSON,  
*Chairman.*

On the motion of Mr. VanOsdel,

The recommendation of the committee of the Whole was concurred in.

COMMUNICATIONS FROM THE GOVERNOR.

The following communication was then received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 4th, 1866.

SIR:—I have the honor to enclose herewith, An act to establish the courts and define the jurisdiction of Justices of the Peace; also, An act to amend chapter twenty-three of the laws of 1863-4; also, An act to regulate the sale of poisons; also, An act prohibiting the furnishing of intoxicating liquors to Indians; which have this day been examined and approved by the undersigned.

I am<sup>l</sup>sir,

Very Respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,  
*President of the Council.*

On the motion of Mr. Cole,  
The Council adjourned

GEORGE STICKNEY,  
*President.*

ATTEST:

J. R. HANSON,  
*Secretary.*

## THIRTY-THIRD DAY.

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COUNCIL CHAMBER, }  
Friday, January 5, 1866. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names :

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, Val. Osdel, Weeks and Mr. President.

[The Journal of the fourth instant, was then read and approved.]

### INTRODUCTION OF BILLS.

Pursuant to notice, Mr. Stutsman introduced council bill No. 32, An act to establish a Civil Code.

Mr. Ross in the chair.

Pursuant to previous notice, Mr. Stickney introduced council bill No. 33, A memorial to Congress relative to an endowment of lands for college purposes.

### RESOLUTIONS.

Mr. Stutsman introduced council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux Bridge.

### REPORTS OF COMMITTEES.

Mr. Ross, from the committee on Incorporations, reported back house file No. 28, A bill to incorporate the Big Sheyenne River Bridge and Ferry Company ; without recommendation.

Mr. Stevens, from the committee on Military Affairs, submitted the following reports :

MR. PRESIDENT :—The committee on Military Affairs, to whom was referred substitute for house file No. 25, A memorial to the Secretary of War and Commanding Generals Pope and Sully ; have had the same under consideration, and beg leave to report the same back recommending it do pass.

O. F. STEVENS.

MR. PRESIDENT :—Your committee on Military Affairs, to whom was referred council bill No. 31, A memorial to the Secretary of War praying for the establishment of a Military Post on the Vermillion river ; have had the same under consideration, and report the same back recommending its passage.

O. F. STEVENS.

Mr. Cole, from the committee on Indian Affairs, submitted the following report on the Chorography, the Agricultural and Mineral resources of Dakota Territory, which was read at length, and

On the motion of Mr. Turner,

Laid upon the table and double the usual number ordered printed :

*Gentlemen of the Council* :—Since the time when Lewis and Clark ascended the Missouri river, and explored it to its headwaters, till the present time, the great North West, from the base of the gold laden Rocky Mountains to the rich alluvial bottom lands of the Missouri river, as it surges on toward the gulf, has been misrepresented and misunderstood ; and in order to correct such misrepresentations and false impressions, I wish, in this report, though somewhat irrelevant to the subject, to say a few words on the resources of this land of Sun-Set. The theme before us is fraught with uncommon interest, not only to us, gentlemen, but to the millions who are to succeed us ; and in view of the magnitude and importance of the subject, I should have preferred, were it consistent with the order of things, that some other member, more adequate to the task, would have relieved me of the arduous duty.

The Territory of Dakota, stretching away from the snow-capped Rocky Mountains, on its northwestern boundary, to the

confluence of the Big Sioux with the Missouri river, on its southeastern angle, to the British Possessions on the north, embraces a vast area of country, and a variety of climate and soil. In former years, and even as late as the period when the treaty, for the now ceded portion of Dakota Territory was ratified, the danger from molestation by savages precluded the means of obtaining a very definite knowledge of the country thus obtained by the government. Few were so daring as to risk their lives in quest of a knowledge of the country.

As one of the early pioneers, having settled in the Territory in 1859, where I have since resided, and having since that time traversed the country from the Big Sioux river to Fort Sully, (which latter place is situated on the Missouri river, about 225 miles from Yankton,) I hope my personal knowledge of the country will be a sufficient and acceptable excuse for what otherwise might be construed into egotism.

Dakota Territory, like her sister States and Territories, which have been, from time to time carved from her broad domains, is a prairie country, with rich bottom lands, also of extreme fertility. The bottom lands, through which flow her rivers and streams of lesser note, as they recede, gradually rise to form undulating prairies and vast plateaux. The bottoms along the Missouri river average from eight to twelve miles in width, on either bank, while along its tributaries they are, in the same ratio, less extensive. The soil is extremely rich and fertile, being alluvial, and enriched for ages, for aught we know, by the deposition of *debris* from the uplands, from the action of rains, snows, and the elements combined.

Probably, no western State or Territory is better supplied with water—rivers, streams, and lakes, than this Territory.—Look at the map and you will see that the Missouri, the next largest river on the continent, waters its entire southwestern border, while the Big Sioux, a navigable river for light draught boats, flows along its almost entire eastern boundary. The Red river of the North, also a stream of considerable magnitude, furnishes water, and the facilities for commerce for the inhabitants of that rich and fertile region in the northern part of the Territory. The Yellowstone, a tributary of the Missouri, is a stream of much note, both for its advantages as an agri-

cultural country and for its mineral wealth. Aside from these, we have the Vermillion, James or Dakota rivers, also Emanuel, Choteau, Pratte and Crow creeks, tributaries of the Missouri, and Brule creek, a tributary of the Big Sioux river, along which streams are found some of the finest farming and grazing lands.

Timber, though not as plentiful as in the eastern states, is found amply sufficient for present use. And the astonishing rapidity with which our native forest trees can be grown, with comparative little exertion on our part, will enable us to supply any deficiency for future use. The largest bodies of timber are found along the margin of our rivers and streams of lesser note. With a liberal supply of timber along our valleys, with rivers of pure water meandering through them, it is not surprising that the settlers' cabins are studding our vales, and that towns and villages are springing up as if by magic.

In an agricultural point of view, our Territory compares favorably with any of the western states. The average yield of corn is about 50 bushels per acre—wheat, 25 to 30—and potatoes about 100 bushels. Melons grow nigh to perfection, while pumpkins and squashes attain a wonderful size. Last fall we were shown several squashes raised by Dr. VanOsdel, on his farm on the James or Dakota river, weighing from *sixty five to seventy* pounds each. And we were assured by this gentleman, that the vines received no more than ordinary care, and that no fertilizers were employed. Sorghum does as well as in the state of Illinois. Wild plums and grapes grow in abundance, and of the finest quality. A very good article of wine has been manufactured from these grapes, of late.

With such a fine country bordering on the state of Iowa, open for settlement—the untiring energy nor the restless spirit of the pioneer being longer fettered for want of the extinguishment of the Indian title to the lands so long coveted, emigration poured freely into the new Territory, before the council fires of her chiefs had fairly smouldered away, and soon the Missouri slope, from the Big Sioux to Fort Randall was teeming with new life and animation. Improvement and progression marked our hills and dales, and the hardy yeoman who had cast his lot in this far-off western land, rejoiced as he



beheld waving fields of corn, and golden grain, as an assurance of what the soil would produce.

But alas! Calamity and prosperity, like twin sisters, sometimes go hand in hand. The outbreak of the Indians, in the autumn of 1862, threw the settlements into wild consternation.

The horrid news of the massacres at Spirit lake, New Ulm and Mankato, was received on the Missouri slope, and terror-stricken couriers conveyed the awful tidings from settlement to settlement. Men, women and children, fled in dismay, to places of supposed security, leaving behind them fine crops, houses, and in fact every thing which could not be at once removed. Never did a funeral cortege present such a sad spectacle, as the frightened settlers fled, as they supposed, for their lives. The hoary-headed pioneer pressed the sod with more than wonted firmness, and the fond mother held close her darling babes to her breast, and with tearful eyes invoked the aid and protection of the Almighty, as they fled from their homes in dismay. The panic was general, and Dakota Territory was thus hastily depopulated, or nearly so. This is but a bare recital of one of those sad epochs which have marked every new country. But a like recurrence will probably never again happen, as the exciting causes which gave rise to these outbreaks have been removed. Thanks to a munificent government, ample protection is now offered our settlers, and peace and quiet reign in our land. Our settlements are now walled about with strongly garrisoned Military Posts, while the present policy of the government can not fail to keep the hostile Indians in subjection. The result of the labors of the Commissioners appointed by the Secretary of the Interior, last year, is extremely gratifying, a treaty of peace having been consummated with most of the hostile tribes of the upper Missouri, and we have every reason to hope that the establishment of a permanent peace is the result of these treaties.

But the Indian barbarities of 1862, did not prove a lasting hindrance to the settling up of our new Territory. As soon as confidence of safety was felt, the settlers returned to their homes and avocations, and the influx of emigration was re-established. Thus was the incipient wealth of the Territory being wrought out by bold adventurers, whose energy and

zeal have established our settlements, our towns and villages, and whose names will adorn the future history of our country.

We have already advanced beyond what our most sanguine hopes had pictured. The forests, where the Indian hunter pursued his game, now echoes to the sound of the wood-man's ax, while on the plains, where the buffalo, the elk and the deer, fled before the well-poised arrow, herds of cattle quietly graze. Even here, where now stands our capitol city, with well ordered streets, good and substantial houses, and the commercial mart of a vast scope of country, the Yankton Sioux nation, but a short time since, had their encampments, and held their midnight orgies. Such are the changes which a few short years have brought about. And we know of no country where there are as many natural inducements to emigrants. Aside from our agricultural resources every indication exists to lead us to the conclusion that Dakota Territory is very rich in mineral deposits. Coal is seen, here and there, along the Missouri and Big Sioux rivers, cropping out of the bluffs, while saline springs exist in various localities in the interior. In regard to the gold found in Montana and the north western part of Dakota Territory, the large quantities of the precious metal brought away by miners, tells its own story. It has long been thought that the Black Hills of Dakota, are equally rich in auriferous deposits; and doubtless before the expiration of another year, the miner will have tested the truth or falsity of this belief.

Dakota is fast developing, and becoming the proud mistress of the west. And as she whispers invitations of welcome to her banquet, her head is crowned with gold, and from her fertile bosom flows the inexhaustable wealth of her vast domains. Who among us can determine the future which awaits us, when our vast—I like to have said, our almost endless agricultural and mineral resources shall have been fully developed. When any man can own, almost "without money or price," one hundred and sixty acres of land—the beggar in the streets, if he will, becoming a peer.

And do we not become bewildered as we contemplate the time when railroads shall be constructed through our inter-oceanic Territory, spanning our continent and linking ocean

to ocean? When the wealth of Asia, China and the Indies, shall come to us from the west, and the fabrics of New England from the east, in exchange for the products of our soil and our gold, while upon the bosom of the Missouri shall be brought the furs from the mountains and the tropical wealth from the sunny south. Who, who among us, upon such sublime reflections shall say that the idea long ago entertained by the orientals, of a land of such extreme richness, literally flowing with milk and honey, may not be correct, and that such is to be Dakota Territory.

AUSTIN COLE,

*Chairman Committee on Indian Affairs.*

Messrs. Stutsman and Stevens, a majority of the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The committee on Judiciary, have had under consideration council bill No. 30, An act to release Rachel J. Rowley from the bonds of matrimony; and after examining the written testimony accompanying the same, to-wit: Affidavits of Rachel J. Rowley, James W. Phillips, Phineas Phillips and P. Darwin Phillips, a majority of the committee are of the opinion that if Charles S. Rowley, the husband of said Rachel J. Rowley, is not already, he ought long since to have been an inmate of a states prison for the crime of counterfeiting. And having also abandoned his family for a period of over six years, (as appears by the testimony herewith reported,) the majority of the committee have agreed upon the opinion that said Rachel J. Rowley ought to be released from the bonds of matrimony, as provided in the bill, and they report the same back with the recommendation that it do pass.

E. STUTSMAN,

O. F. STEVENS,

*Majority Committee*

Mr. Weeks, from the committee on Counties, submitted the following report:

MR. PRESIDENT:—Your committee on Counties, to whom was referred house file No. 38, An act relative to the commissioners and probate judge of Todd county; have directed their

chairman to report the same back to the Council with a recommendation that it do pass.

CANUTE WEEKS,  
*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have examined council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson; also, council bill No. 23, An act to authorize a special election in Yankton county, on the question of assessing a tax to build a county jail; also, council bill No. 3, An act fixing the times of holding the district courts in the first, second and third judicial districts, and the time of holding the courts of the county of Union; also, council bill No. 10, A memorial to Congress asking for a geological survey of the Black Hills and Bad Lands, in connection with the military forces under Gen. Sully in this District; and they report the same correctly enrolled.

M. K. ARMSTRONG,  
*Chairman,*

Mr. Stevens, from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 34, An act to amend chapter 71, of the laws of 1862; have had the same under consideration and beg leave to report the same back recommending its passage.

O. F. STEVENS,  
*Chairman.*

MR. PRESIDENT:—The committee on Highways, Bridges and Ferries, to whom was referred house file No. 32, An act to locate a Territorial road from the Missouri river to the north line of Union county; have had the same under consideration and beg leave to report the same back without amendment, recommending its passage.

O. F. STEVENS:  
*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled bills, have to report that they did this day, at twelve o'clock M., present to the Governor for his approval, council bill No. 3, An act fixing the times of holding the district courts in the first, second and third judicial districts, and the time of holding the courts in the county of Union; also, council bill No. 23, An act to authorize a special election in Yankton county on the question of assessing a tax to build a county jail.

M. K. ARMSTRONG,  
*Chairman.*

#### MESSAGES FROM THE HOUSE

The following message was then received from the House:

HOUSE OF REPRESENTATIVES, }  
January 5th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 17, An act to regulate and establish a fence law; with attached amendment, which bill I herewith transmit.

I have also to inform you that the House has passed house file No. 7, An act to prohibit sheep and swine from running at large; which bill I herewith transmit and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 34, was then taken up, and  
Read the first and second time,

Mr. Stutsman moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Federal Relations.

Council bill No. 35, was then taken up, and  
Read the first and second time.

Mr. VanOsdel moved the bill be referred to its appropriate committee.

Which motion prevailed, and so it was  
Referred to the committee on Education.

Council bill No. 32, was then taken up, and  
Read the first and second time.

Mr. Stutsman moved the bill be referred to its appropriate  
committee.

Which motion prevailed, and so it was  
Referred to the committee on Judiciary.

House file No. 7, (substitute,) An act to prohibit sheep and  
swine from running at large; was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Stutsman,  
Referred to the committee on Agriculture.

#### BILLS ON THEIR THIRD READING.

Council bill No. 31, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Cole, LaBreeche, Ross, Stevens, Stutsman, Thomp-  
son, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Ross,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

Council bill No. 30, reported back by a majority of the com-  
mittee on Judiciary recommending its passage, was then taken  
up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative,

Yeas ten; nays one; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, VanOsdel, Weeks and Mr. President.

Mr. Turner voted in the negative,

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
House in the said bill.

House file No. 25, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stevens,

Its title was agreed to.

House file No. 28, was then taken up, and

On the motion of Mr. Stutsman,

Referred to a select committee of three, consisting of Messrs.  
Stutsman, Turner and Stevens.

House file No. 32, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Cole,  
Its title was agreed to.

House file No. 34, was then taken up, and  
On the motion of Mr. Turner,  
Recommitted to the committee on Highways, Bridges and  
Ferries.

House file No. 38, was then taken up, and  
Read the third time.  
The question then being on its passage, and it being put,  
"shall the bill pass?"  
It was decided in the affirmative.  
Yeas eleven; nays none; as follows:  
Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.  
None voting in the negative,  
So the bill was passed, and,  
On the motion of Mr. VanOsdel  
Its title was agreed to.

Council bill No. 17, returned by the House with attached  
amendments, was then taken up.

On the motion of Mr. Stutsman,  
The Council resolved itself into the committee of the Whole  
House on the said bill.

After a short time spent therein, the committee arose, and  
Mr. Stevens reported as follows:

MR. PRESIDENT:—The committee of the Whole House have had  
under consideration council bill No. 17, An act to regulate and  
establish a fence law; with the House amendments to the same,  
and have instructed me to report the same back with the re-  
commendation that the Council do not concur in the amend-  
ments, and that a conference be requested of the House.

O. F. STEVENS,  
*Chairman.*

On the motion of Mr. Thompson,  
The report of the committee of the Whole was adopted.

The first amendment proposed by the House was then read:



The question then being on concurring therein, and it being put,

The Council refused to concur.

The second amendment was then read.

The question then being on concurring therein, and it being put,

The Council refused to concur.

On the motion of Mr. Ross,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:-

J. R. HANSON,  
*Secretary.*

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## THIRTY-FOURTH DAY.

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COUNCIL CHAMBER,  
Saturday, January 6th, 1866. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the fifth inst., was then read and approved.

## RESOLUTIONS.

Mr. Turner, offered the following preamble and resolution:

WHEREAS, It having been stated to the mover of the resolution, by Superintendent G. C. Moody, that he has been engaged in making the statement requested of him by the House; that the same required the examination of accounts running back through eight months, and required much labor to make; and that since the request was made of him, he has been obliged to make to the Secretary of the Interior, an extended report of the survey and location of the Fort Randall wagon road, which so occupied his time as to prevent the completion of the statement requested; therefore

*Be it Resolved,* That the pending Joint Resolution with reference to the Sioux Bridge appropriation, be laid on the table and be made the special order for Monday next, at 10 o'clock, A. M.

On the motion of Mr. Turner,  
The resolution was adopted.

## REPORTS OF COMMITTEES

Mr. Armstrong, from the committee on Education, submitted the following report:

MR. PRESIDENT:—The committee on Education, to whom was referred council bill No. 33, A memorial to Congress relative to an endowment of lands for college purposes; have had the same under consideration, and report the same back without amendment and recommend that it do pass.

M. K. ARMSTRONG.

*Chairman.*

Mr. Ross, from the committee on Incorporations, reported back house file No. 37, without recommendation.

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—The committee on Judiciary, have had under consideration council bill No. 32, An act to establish a Civil Code; and have instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,

*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report :

MR. PRESIDENT:—The committee on Engrossed and Enrolled bills beg leave to report that they did, at the hour of 1 o'clock, P. M., yesterday, present to the Secretary of the Territory, for safe keeping, Joint Resolution relative to Abraham Lincoln, and Andrew Johnson; and A memorial to Congress asking for a Geological survey of the Black Hills and Bad Lands, in connection with the military forces under General Sully, in this district; and that they, also, in accordance with Joint Rule No. 8, transmitted by mail, copies of the same duly enrolled and authenticated, to our Delegate in Congress, Hon. W. A. Burleigh, to be presented by him to the proper departments of the government.

M. K. ARMSTRONG,  
J. W. TURNER.  
O. F. STEVENS.

Mr. Stutsman, from the committee on Federal Relations submitted the following report:

MR. PRESIDENT:—The committee on Federal Relations, have had under consideration council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux Bridge; and the committee have instructed me to report the same back with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

#### MESSAGES FROM THE HOUSE.

The following message from the House was then received :

HOUSE OF REPRESENTATIVES, }  
January 6th, 1866. . }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 21, An act to regulate the fees of county officers; with attached amendment; also, council bill No. 20, An act to establish a public school law for the Territory of Dakota: with attached amendment, which bills I herewith transmit.

I have also to inform you that the House has passed house files of the following titles: House file No. 33, An act to

provide for the appointment of road supervisors and to prescribe the duties of the same; house file No. 39, An act to confer the right of citizenship on certain persons therein named; house file No. 27, A bill to regulate ferries in the organized counties of Dakota Territory; and house file No. 41, An act to locate a Territorial road in Clay and Union counties: which bills I herewith transmit and respectfully request the concurrence of the council therein.

GEO. I FOSTER,  
*Chief Clerk.*

COMMUNICATIONS FROM THE GOVERNOR.

The following communication was then received from his Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 6th, 1866. }

SIR:—I have the honor to enclose herewith, An act providing for elections and to prescribe the canvass and return of the same; with my approval attached thereto, of this date.

I am sir,

Very Respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,  
*President of the Council.*

BILLS ON THEIR FIRST AND SECOND READING.

House file No. 27, A bill to regulate ferries in the organized counties of Dakota Territory; was then taken up, and Read the first and second time.

Mr. Ross moved the bill be referred to its appropriate committee,

Which motion prevailed, and so it was

Referred to the committee on Highways, Bridges and Ferries.

House file No. 39, An act to confer the right of citizenship on certain persons therein named; was then taken up, and

Read the first and second time, and

On the motion of Mr. Armstrong,  
Referred to the committee on Indian Affairs.

House file No. 41, An act to locate a Territorial road in  
Clay and Union counties; was then taken up, and

Read the first and second time, and

On the motion of Mr. Cole,

The rules were suspended, and

The bill read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stevens,

Its title was agreed to

House file No. 33, An act to provide for the appointment  
of road supervisors and to prescribe the duties of the same;  
was then taken up, and

Read the first and second time, and

On the motion of Mr. Stevens,

Referred to the committee on Highways, Bridges and Fer-  
ries.

#### BILLS ON THEIR THIRD READING.

Council bill No. 32, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and  
On the motion of Mr. VanOsdel,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 33, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turnér, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and  
On the motion of Mr. Weeks,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

House file No. 37, was then taken up, and  
Read the third time.

The question then being on its passage, and it being put  
"shall the bill pass?"

It was decided in the negative.

Yeas four; nays six; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Stutsman, Thompson, and VanOsdel.

Those who voted in the negative, are

Messrs. LaBreeche, Ross, Stevens, Turner, Weeks and Mr. President.

So the bill did not pass.

On the motion of Mr. Turner,  
The vote by which the bill was lost, was reconsidered, and  
On the motion of Mr. Turner,

The bill was laid upon the table until Monday next, the 8th inst., at the conclusion of the order of daily business.

Council bill No. 20, returned by the House with attached amendments, was then taken up.

The first amendment was then read, and

On the motion of Mr. Turner,

Concurred in.

The second amendment was then read, when

On the motion of Mr. Armstrong,

The bill and House amendments thereto, were laid upon the table until Monday next.

Council bill No. 21, returned by the House with attached amendments, was then taken up, and

On the motion of Mr. Armstrong,

The bill and House amendments thereto was laid upon the table until Monday next.

SPECIAL ORDER.

The hour having arrived for the consideration of the order of the day,

The President announced the concluding portion of the Governor's message in committee of the whole House.

After some time spent therein, the President resumed the chair, and

Mr. Weeks reported that the Council, in Committee of the whole House, had had under consideration the concluding portion of the Governor's message; had made some progress therein but not having gone through with the same, asked leave to sit again.

On the motion of Mr. Stutsman,

The report of the committee was concurred in.

On the motion of Mr. VanOsdel,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:—

J. R. HANSON.

*Secretary.*

## THIRTY-SIXTH DAY.

COUNCIL CHAMBER,  
Monday, January 8th, 1866. }

The Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the sixth inst., was then read and approved.

This being the hour for the consideration of the special order, Council bill No 34, was called up for consideration.

Mr. VanOsdel moved the bill be recommitted.

The yeas and nays being called for and ordered, on the motion to recommit.

It was decided in the negative.

Yeas three; nays eight; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Turner and VanOsdel.

Those who voted in the negative, are

Messrs. Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Weeks and Mr. President.

So the motion did not prevail.

The bill was then read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays three; as follows:

Those who voted in the affirmative, are



Messrs. Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Weeks and Mr. President.

Those who voted in the negative, are  
Messrs. Armstrong, Turner and VanOsdel.

So the bill was passed, and  
On the motion of Mr. Stutsman,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

#### MEMORIALS.

By unanimous consent, Mr. Ross introduced council bill No. 35, A memorial and joint resolution relative to the introduction of blood hounds into this military district.

#### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Turner introduced council bill No. 36, An act to establish the counties of Kittson, Chippewa, Stevens and Sheyenne.

#### REPORTS OF COMMITTEES.

Mr. Cole, from the committee on Indian Affairs, submitted the following report :

MR. PRESIDENT:—Your committee on Indian Affairs, to whom was referred house file No. 39, An act to confer the rights of citizenship on certain persons therein named, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

AUSTIN COLE,  
*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following report :

MR. PRESIDENT:—Your committee on Agriculture, to whom was referred house file No. 7, (a substitute,) An act to prohibit sheep and swine from running at large ; have had the same under consideration, and report the same back without amendment and recommend that it do pass.

CHARLES LABREECHE,  
*Chairman.*

Mr. Stevens, from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 27, A bill to regulate ferries in the organized counties of the Territory of Dakota; have had the same under consideration, and beg leave to report the same back without amendment recommending its passage.

O. F. STEVENS,  
*Chairman.*

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 33, An act to provide for the appointment of road supervisors, and to prescribe the duties of the same; have had the same under consideration, and beg leave to report the same back with attached amendments, recommending its passage.

O. F. STEVENS,  
*Chairman.*

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 34, An act to amend chapter 71, of the laws of 1862; have carefully examined the same, and have found that the provisions of said house file are provided for in house file No. 33, and therefore beg leave to report the same back recommending it be indefinitely postponed.

O. F. STEVENS,  
*Chairman.*

Messrs. Stutsman, Turner and Stevens, special committee on house file No. 28, submitted the following report:

MR. PRESIDENT:—The special committee on house file No. 28, A bill to incorporate the Big Sheyenne River Bridge and Ferry Company; have had under consideration the said bill, and the committee believing it to be defective in many of its provisions, have agreed upon a substitute thereto, which, in their opinion, affords the necessary provisions, and is herewith reported with the recommendation that it do pass.

E. STUTSMAN,  
*Chairman.*

Mr. Armstrong, from the special committee appointed on council bill No. 27, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred council bill No. 27, An act creating a board of immigration; have had the same under consideration, and have agreed upon a substitute bill, which is herewith reported to the Council, with the recommendation that it do pass.

M. K. ARMSTRONG.

*Chairman.*

Mr. Stutsman moved that a conference committee be appointed to consider council bill No. 17.

Which motion prevailed, and

The President appointed Messrs. Stutsman, Turner and Labreeche as such committee.

Mr. Stutsman, from the conference committee on council bill No. 17, then submitted the following report:

MR. PRESIDENT:—The committee of conference on council bill No. 17, An act to establish a fence law; have duly considered the matters of difference between the two Houses on said bill, and have unanimously agreed upon a substitute to the same, which is herewith submitted. The committee do not consider the substitute bill absolutely perfect, but as nearly so as, in their opinion, it will be possible to get it this session, and they believe that its provisions will meet the wants of a large majority of the farmers of this Territory, and after duly testing the same, any defect that may be discovered, can be remedied by future legislation. The committee feeling conscious of the importance of the agricultural interests of the Territory, and therefore, the responsibility of the trust upon them imposed, have faithfully labored to secure the greatest good to the greatest number, without the expectation of pleasing every one; and have accordingly united in the recommendation that the bill do pass.

E. STUTSMAN,

J. W. TURNER.

CHARLES LABREECHE,

*Committee on behalf of the Council.*

Mr. Stevens from the committee on Engrossed and Enrolled bills, submitted the following report :

MR. PRESIDENT:—The committee on Engrossed and Enrolled bills, have examined A memorial of the Legislative Assembly of the Territory of Dakota praying for the establishment of a military post on the Vermillion river; also, An act to amend chapter thirty-five of the laws of 1862; also, An act to release Rachel J. Rowley from the bonds of matrimony; and find the same correctly enrolled.

M. K. ARMSTRONG,  
J. W. TURNER.  
O. F. STEVENS.

#### MESSAGES FROM THE HOUSE.

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES, }  
January 8, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bills of the following titles, viz: Council bill No. 29, An act to amend chapter thirty-five, of the laws of 1862; council bill No. 30, An act to release Rachael J. Rowley, from the bonds of matrimony; and council bill No. 31, A memorial to the Secretary of War, praying for the establishment of a military post on the Vermillion river; which bills I herewith transmit.

I am also instructed to inform you that the House has passed house files of the following titles, viz: House file No. 40, An act to establish a Territorial road from the Big Sioux river, to Yankton, on the line surveyed by the government for the location of the Sioux city and Fort Randall wagon road; house file No. 45, A bill for an act to authorize the sheriff of Clay county, to levy and collect a direct tax for the purpose of purchasing blank books for keeping county records; house file No. 43, An act to locate and establish a Territorial road from Yankton, via Smutty Bear's Bottom, Bon Homme, Yankton reservation and Fort Randall; house file No. 44, An act to legalize the acts of the officers of Bon Homme county; and house file No. 46, A bill to confer the rights of citizenship on Antoine Roy and Lewis Roy; which bills I herewith

transmit and respectfully request the concurrence of the Council therein.

I have also to inform you that the House has concurred in council amendments to house file No. 10, An act to amend chapter thirty-seven, of the laws of 1862; also,

That the House has indefinitely postponed council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a college in Dakota Territory; also,

That Messrs. Fargo, Austin and Collins, have been appointed a committee on the part of the House, to confer with a like committee on the part of the Council, in reference to council bill No. 17, An act to regulate and establish a fence law.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January 8th, 1866. }

MR. PRESIDENT:—I am instructed to inform the Council that the House has passed council bill No. 33, A memorial to Congress relative to an endowment of lands for college purposes; which bill I herewith transmit.

I have also to inform you that the House has passed house file No. 47, A memorial for the establishment of a mail route from Choteau post office to Porca Agency; which I herewith transmit, and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

#### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 35, was then taken up, and

Read the first and second time.

On the motion of Mr. Ross,

The rules were suspended, and the bill

Read the third time.

The question then being on its passage, and it being put,  
“shall the bill pass?”

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-

man, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative,  
So the bill was passed, and  
On the motion of Mr. Stutsman,  
Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 36, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Turner,  
Referred to the committee on Judiciary.

House file No. 40, An act to establish a Territorial road from the Big Sioux river to Yankton, on the line surveyed by the government for the location of the Sioux city and Fort Randall wagon road; was then taken up, and

Read the first and second time, and  
On the motion of Mr. Turner,

Recommitted to the committee on Highways, Bridges and Ferries.

House file No. 43, An act to locate and establish a Territorial road from Yankton, via Smutty Bear's Bottom, Bon-Homme, Yankton reservation and Fort Randall, was then taken up, and

Read the first and second time, and  
On the motion of Mr. VanOsdel,

Referred to the committee on Highways, Bridges and Ferries.

House file No. 44, An act to legalize the acts of the officers of Bon Homme county; was then taken up, and

Read the first and second time, and  
On the motion of Mr. Cole,

Ordered printed.

House file No. 46, A bill to confer the right of citizenship on Antoine Roy and Lewis Roy; was then taken up, and

Read the first and second time, and  
On the motion of Mr. Turner,

Referred to the committee on Indian Affairs.

On the motion of Mr. Stutsman,  
 The vote by which the bill was so referred, was reconsidered, when  
 On the motion of Mr. Stutsman,  
 The rules were suspended, and  
 The bill read the third time.  
 The question then being on its passage, and it being put,  
 "shall the bill pass?"  
 It was decided in the affirmative.  
 Yeas eleven; nays none; as follows:  
 Those who voted in the affirmative, are  
 Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.  
 None voting in the negative.  
 So the bill was passed, and  
 On the motion of Mr. VanOsdel,  
 Its title was agreed to.

House file No. 45, A bill for an act to authorize the sheriff of Clay county to levy and collect a direct tax for the purpose of purchasing blank books for keeping county records; was then taken up, and  
 Read the first and second time,  
 On the motion of Mr. Turner  
 The rules were suspended, and  
 The bill read the third time.  
 The question then being on its passage, and it being put,  
 "shall the bill pass?"  
 It was decided in the affirmative,  
 Yeas eleven; nays none; as follows:  
 Those who voted in the affirmative, are  
 Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.  
 None voting in the negative.  
 So the bill was passed, and  
 On the motion of Mr. Ross,  
 Its title was agreed to.

House file No. 47, A memorial for the establishment of a mail

route from Choteau post office to Ponca agency ; was then taken up, and

Read the first and second time, and

On the motion of Mr. Thompson,

The rules were suspended, and

The bill read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eleven ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Thompson,

Its title was agreed to.

#### BILLS ON THEIR THIRD READING.

Council bill No. 17, reported back by the committee of conference with a substitute, was then taken up, and the substitute read.

On the motion of Mr. Stutsman,

The substitute was adopted. It was then

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eleven ; nays none ; as follows :

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

On the motion of Mr. Turner,

The bill was then ordered printed.

House file No. 7, was then taken up, and



On the motion of Mr. Turner,  
Re-committed to the committee on Agriculture.

Council bill No. 27, reported back by the special committee with a substitute, was then taken up.

On the motion of Mr. Turner,  
The substitute was adopted. It was then  
Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven ; nays none ; as follows :

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stats-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Weeks,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

House file No. 27, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven ; nays none ; as follows :

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stats-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and,

On the motion of Mr. VanOsdel

Its title was agreed to.

House file No. 28, reported back by the special committee with a substitute, was then taken up.

On the motion of Mr. Statsman,

The substitute was adopted. It was then

Read the third time.

The question then being on its passage. and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays one; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, Weeks and Mr. President.

Mr. VanOsdel voted in the negative.

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

House file No. 39, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the negative.

Yeas five; nays six; as follows:

Those who voted in the affirmative, are

Messrs. Cole, LaBreeche, Stutsman, Thompson and Mr. President.

Those who voted in the negative, are

Messrs. Armstrong, Ross, Stevens, Turner, VanOsdel and Weeks.

So the bill was not passed.

On the motion of Mr. Turner,

The vote by which the bill was lost was reconsidered, when,

On the motion of Mr. Turner,

The bill was recommitted to the committee on Indian Affairs.

House file No. 34, Reported back by the committee on Highways, Bridges and Ferries, recommending its indefinite postponement, was then taken up, and

On the motion of Mr. Turner,

The recommendation of the committee was agreed to.

So the bill was indefinitely postponed.

House file No. 33, reported back by the committee on Highways, Bridges and Ferries, with attached amendments, was then taken up.

The first amendment was then read, and  
On the motion of Mr. Stutsman,  
Agreed to.

The second amendment was then read, and  
On the motion Mr. VanOsdel,  
Agreed to.

The third amendment was then read, and  
On the motion of Mr. VanOsdel,  
Agreed to.

The bill was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays one; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, VanOsdel, Weeks and Mr. President.

Mr. Turner voted in the negative.

So the bill was passed, and

On the motion of Mr. VanOsdel.

Its title was agreed to.

On the motion of Mr. Statsman,  
House file No. 37, was taken from the table for consideration.

Mr. Ross offered the following amendments:

After section 5, add the following:

Sec. 6. This Legislative Assembly reserves the power to  
amend, at any time, this act.

Change section 6, to section 7; which amendments,

On the motion of Mr. Statsman,

Were adopted.

The bill was then read the third time,

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stuts-  
man, Thompson, Turner, VanOsdel, Weeks and Mr. President

None voting in the negative,  
 So the bill was passed, and  
 On the motion of Mr. Turner,  
 Its title was agreed to.

Council bill No. 20, was then taken up for consideration, with amendments proposed by the House.

Mr. Turner moved the amendments be concurred in.

Which motion prevailed.

Mr. Weeks moved to reconsider the vote by which the amendments were concurred in.

Which motion prevailed.

Mr. Turner again moved the amendments be concurred in.

Which motion did not prevail, when

On the motion of Mr. Turner,

A conference committee was requested of the House on the said bill.

Council bill No. 21, with amendments proposed by the House, was then taken up,

Mr. Armstrong moved the first amendment be disagreed to.

Which motion prevailed, when

On the motion of Mr. Armstrong,

A conference committee was requested of the House on the said bill.

The following communication was then received from G. C. Moody, Esq., which was read at length:

YANKTON, D. T., January 8, 1868.

*Gentlemen of the Legislative Assembly of the Territory of Dakota:—*

I have the honor to furnish herewith the statement of receipts and disbursements requested of me by your resolution:

Statement of receipts and disbursements on account of the appropriation for the Big Sioux Bridge by G. C. Moody, Superintendent and Disbursing Agent, made at the request of the Legislative Assembly of the Territory of Dakota.

## RECEIPTS.

1865.		
May 21st—	Received from the Treas. U. S.,	\$5,000.00
Sept. 18th—	do do do	4,500.00
	Balance paid by Superintendent more than received by him, . . . . .	16.99
	Total, . . . . .	<u>\$9,516.99</u>

## EXPENDITURES.

For stationery, . . . . .	\$ 28.00
For material for flat boat and skiffs, . . . . .	98.10
For square timber (in the tree,) and for oak and cottonwood lumber, . . . . .	1,243.51
For provisions for workmen, . . . . .	355.84
For transportation of materials, timber, lum- ber, provisions, tools, &c., . . . . .	1,576 50
For ferrriage of hands, . . . . .	59.70
For board of workmen, . . . . .	373.10
For tools, . . . . .	83.41
For labor, in getting out and rafting timber, and on bridge, . . . . .	4,220.64
For transportation of Superintendent, En- gineer and other employees while actually engaged in the discharge of their duties, . . . . .	250.65
For salary of Engineer, . . . . .	517.73
For salary of Superintendent and Disburs- ing Agent, . . . . .	706.81
Total . . . . .	<u>\$9,516.99</u>

Having complied with your request, permit me to remark that I have been informed, certain members of the honorable Council have taken some exceptions because I did not furnish this statement earlier, and one of them has introduced into that body a resolution based upon that fact. Allow me to say that until instructed to the contrary by the distinguished mover of that resolution, I had supposed it was not usual to request a favor and then dictate either the time or manner of its being granted. Since the receipt of that request I have had other

duties to perform more consistant with my position as an employe of the U. S. Government under the direction of the Secretary of the Interior. If this information had been desired earlier, an earlier request should have been made, so that I could have furnished it without interfering with my duties at the close of the month when my reports are required to be made, and at this time additional duties were required of me by my instructions.

Permit me to say further, that I think I have the right to complain that the honorable assembly should, by the adoption of the resolution, have given countenance to the false and slanderous reports, with regard to the disbursements here detailed, so industriously circulated by designing persons. I do not believe the majority of the House or Council intended any wrong. Of course I do not question the motives of the distinguished mover of that resolution. It cannot be possible that he was actuated by any personal or selfish motives, by any mean desire for a petty revenge because of any fancied injury. Oh no! his motives must have been of the highest and most patriotic; he must have had the most ardent desire for the public good.

If there shall be any other information in my power desired by you, I shall be willing at all times to furnish it.

Very Respectfully,

Your ob't Servant,

G. C. MOGDY,

*Superintendent and Disbursing Agent.*

On the motion of Mr. Ross,  
The Council adjourned.

GEORGE STICKNEY,

*President.*

ATTEST:-

J. R. HANSON,

*Secretary.*

## THIRTY-SEVENTH DAY.

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COUNCIL CHAMBER,  
Tuesday, January 9th, 1866. }

The Council met pursuant to adjournment, and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The journal of the eighth instant was then read and approved.

### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Armstrong introduced council bill No. 37, An act fixing the time of the regular meeting of the board of county commissioners.

Pursuant to previous notice, Mr. Kingsbury introduced council bill No. 38, An act to regulate the rates of Printers Fees.

By unanimous consent, Mr. Stutsman introduced council bill No. 39, An act to prevent the firing of woods and prairies.

### RESOLUTIONS.

Mr. Ross, submitted the following resolution:

*Resolved*, That Lieut. Benjamin be invited to a seat within the bar of the Council.

The resolution was adopted.

### REPORTS OF COMMITTEES.

Mr. VanOsdel, from the committee on Finance, submitted the following report:

**MR. PRESIDENT:**—The committee on Finance to whom was referred council bill No. 28, An act in relation to Territorial and county revenue; have had the same under consideration, and herewith report the same back with the several attached amendments, and recommend that the bill do pass.

A. VANOSDEL,

*Chairman,*

Mr Kingsbury, from the committee on Military Affairs, submitted the following report:

**MR. PRESIDENT:**—Your committee on Military Affairs, to whom was referred council bill No. 18, An act on the subject of towns; beg leave to report that the said bill has been duly considered, and the committee have concluded that the subject of towns, unless in a besieged or belligerent condition, is not an appropriate one for their consideration, and they would therefore report the bill back with the recommendation that it be referred to the committee of the Whole at as early a day as the Council may deem practicable.

G. W. KINGSBURY,

*Chairman.*

Mr. Cole, from the committee on Indian Affairs, submitted the following report:

**MR. PRESIDENT:**—The committee on Indian Affairs, to whom was re-committed house file No. 39, An act to confer the rights of citizenship on certain persons therein named; have re-examined the same, and while the committee are aware that the rights therein conferred are sufficiently guaranteed by the provisions of the Public School law now before the committee of conference of the two Houses, and as final action may not be taken on said school law until the last days of the session, therefore, your committee have unanimously agreed to report the bill back and recommend that the same do pass.

A. COLE,

*Chairman.*

Mr. Stutsman, from the committee on Judiciary, submitted the following report:

**MR. PRESIDENT:**—The committee on Judiciary, have had under consideration council bill No. 36, An act to establish the



counties of Kittson, Chippewa, Stevens and Cheyenne. The chief point as to the expediency and justice of such enactment rests upon the question of fact, to-wit: Is the territory mentioned in the bill, ceded land? and upon examination the committee have found that, by a treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians in Minnesota, October 2, 1863; ratified by the Senate with amendments, March 1, 1864; amendments assented to April 12, 1864; and proclaimed by the President of the United States, May 5, 1864, a portion of the territory embraced in the boundary lines of said counties of Kittson, Chippewa, Stevens and Cheyenne, (as heretofore established by law) was ceded by said Indians to the United States. The committee have therefore agreed upon a substitute bill of the following title: An act to establish the county of Pembina, to fix the representation thereof, and for other purposes; which is herewith submitted.

E. STUTSMAN,  
*Chairman.*

Mr. LaBreeche, from the committee on Agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on Agriculture, to whom was re-committed house file No. 7, An act to prohibit sheep and swine from running at large; have had the same under consideration and report the same back with attached amendment and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

Mr. Stevens, from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 40, An act to establish a Territorial road from the Big Sioux river to Yankton, on the line surveyed by government for the location of the Sioux city and Fort Randall wagon road; have had the same under consideration and beg leave to report the same back recommending it be made the special order of the Coun-

cil in committee of the Whole at such time as the Council may see proper to take it up.

O. F. STEVENS,  
*Chairman.*

Mr. Weeks, from the committee on Counties, submitted the following report :

MR. PRESIDENT:—The committee on Counties, to whom was referred Council bill No. 37, An act fixing the time of the regular meetings of the board of county commissioners; have had the same under consideration, and report the same back with the attached amendment and recommend that the same do pass.

CANUTE WEEKS,  
*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT:—The committee on Enrolled bills have examined An act to authorize the appointment of an emigrant agent; An act to regulate the rates of printers fees; A memorial and Joint resolution relative to Blood hounds; An act to establish a Civil Code; An act to establish a fence law; and find the same correctly enrolled.

M. K. ARMSTRONG,  
J. W. TURNER.  
O. F. STEVENS.

#### MESSAGES FROM THE HOUSE

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES,  
January 9th, 1866. } .

MR. PRESIDENT:—I am instructed by the House to inform the honorable Council that the House has passed council bill No. 35, A memorial and joint resolution relative to the introduction of blood hounds into this military district; also, council bill No. 38, An act to regulate the rates of printers fees; also, council bill No. 32, An act to establish a civil code; which bills I herewith transmit.

I have also to inform you that the House has appointed Messrs. Collins, Fargo and Austin, a committee on the part of the

House, to confer with a like committee on the part of the Council in the matter of disagreement between the two Houses concerning council bill No. 20, An act to establish a public school law for the Territory of Dakota.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES. }  
January 9, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 17, (substitute,) An act to establish a fence law; also, council bill No. 27, (substitute,) An act to authorize the appointment of an Immigrant agent; which bills I herewith transmit.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 37, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Turner,  
Referred to the committee on Counties.

Council bill No 38, was then taken up, and  
Read the first and second time, and  
On the motion of Mr. Stutsman,  
The rules were suspended, and  
The bill read the third time.

The question then being on its passage, and it being put,  
“shall the bill pass?”

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are  
Messrs. Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stutsman,

Its title was agreed to.

*Ordered,* That the Secretary request the concurrence of the House in the said bill.

Council bill No. 39, was then taken up, and  
 Read the first and second time, when  
 On motion of Mr. Stutsman, it was  
 Referred to the committee on Agriculture.

BILLS ON THEIR THIRD READING.

House file No. 7, reported back by the committee on Agriculture, with attached amendments, was then taken up, and

On the motion of Mr. Stutsman,  
 The amendment was adopted.

The bill was then read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative,  
 So the bill was passed, and  
 On the motion of Mr. Weeks,  
 Its title was agreed to.

Council bill No. 28, reported back by the committee on Finance, with attached amendments, was then taken up.

The first amendment was then read, and adopted.  
 The second amendment was then read, and adopted.  
 The third amendment was then read, and adopted.  
 The fourth amendment was then read, and adopted.  
 The fifth amendment was then read, and adopted.  
 The sixth amendment was then read, and adopted.  
 The seventh amendment was then read, and adopted.  
 The eighth amendment was then read, and adopted.  
 The ninth amendment was then read, and adopted.  
 The tenth amendment was then read, and adopted.  
 The eleventh amendment was then read, and adopted.  
 The twelfth amendment was then read, and adopted.  
 The thirteenth amendment was then read, and adopted.  
 The fourteenth amendment was then read, and adopted.

The fifteenth amendment was then read, and adopted.

The sixteenth amendment was then read, and adopted.

The seventeenth amendment was then read, and adopted.

The eighteenth amendment was then read, and adopted.

The nineteenth amendment was then read, and adopted.

The twentieth amendment was then read, and adopted.

The twenty-first amendment was then read, and adopted.

The twenty-second amendment was then read, and adopted.

The twenty-third amendment was then read, and adopted.

The twenty-fourth amendment was then read, and adopted.

The twenty-fifth amendment was then read, and adopted.

The twenty-sixth amendment was then read, and adopted.

The twenty-seventh amendment was then read, and adopted.

The twenty-eighth amendment was then read, and adopted.

The twenty-ninth amendment was then read, and adopted.

The thirtieth amendment was then read, and adopted.

The several amendments thus having been adopted,

The bill was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Turner,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 36, reported back by the committee on Judiciary with a substitute, was then taken up.

Mr. Weeks moved the substitute be agreed to.

Mr. Kingsbury in the chair.

Mr. Stickney moved the bill be laid on the table until tomorrow, at ten o'clock, A. M.

The yeas and nays being called for, and ordered, on the motion to lay on the table.

It was decided in the negative.

Yeas five ; nays seven ; as follows:

Those who voted in the affirmative, are

Messrs. Kingsbury, LaBreeche, Stevens, VanOsdel, and Mr. President.

Those who voted in the negative, are

Messrs. Armstrong, Cole, Ross, Stutsman, Thompson, Turner and Weeks.

So the motion did not prevail.

The question then recurring on the motion to agree to the substitute.

It was agreed to.

Pending the further consideration of which bill,

On the motion of Mr. Stutsman,

The Council took a recess of fifteen minutes.

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The time having expired.

The President resumed the chair, and called the Council to order.

The bill was then taken up, and

Read the third time.

The question then being on its passage, and it being put "shall the bill pass?"

It was decided in the affirmative

Yeas seven ; nays five ; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Ross, Stutsman, Thompson, Turner and Weeks.

Those who voted in the negative, are

Messrs. Kingsbury, LaBreeche, Stevens, VanOsdel and Mr. President.

So the bill was passed, and

On the motion of Mr. Ross,

Its title agreed to.

On the motion of Mr. Stutsman,

The secretary was ordered to suspend transmission of the said bill until to-morrow at 10 o'clock, A. M.

House file No. 40, was then taken up; whereupon

On the motion of Mr. Stutsman,

The Council resolved itself into the committee of the whole House on the bill.

After some time spent therein the committee arose, and

Mr. Thompson reported that the Council in committee of the whole House had had under consideration house file No. 40, and having gone through with the same had instructed their chairman to report the bill back to the Council and ask to be released from its farther consideration.

On the motion of Mr. Statsman,

The report of the committee of the Whole was agreed to.

The bill was then read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

Council bill No. 37, reported back by the committee on Counties, with attached amendments, was then taken up.

The first amendment was then read and adopted.

The second amendment was then read and adopted.

On the motion of Mr. Turner,

The rules were suspended, and the bill

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and,

On the motion of Mr. VanOsdel

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

House file No. 39, was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. VanOsdel.

Its title was agreed to.

On the motion of Mr. Turner,

The following committee of conference on council bill No. 20, was appointed, to-wit: Messrs. Armstrong, Turner and LaBreeche.

On the motion of Mr. Ross,

The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST:

J. R. HANSON,

*Secretary.*



## THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,  
Wednesday, January 10, 1866. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names :

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The Journal of the ninth instant, was then read and approved.

### INTRODUCTION OF BILLS.

By unanimous consent, Mr. Kingsbury introduced council bill No. 40, An act to incorporate the town of Yankton, in the Territory of Dakota.

### RESOLUTIONS.

Mr. Ross, submitted the following resolution :

*Resolved*, That Capt. Wm. Tripp, be invited to a seat within the bar of the Council, which resolution,

On the motion of Mr. Turner,

Was adopted.

### REPORTS OF COMMITTEES

Mr. Armstrong, from the conference committee, submitted the following report :

MR. PRESIDENT :—The committee of conference appointed to act with a like committee on the part of the House, to consider

the matters of difference between the two Houses, on council bill No. 20, An act to establish a public school law; have agreed upon a substitute bill, which they herewith report back to the Council, and recommend that the same do pass.

M. K. ARMSTRONG.

Mr. LaBreeche, from the committee on Agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on Agriculture, to whom was referred council bill No. 39, An act to prevent the firing of woods, marshes and prairies; have had the same under consideration, and report the same back with attached amendments, and recommend its passage.

CHARLES LABREECHE,  
*Chairman.*

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled bills, have to report that they did this day, at the hour of two o'clock, P. M., present to the Governor for his approval, An act to amend chapter thirty-five of the laws of 1862; also, An act to release Rachel J. Rowley from the bonds of matrimony; also, An act to authorize the appointment of an Immigrant agent; also, An act to establish a fence law; also, An act to establish a Civil Code.

M. K. ARMSTRONG,  
J. W. TURNER.  
O. F. STEVENS.

Mr. VanOsdel, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs, to whom was referred council bill No. 26, An act to regulate the license and keeping of dogs; have had the same under consideration, and report it back with the recommendation that it be indefinitely postponed.

A. VANOSDEL,  
*Chairman.*

Mr. Stevens, from the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 43, An act to locate and establish a Territorial road from Yankton, via Smutty Bear's Bottom, Bon Homme, Yankton reservation and Fort Randall; have had the same under consideration, and have instructed me to report the same back recommending it be indefinitely postponed.

O. F. STEVENS,  
*Chairman.*

#### MESSAGES FROM THE HOUSE.

The following messages were then received from the House:

HOUSE OF REPRESENTATIVES, }  
January 10th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has concurred in Council amendments to the following house files, viz: house file No. 7, An act to prohibit sheep and swine from running at large; house file No. 37, A bill to Incorporate the Black Hills Mining, Exploring, Manufacturing and Transportation Company; house file No. 33, An act to provide for the appointment of road supervisors, and to prescribe the duties of the same; house file No. 28, An act to incorporate the Big Sheyenne River Bridge and Ferry Company.

I have also to inform you, that Messrs Kellogg, Ash and Brown, have been appointed a committee on the part of the House, to confer with a like committee on the part of the Council, in the matter of disagreement concerning council bill No. 21, An act to regulate the fees of county officers.

GEO. I FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January 10th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed house files of the following titles, to-wit: House file No. 48, A bill to annex S. A. Bently and John Andrews, to the county of Bon

Homme for election and judicial purposes; house file No. 49, An act to confer the rights of citizenship on Robert Holvey, of Bon Homme county; and, house file No. 50, A bill to authorize and direct the Auditor to issue warrants to certain officers; which bills I herewith transmit and respectfully request the concurrence of the Council therein.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January, 10th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 20, An act to establish a public school law; also, council bill No. 37, An act fixing the time of the regular meetings of the board of county commissioners; also, council bill No. 40, An act to incorporate the town of Yankton, in the Territory of Dakota; which bills I herewith transmit.

I have also to inform you that the House has rejected council bill No. 36, An act to establish the county of Pembina, to fix the representation thereof, and for other purposes.

GEO. I. FOSTER,  
*Chief Clerk.*

BILLS ON THEIR THIRD READING.

Council bill No. 20, reported back by the conference committee with a substitute, was then taken up.

On the motion of Mr. Turner,  
The substitute was agreed to.

The bill was then read the third time.

The question then being on its passage, and it being put  
“shall the bill pass?”

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,  
So the bill was passed, and

On the motion of Mr. Weeks,  
Its title was agreed to

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 26, reported back by the committee on Territorial Affairs, recommending its indefinite postponement, was then taken up, and

On the motion of Mr. Ross,  
The report of the committee was agreed to, so  
The bill was indefinitely postponed.

Council bill No. 39, reported back by the committee on Agriculture, with attached amendments, was then taken up.

On the motion of Mr. Stutsman,  
The amendments were adopted, when  
On the motion of Mr. Stutsman,  
The bill was ordered engrossed for a third reading, to-day.

House file No. 43, reported back by the committee on Highways, Bridges and Ferries, recommending its indefinite postponement, was then taken up.

On the motion of Mr. Stutsman,  
The report of the committee was agreed to.  
On the motion of Mr. Armstrong,  
The vote by which the report of the committee was agreed to, was reconsidered, when  
On the motion of Mr. Cole,  
The bill was referred to the committee on Counties.

Mr. Weeks, from the committee on Counties, submitted the following report:

MR. PRESIDENT:—Your committee on Counties, to whom was referred house file No. 43, An act locating a Territorial road from Yankton, via Smutty Bear's Bottom, Bon Homme, Yankton Reservation and Fort Randall; have directed their chairman to report the same back to the Council with a recommendation that it do pass.

CANUTE WEEKS,  
*Chairman.*

House file No. 43, was then taken up.

Mr. Kingsbury moved to amend the bill by inserting in Sec. 1, first line, before the name "John Andrews," the names "A. G. Fuller and M. K. Armstrong," which amendment,

On the motion of Mr. Stutsman,  
Was adopted.

The bill was then read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. Stutsman,

The title was amended by striking out the letter "s" in the word "bears," and then agreed to.

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, have examined council bill No. 39, An act to prevent the firing of woods, marshes and prairies; and find the same correctly engrossed.

M. K. ARMSTRONG,  
*Chairman.*

Council bill No. 39, was then taken up, and

Read the third time.

The question then being on its passage, and it being put,  
"shall the bill pass?"

It was decided in the affirmative.

Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and  
 On the motion of Mr. VanOsdel,  
 Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 40, was then taken up, and  
 Read the first and second time.  
 On the motion of Mr. Kingsbury,  
 The rules were suspended, and  
 The bill read the third time.

The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative,  
 Yeas eleven; nays none; as follows:

Those who voted in the affirmative, are  
 Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross,  
 Stevens, Stutsman, Thompson, VanOsdel, Weeks and Mr.  
 President.

None voting in the negative.  
 So the bill was passed, and  
 On the motion of Mr. Stutsman,  
 Its title was agreed to.

*Ordered*, That the secretary request the concurrence of the House in the said bill.

Mr. Kingsbury moved that the committee on Expenditures be requested to take under consideration that portion of the Governor's message relating to the claims against the Territory, on account of public documents transmitted from Washington, with permission to report by bill or otherwise.

Which motion prevailed.

On the motion of Mr. Armstrong,  
 A committee of conference was appointed on council bill No. 21, consisting of Messrs. Armstrong, Ross and LaBreeche,

Mr. Armstrong, from the committee of conference. submitted the following report:

MR. PRESIDENT:—The committee of conference appointed to act with a like committee on the part of the House, to confer the matter of difference on council bill No. 21, An act relative to fees of county officers; and have agreed upon the substitute bill, which they herewith report back to the Council, and recommend that the same do pass.

M. K. ARMSTRONG,  
*Chairman.*

Council bill No. 21, reported back by the conference committee, with a substitute, was then taken up, and

On the motion of Mr. Stutsman,

The substitute was agreed to.

It was then read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas twelve; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

*Ordered,* That the secretary request the concurrence of the House in the said bill.

House file No. 48, was then taken up, and

Read the first and second time.

On the motion of Mr. Stutsman,

The rules were suspended, and

The bill read the third time,

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas eight; nays three; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stevens, Stutsman, Thompson, VanOsdel and Mr. President.



Those who voted in the negative, are  
 Messrs. Kingsbury, Ross and Turner.  
 Mr. Weeks was excused from voting.  
 So the bill was passed, and  
 On the motion of Mr. Stutsman,  
 Its title was agreed to.

House file No. 49, was then taken up, and  
 Read the first and second time, and  
 On the motion of Mr. Ross,  
 Referred to the committee on Indian Affairs.

House file No. 50, was then taken up, and  
 Read the first and second time.  
 On the motion of Mr. Turner,  
 The rules were suspended, and  
 The bill read the third time.  
 The question then being on its passage, and it being put,  
 "shall the bill pass?"  
 It was decided in the affirmative.  
 Yeas eleven; nays one; as follows:  
 Those who voted in the affirmative, are  
 Messrs. Cole, Kingsbury, LaBreeche, Ross, Stevens, Stuts-  
 man, Thompson, Turner, VanOsdel, Weeks and Mr. President.  
 Mr. Armstrong voted in the negative.  
 So the bill was passed, and  
 On the motion of Mr. Stevens,  
 Its title was agreed to.

#### COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Gov-  
 ernor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
 Yankton, January 8th, 1866. }

SIR:—I have the honor to enclose herewith, An act in rela-  
 tion to county surveyors; also, An act fixing the time of holding  
 the District courts in the first, second and third Districts, and

the time of holding the courts in the county of Union ; which have been this day examined, approved and signed.

I am sir,

Very Respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,

*President of the Council.*

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 8th, 1866. }

SIR:—I have the honor to return herewith without my approval, An act to authorize a special election in Yankton county, on the question of assessing a tax to build a county jail.

My objections to this bill are found in the fourth and fifth sections thereof. The fourth section makes it the imperative duty of the county commissioners, immediately after the tax (in case one is authorized by the people thereof) shall have been collected and paid, to advertise for proposals to build a county jail, &c, and that the person or persons proposing to erect the most suitable and substantial building, &c., for the amount of funds in the Treasury for that purpose "shall be declared the successful bidder and shall be contracted with by the board," &c.

By the above provisions, the duty seems to be imperative upon the county commissioners ; 1st, To advertise ; 2d, To declare the successful bidder : and 3d, To enter into a contract, &c ; they having no discretion in the matter. It does not seem to be important, whether any or either of the plans or proposals presented are suitable for a jail or not. It is made the imperative duty of the county commissioners to adopt the most "suitable plan presented," at such letting, and having designated and agreed upon which plan, their duty is imperative to enter into a contract with the "successful bidder."

Sec. 5 provides that any county officers who shall refuse or neglect to perform any duty imposed by this act, "shall be deemed guilty of a misdemeanor and shall be fined and imprisoned at the discretion of the court.

There is in my opinion much doubt about the people of

Yankton county being able to procure, under the provisions above recited, a building suitable for the purposes of a jail, and however much such a building may be desired, I can not think that the "citizens or county officers of Yankton county," desire to be taxed for the erection of such a building, as will be of little or no service, for the purpose for which the expense has been incurred. Deeming the objects for which this law is enacted, not sufficiently secured to the people of Yankton county, by the provisions of this bill, I therefore return it to the House in which it originated, with my objections.

I am sir,

Very Respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,

*President of the Council.*

On the motion of Mr. Stutsman,  
The Council adjourned.

GEORGE STICKNEY,

*President.*

ATTEST:-

J. R. HANSON,

*Secretary.*

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THIRTY-NINTH DAY.

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COUNCIL CHAMBER, }  
Thursday, January 11th, 1866. }

The Council met pursuant to adjournment, and was called to order by the

**President in the chair.**

**Prayer by the chaplain.**

**Roll called.**

**The following members responded to their names :**

**Messrs. Armstrong, Cole, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.**

**The journal of the tenth inst., was then read and approved.**

#### INTRODUCTION OF BILLS.

**By unanimous consent, Mr. Turner introduced council bill No. 41, An act to provide for defraying certain expenses incident to the transmission and other charges, on books, maps and charts donated to the Territory by act of Congress or otherwise.**

**By unanimous consent, Mr. Armstrong introduced council bill No. 42, An act to authorize the county commissioners of Yankton county to rent a building for a county jail.**

**By unanimous consent, Mr. Cole introduced council bill No. 43, Joint Resolution relative to Hon. Walter A. Burleigh.**

#### REPORTS OF COMMITTEES

**Mr. Cole, from the committee on Indian Affairs, reported back house file No. 49, without recommendation.**

**Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following reports :**

**MR. PRESIDENT:—The committee on Engrossed and Enrolled bills have examined An act fixing the time of holding the regular meetings of the Board of County Commissioners ; also, An act to incorporate the town of Yankton ; also, An act to establish a public school law ; and found the same correctly enrolled.**

**M. K. ARMSTRONG,  
J. W. TURNER.  
O. F. STEVENS.**

**MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills have examined council bill No, 28, An act in relation**

to Territorial and county revenue ; and report the same correctly enrolled.

M. K. ARMSTRONG.

*Chairman.*

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, did this day at 11 o'clock, present to the Governor for his approval, An act regulating the rates of printers' fees ; An act to incorporate the town of Yankton ; An act to establish a public school law ; An act fixing the time of the regular meetings of the Board of county commissioners ; also, An act in relation to Territorial and county revenue.

M. K. ARMSTRONG.

*Chairman.*

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, beg leave to report that they did at the hour of 2 o'clock, P. M., yesterday, deliver to the Secretary of the Territory for safe keeping, A memorial to Congress relative to an endowment of lands for college purposes ; also, A memorial to the Secretary of War, praying for the establishment of a military post on Vermillion river ; also, A memorial and Joint Resolution relative to the introduction of Blood hounds into this military district.

M. K. ARMSTRONG.

J. W. TURNER.

O. F. STEVENS.

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills have examined An act to regulate the fees of county officers ; also, An act to prevent the firing of woods, marshes and prairies ; and found the same correctly enrolled.

M. K. ARMSTRONG.

*Chairman.*

Mr. Stevens, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have to report that they did this day at 12 o'clock, M., present to the Governor, for his approval, An act to regulate the fees of county officers ; also, An act to prevent the firing of woods, marshes and prairies.

O. F. STEVENS.

Mr. Ross, from the committee on Federal Relations, submitted the following report :

MR. PRESIDENT:—The committee on Federal Relations, having disposed of all the business to them referred, deem it proper at the close of their labors, that a brief summary thereof should be given. Therefore the undersigned, a majority of said committee, do respectfully submit the following report :

Besides the several house files numbered respectively 4, 6, 19, 22, 24 and 29, the committee have considered and acted upon Joint Resolutions and memorials originating in the Council upon the following subjects :

A memorial relative to the location of the North branch of the Pacific Railroad, which in itself is a matter of the most vital importance to this Territory, as it is to the states and Territories of the great west.

A memorial relative to Post route No. 13,577, having for its object the forming of a mail communication between St. Paul on the Mississippi, and Yankton on the Missouri river.

A memorial upon the subject of a Geological survey of the Black Hills and Bad Lands within this Territory, to be made under the protection of the military forces under General Sully. The undersigned have no doubt of existence of gold, silver, iron and coal in paying quantities and easy of access within the region mentioned, and that it is a pet measure of the General to thoroughly explore that country with the double purpose of striking a fatal blow at the hostile savages and at the same time to ascertain something definite about the extent and richness of the mineral resources of this Territory, and doubtless will heartily co-operate in making the survey which in our opinion will result in incalculable benefit to the people of this Territory.

A memorial representing the pressing necessity of suitable public buildings for government use within this Territory.

Also, a joint resolution relative to G. C. Moody, and the Big Sioux Bridge, which resolution has been the theme of much discussion, of more than ordinary interest. By referring to said Moody's statement, it will be seen that after complaining about the action of the legislature in reference to himself, he states as follows :

“ I do not believe the majority of the House or Council intended any wrong. Of course I do not question the motives of the distinguished mover of that resolution. It cannot be possible that he was actuated by any personal or selfish motives, by any mean desire for a petty revenge because of any fancied injury. Oh no! his motives must have been of the highest and most patriotic; he must have had the most ardent desire for the public good.”

And inasmuch as said Moody by the remarks quoted has endeavored to create the impression that the responsibility of the proceedings relative to him, rest entirely upon the mover of the aforesaid resolution, whom he charges by insinuation with being actuated by motives of revenge, but other gentlemen upon this floor and of the House of Representatives who favored the resolution, he very magnanimously excuses upon the grounds that they *intended* no wrong, and the inference would be that in their ignorance they blindly committed a wrong without knowing what they did. We therefore deem it but due to ourselves as well as to the other gentlemen who supported the said resolution, to respectfully decline the soft impeachment. Should Mr. Stutsman have declined to move in the matter, some other gentleman would certainly have introduced a resolution upon the subject, and perhaps with far less regard to the feelings of Mr. Moody. We therefore desire that said Moody and all others whom it may concern shall know that we cordially supported the resolution referred to, and do indorse every word therein contained. Believing as we do, that if any fault can justly be found thereto, it should be upon the grounds that it is far more mild than the facts in the case would seem to warrant, and in thus stating we are confident that we only express the sentiments of every gentleman upon this floor who voted with the majority.

And we will further state, that in our candid opinion the insinuation by said Moody, that the mover of the resolution was prompted by any improper motives, is malicious and unwarranted, for we have yet to learn that said G. C. Moody has attained to such a social, political or official eminence that

would be likely to create envy in the breast of any rational being.

All of which is respectfully submitted.

O. F. STEVENS,  
N. V. ROSS.

MESSAGES FROM THE HOUSE.

The following messages were then received from the House :

HOUSE OF REPRESENTATIVES, }  
January 11, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bills of the following titles, to-wit: Council bill No. 39, An act to prevent the firing of woods and prairies; council bill No. 21, An act to regulate the fees of county officers; which bills I herewith transmit.

I have also to inform you that the House has concurred in Council amendments to house file No. 43, An act locating a Territorial road.

GEO. I. FOSTER,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
January 11th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bill No. 28, An act in relation to Territorial and county revenue; which I herewith transmit.

GEO. I. FOSTER,  
*Chief Clerk.*

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from his excellency the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 11th, 1866. }

SIR:—I have the honor to return herewith, without my approval, giving my reasons therefor, to the House in which it originated, An act to release Rachel J. Rowley from the bonds of matrimony.

Contracts of this character, by enlightened communities are



justly considered, in my opinion, of a most sacred and binding character. The higher the civilization, the more sacred are such contracts held. This being the case, such contracts should not be lightly interfered with, and especially should this view of the case be taken, when there are reasonable grounds to doubt the authority over the question, of the power proposing to annul such contracts. I have carefully considered this question in connection with this subject, and have been led to the conclusion that inasmuch as the Legislative Assembly of this Territory has heretofore enacted a law (Chapter 18, Laws of 1863-4) providing a mode by which divorces may be granted by the courts of this Territory, upon the parties making the necessary proof in such cases; and inasmuch as there is doubt in my own mind about such power being vested in the Legislative Assembly of this Territory by any act of Congress delegating powers to the Legislative Assembly thereof, and there being no question as to the power of the Legislature to provide by law, a mode by which parties desiring it may obtain relief from such contracts through the properly constituted courts of this Territory, I feel it my imperative duty to return this bill without my approval.

I am Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS.

*Governor.*

HON. GEORGE STICKNEY,

*President of the Council.*

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 11, 1866. }

SIR:—I have the honor to enclose herewith, An act to authorize the appointment of an Immigrant agent; also, An act to amend chapter thirty-five, of the laws of 1862; which have this day been approved by the undersigned.

I am Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS,

*Governor.*

HON. GEORGE STICKNEY,

*President of the Council.*

## BILLS ON THEIR THIRD READING.

Council bill No. 30, An act to release Rachael J. Rowley, from the bonds of matrimony; returned by his excellency the Governor with his disapproval, was then taken up.

On the motion of Mr. Stutsman,

The past action of the Council on the said bill was reconsidered, when

On motion of Mr. Stutsman,

The bill was read the third time.

The question then being on its passage over the Governor's veto, and it being put, "shall the bill pass?"

It was decided in the negative.

Yeas three; nays seven; as follows:

Those who voted in the affirmative, are

Messrs. Cole, Stutsman and Thompson.

Those who voted in the negative, are

Messrs. Armstrong, LaBreeche, Ross, Turner, VanOsdel, Weeks and Mr. President.

So the bill did not pass.

## BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 41, was then taken up, and

Read the first and second time, and

On the motion of Mr. Turner,

The rules were suspended, and the bill

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, LaBreeche, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

None voting in the negative,

So the bill was passed, and,

On the motion of Mr. Thompson,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Council bill No. 42, was then taken up, and  
 Read the first and second time, and  
 On the motion of Mr. Stutsman,  
 The rules were suspended, and  
 The bill read the third time.  
 The question then being on its passage, and it being put,  
 "shall the bill pass?"

It was decided in the affirmative.

Yeas nine; nays none; as follows:

Those who voted in the affirmative, are  
 Messrs. Armstrong, Cole, LaBreeche, Stutsman, Thompson,  
 Turner, VanOsdel, Weeks, and Mr. President.

None voting in the negative,

So the bill was passed, and

On the motion of Mr. VanOsdel,

Its title was agreed to.

*Ordered*, That the Secretary request the concurrence of the  
 House in the said bill.

Council bill No. 43, was then taken up, and  
 Read the first and second time, when  
 By unanimous consent the bill was withdrawn by the intro-  
 ducer.

House file No. 49, was then taken up.  
 Pending the consideration of which,  
 On the motion of Mr. Stutsman,  
 The Council took a recess of fifteen minutes.

The time having expired,  
 The President resumed the chair, and called the Council to  
 order, when

On the motion of Mr. Stutsman,  
 The Council adjourned.

GEORGE STICKNEY,  
*President.*

ATTEST :-

J. R. HANSON,  
*Secretary.*

## FORTIETH DAY.

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COUNCIL CHAMBER,  
Friday, January 12th, 1866. }

The Council met pursuant to adjournment and was called to order by the

President in the chair.

Roll called.

The following members responded to their names :

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Stutsman, Thompson, Turner, VanOsdel, Weeks and Mr. President.

The Journal of the eleventh instant, was then read and approved.

### INTRODUCTION OF BILLS.

Mr. Turner introduced council bill No. 44, Joint Resolution relative to the Hon. Walter A. Burleigh.

### BILLS ON THEIR THIRD READING.

House file No. 49, being the unfinished business of yesterday, was then taken up, and

On the motion of Mr. Turner,  
Indefinitely postponed.

### BILLS ON THEIR FIRST AND SECOND READING.

Council bill No. 44, Joint Resolution relative to the Hon. Walter A. Burleigh, was then taken up, and

Read the first and second time.

On the motion of Mr. Turner,

The rules were suspended, and

The bill read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Yeas ten; nays one; as follows:

Those who voted in the affirmative, are

Messrs. Armstrong, Cole, Kingsbury, LaBreeche, Ross, Stevens, Turner, VanOsdel, Weeks and Mr. President.

Mr. Thompson voted in the negative.

So the bill was passed, and

On the motion of Mr. Kingsbury,

Its title was amended and then agreed to.

*Ordered*, That the Secretary request the concurrence of the House in the said bill.

Mr. Stutsman, submitted the following resolution:

*Resolved*, That Hon. G. W. Kingsbury, be excused for the several days he has been absent from the daily sessions of the Council, on account of legitimate business of this legislative assembly.

On the motion of Mr. Turner,

The resolution was adopted.

Mr. Stutsman submitted the following report:

WHEREAS, That inasmuch as this Council is creditably informed that the Hon. Speaker of the House of Representatives, has furnished for the free use of the members of that body, one bushel of apples, and not that the Council care at all for apples, but in order that the fact shall not be permitted to go to the world that the presiding officer of the House is more liberal than the presiding officer of the Council; therefore,

*Be it Resolved*, That the Hon. President be requested to vindicate his reputation by furnishing a like entertainment to this body.

On the motion of Mr. Cole,

The resolution was adopted.

Mr. Stutsman submitted the following resolution.

*Resolved*, That the secretary be instructed to request of the House of Representatives, information relative to council bill

No. 54, Joint Resolution relative to G. C. Moody, and the Big Sioux Bridge. The Council has been informed that said bill passed the House on yesterday, but has not been transmitted to this body.

On the motion of Mr. Turner,  
The resolution was adopted.

The following communication was received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 12, 1866. }

SIR:—I have the honor to enclose herewith, An act to establish a public school law of the Territory of Dakota; also, An act in relation to Territorial and county revenue; also, An act to establish a Territorial road from the Big Sioux river to Yankton, on the line surveyed by government for the location of the Sioux city and Fort Randall wagon road; also, An act to prevent the firing of woods, marshes and prairies; also, An act regulating the rates of printers' fees; which have this day been approved by the undersigned.

I am sir,

Very Respectfully,  
Your ob't serv't,  
NEWTON EDMUNDS,  
*Governor*

HON. GEORGE STICKNEY,  
*President of the Council.*

#### MESSAGES FROM THE HOUSE.

The following message was then received from the House :

HOUSE OF REPRESENTATIVES, }  
January 12th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body that the House has passed council bills of the following titles, to-wit :

Council bill No. 41, An act to provide for defraying certain expenses incident to the transportation and other charges on books, maps and charts, donated to the Territory by act of Congress, or otherwise.

House file No. 42, An act to authorize the county commis-

sioners of Yankton county, to rent a building for a county jail; which bills I herewith transmit.

GEO. I. FOSTER,  
*Chief Clerk.*

The following communication was received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
Yankton, January 12, 1866. }

SIR :—I have the honor to enclose herewith, to which I have this day attached my approval, Council bill No. 32, An act to establish a civil code; also, An act fixing the time of holding the regular meetings of the boards of county commissioners.

I am Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS.

*Governor.*

HON. GEORGE STICKNEY,  
*President of the Council.*

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
January 12th, 1866. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body, that the House has passed council bill No. 44, Joint Resolution relative to the Hon. W. A. Burleigh; which bill I herewith transmit.

GEO. I FOSTER,  
*Chief Clerk.*

Mr. Stevens, from the committee on Engrossed and Enrolled Bills, submitted the following report :

MR. PRESIDENT:—Your committee on Engrossed and Enrolled Bills, have examined, An act to authorize the county commissioners of Yankton county to rent a building for a county jail; also, An act to provide for defraying certain expenses, incident to the transportation and other charges on books, maps and charts, donated to the Territory, by act of Congress or otherwise; and find the same correctly enrolled.

O. F. STEVENS.

Mr. Armstrong, from the committee on Engrossed and Enrolled bills, submitted the following report :

MR. PRESIDENT :—Your committee on Engrossed and Enrolled Bills, have to report that they did this day at 11 o'clock, A. M., present to the Governor, for his approval ; An act to authorize the county commissioners of Yankton county to rent a building for a county jail ; also, An act to provide for defraying the expenses incident to the transportation or charges on books, maps and charts, donated to the Territory by Congress, or otherwise.

M. K. ARMSTRONG.

J. W. TURNER.

O. F. STEVENS.

Mr. Turner submitted the following resolution :

*Resolved*, That the thanks of the Council are hereby tendered to his Excellency, Governor Newton Edmunds, and the Secretary of the Territory, the Hon. S. L. Spink, for their uniform courtesy and kindness towards members of this body, in the disposition they have manifested in counseling and otherwise aiding in furthering the business of the House.

J. W. TURNER.

Whereupon,

Mr. Stutsman submitted the following resolution as a substitute for that submitted by Mr. Turner :

*Resolved*, That the warmest thanks of the members of this Council are due and are hereby tendered to Hon. S. L. Spink, Secretary of this Territory, for the prompt and generous manner with which he has discharged the duties of his office, and the continual courtesy manifested by him towards one and all. And in closing our official connection, for this session, with him, we wish him all the blessings that should attend a faithful and efficient public servant, and an affable and worthy gentleman.

On the motion of Mr. Stutsman,

The substitute resolution was adopted.

The following communication was then received from his Excellency, the Governor :



DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
 Yankton, January 12th, 1866. }

SIR:—I have the honor to transmit herewith, An act to authorize the county commissioners of Yankton county, to rent a building for a county jail; also, An act to provide for defraying certain expenses incident to the transportation and other charges on books, maps and charts, donated to the Territory, by act of Congress or otherwise; which have been this day approved by the undersigned.

Very Respectfully,  
 Your ob't servant,  
 NEWTON EDMUNDS,  
*Governor.*

HON. GEORGE STICKNEY,  
*President of the Council.*

Mr. Stutsman moved that the Secretary of the Council be instructed to repair *in person* to the Hall of the House of Representatives, and respectfully request the House to furnish this body with information as to the disposition of council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux Bridge.

Which motion prevailed; whereupon,

The Secretary repaired to the House of Representatives, and after a brief absence returned and reported as follows:

MR. PRESIDENT:—Having been instructed by the Council to repair *in person* to the Hall of the House of Representatives, and request for the Council information from the House as to the disposition of council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux Bridge; I have to report to the Council that I have complied with my instructions, by presenting myself before the Hon. Speaker's desk and soliciting the desired information, but, after waiting a sufficient length of time was unable to obtain any response to my request.

J. R. HANSON.  
*Secretary.*

Mr. Stutsman then submitted the following resolution:

WHEREAS, On the 8th inst, the Council passed council bill No. 34, entitled, Joint resolution relative to G. C. Moody and

the Big Sioux Bridge ; and on the 11th inst, said bill passed the House of Representatives, after which duly enrolled copies of said joint resolution were made, and since the date of its passage by the House, the original bill, while in the hands of George I. Foster, Chief Clerk of the House, has been stolen or destroyed. But inasmuch as said joint resolution has duly passed both Houses of the Legislative Assembly, and as duly enrolled copies thereof are still in the hands of the Engrossing and Enrolling committees of the two Houses ; therefore,

*Be it resolved*, That the committee on Engrossed and Enrolled bills of the Council, be instructed, after conferring with the like committee on the part of the House, to report said bill back to the Council enrolled ;

*And be it further resolved*, That in the opinion of this body the disappearance of said bill can only be considered an acknowledgment of the truth and justice of the charges made against said Moody in said joint resolution.

On the motion of Mr. Stutsman,

The resolution was adopted.

Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following reports :

MR. PRESIDENT :—The committee on Engrossed and Enrolled bills, have carefully examined an enrolled copy of Joint resolution relative to G. C. Moody and the Big Sioux Bridge ; and

WHEREAS, The House did, on yesterday notify the Council that they had passed said resolution without amendment ; and

WHEREAS, The Chief Clerk of the House has failed to transmit said resolution to this Body for the reason stated that the same cannot be found among the files of the House ; and

WHEREAS, This being the last day of the session, and both the Houses being about to adjourn, have agreed in accordance with the resolution of the Council to report the said copy as correctly enrolled from the original bill, and will by direction of the Council deliver the same to the Secretary of the Territory for safe keeping.

M. K. ARMSTRONG.

*Chairman.*

MR. PRESIDENT:—Your committee on Engrossed and Enrolled Bills have examined Joint resolution relative to Hon. W. A. Burleigh; and report the same correctly enrolled.

M. K. ARMSTRONG.

J. W. TURNER.

O. F. STEVENS.

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have to report that they did at the hour of twelve o'clock, M., this day, deliver to the Secretary of the Territory, Joint resolution relative to Hon. W. A. Burleigh; and also herewith present to the President of the Council, an authenticated copy thereof, to be forwarded to the proper person.

M. K. ARMSTRONG,

J. W. TURNER.

O. F. STEVENS.

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have to report that they did this day, at half past three o'clock, P. M., present to the Speaker of the House and Chief Clerk thereof, for their signatures, A joint resolution relative to G. C. Moody and the Big Sioux Bridge; and that the Speaker of the said House signed the same against the protest of certain members thereof, and that the Chief Clerk of said House refused to attest to said bill, until so instructed by vote of the House, on the ground that the same was not the authenticated original bill that passed the two Houses, and they hereby report the same to the Council, and will on the direction of the Council deposit the same with the Secretary of the Territory for safe keeping.

M. K. ARMSTRONG,

J. W. TURNER,

O. F. STEVENS.

Mr. Stutsman submitted the following resolution:

*Resolved*, That a committee be appointed to act with a like committee on the part of the House, to wait upon his excellency the Governor, and inquire whether he has any further matters to communicate to this Legislative Assembly.

On the motion of Mr. Thompson,

The resolution was adopted. Whereupon

The chair appointed Messrs Thompson and LaBreeche as such committee.

Mr. Stutsman submitted the following resolution:

*Resolved*, That the honorable House of Representatives be requested to fix the hour upon which the two Houses shall adjourn *sine die*.

On the motion of Mr. Stevéns,  
The resolution was adopted.

Mr. Thompson, from the special committee appointed to wait upon the Governor, submitted the following report;

MR. PRESIDENT:—Your committee appointed to act in conjunction with a like committee on the part of the House, have discharged their duty as required, and have to report that his Excellency says that he has no further communication to make.

JOHN THOMPSON.

On the motion of Mr. Stutsman,

The chairman of the committee on Engrossed and Enrolled Bills, was instructed to deposit with the Secretary of the Territory, for safe keeping, one copy of council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux Bridge.

A committee from the House was announced, who made their appearance before the bar of the Council, and their chairman, (Mr Kellogg,) announced that in response to the request of the Council, the House had fixed upon the hour of six o'clock, P. M., this day, as the hour when the two Houses should adjourn *sine die*.

Mr. Armstrong, from the committee on Engrossed and Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The committee on Engrossed and Enrolled Bills, have to report that they did this day, at five o'clock, P. M., present to the Secretary of the Territory for safe keeping, A joint resolution relative to G. C. Moody and the Big Sioux Bridge; and they also herewith present copies of the same for the President of the Council to forward to the proper departments of the Government.

M. K. ARMSTRONG.

*Chairman.*

Mr. Ross then offered the following resolution :

*Resolved*, That we acknowledge our obligations to our presiding officer, Hon. Geo. Stickney, for the promptness, impartiality, and ability with which he has discharged the duties of his responsible office, during the present session. While the uniform courtesy of his official intercourse has won our warmest personal regards.

That our thanks are hereby tendered to our patient and efficient Secretary, Joseph R. Hanson, for his devotion to the duties of his position, his obliging and affable deportment, and for the correctness of his Journal of the proceedings of this body.

That the genial qualities of our assistant Secretary, Edward Vinton, have won for him our lasting esteem, while his clerical abilities, as displayed in his model record, challenge the admiration of the public.

That our Engrossing and Enrolling Clerk, Clint. Allen, by his indefatigable application to the arduous duties of his office, has merited our united commendation.

That the Rev. M. Hoyt, Chaplain of this body, by his unostentatious piety and gentlemanly deportment has secured our respect, confidence and esteem.

That James D. Prentiss, Sergeant-at-Arms; J. B. Fraley, Messenger; and J. Broullette, Fireman; for their punctual attention to the duties of their respective offices, and for their obliging conduct, merit our thanks, which are hereby freely tendered.

And that, toward our officers, one and all, we entertain only the kindest feelings, and in severing our official connection with them, we unite in wishing them and theirs health, happiness and prosperity.

On motion of Mr. Stutsman,  
The resolution was adopted.

The journal of this day was then read and approved.

The hour of six o'clock having arrived, and all business before the Council being disposed of,

On the motion of Mr. VanOsdel,  
The Council adjourned *sine die*.

GEORGE STICKNEY,  
*President.*

ATTEST:—  
J. R. HANSON,  
*Secretary.*



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