

HOUSE JOURNAL

OF THE

FIFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

OF THE

TERRITORY OF DAKOTA.

BEGUN AND HELD AT YANKTON, DECEMBER 4, 1866.



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

HOUSE JOURNAL.

FIRST DAY.

TERRITORY OF DAKOTA,
HOUSE OF REPRESENTATIVES, YANKTON,
Monday, December 4, 1865. }

The fifth session of the Legislative Assembly of the Territory of Dakota, was begun and held in the town of Yankton, D. T., on Monday, the fourth day of December, A. D., 1865, on which day, being the day fixed by the statutes of the Territory of Dakota, for the meeting of the Legislative Assembly, the members elect of the House of Representatives, at twelve o'clock meridian, were called to order by Geo. I. Foster, Clerk, and the roll of members being called, the following named members answered to their names, viz :

From the County of Union—Thomas C. Watson, E. C. Collins, William Walter, Michael Curry, Michael Ryan.

From the County of Clay—James Whitehorn, H. J. Austin, G. B. Bigelow, Amos Hampton, Franklin Taylor, James McHenry.

From the County of Yankton—A. M. English, Jacob Brouch, H. C. Ash, S. C. Eargo, W. W. Brookings.

From the County of Bon Homme—Jonathan Brown.

From the County of Todd—J. Austin Lewis, Charles H. McCarthy.

From the County of Charles Mix—William Stevens.

Absent—Edward Lent and G. W. Kellogg, of Union County. Chas. Cooper of Bon Homme county. Joseph Ellis, of Chas. Mix county.

The members present then came forward, and the oath of office was administered by the Honorable J. P. Kidder.

Twenty members, (a quorum) having answered to their names,

The House proceeded *viva voce*, to the election of officers.

Mr. Hampton nominated G. B. Bigelow, for Speaker.

Mr. Bigelow nominated James McHenry, for Speaker.

The question being called for, and the vote being taken, the result stood as follows:

Those who voted for Mr. Bigelow, were:

Messrs. Ash, Brookings, Brouch, Collins, English, Fargo, Hampton, Lewis, McCarthy, Austin, Watson and Whitehorn—13.

Those who voted for Mr. McHenry, were:

Messrs. Bigelow, Brown, Curry, Ryan, Stevens, Taylor and Walter—7.

Mr. Bigelow having received a majority of all the votes cast, was declared by the Clerk, duly elected permanent Speaker.

Mr. Bigelow was conducted to the chair by the Clerk, when the oath was administered to him by the Hon. J. P. Kidder.

Mr. Brookings nominated Geo. I. Foster for chief clerk.

The vote being taken, Mr. Foster received all the votes cast.—20.

Mr. Foster, having received all the votes cast, was declared duly elected chief clerk.

Mr. Stevens nominated J. G. Reynolds for assistant clerk.

Mr. Curry nominated John Lawrence for assistant clerk.

The vote being taken, the result stood as follows:

Those who voted for Mr. Reynolds, were Messrs. Ash, Brookings, Brouch, Brown, Collins, English, Hampton, Lewis, McCarthy, Stevens, and Mr. Speaker.—11.

Those who voted for Mr. Lawrence, were Messrs. Curry, Fargo, McHenry, Ryan, Taylor, Austin, Watson, Walter, and Whitehorn.—9.

Mr. Reynolds having received a majority of all the votes cast, was declared duly elected permanent assistant clerk.

Mr. English nominated Geo. Falkenburg for sergeant-at-arms.

Mr. Walter nominated K. P. Ronne, for sergeant-at-arms.

The vote being taken, the result stood as follows :

Those who voted for Mr. Falkenburg, were Messrs. Ash, Brookings, Brouch, Brown, English, Fargo, Hampton, Lewis, McCarthy, Stevens, Austin and Whitehorn.—12.

Those who voted for Mr. Ronne, were Messrs. Collins, Curry, McHenry, Ryan, Taylor, Watson, Walter and Mr. Speaker.—8.

Mr. Falkenburg having received a majority of all the votes was declared duly elected permanent sergeant-at-arms,

Mr. Collins nominated Mr. Kessler, for messenger.

Mr. McCarthy nominated Thos. Gleeson for Messenger.

The vote being taken the result stood as follows :

Those who voted for Mr. Kessler, were Messrs. Brookings, Collins, Curry, Fargo, Hampton, Ryan, Taylor, Austin, Watson, Walter, and Whitehorn.—11.

Those who voted for Mr. Gleeson, were Messrs. Ash, Brouch, Brown, Lewis, McHenry, McCarthy, Stevens, English, and Mr. Speaker.—9.

Mr. Kessler having received a majority of all the votes, was declared duly elected permanent messenger.

On motion of Mr. Brookings,

The election of Fireman was postponed until to-morrow.

The oath of office was administered to the Chief Clerk, Assistant Clerk, Sergeant-at-Arms and Messenger, by the Hon. J. P. Kidder.

On motion of Mr. Brookings,

The rules of the last House were adopted for the government of this House, until others shall be adopted.

On motion of Mr. McCarthy,
The House adjourned until to-morrow, at 11 o'clock, A. M.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

SECOND DAY.

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

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

Speaker in the chair.

Roll called.

The following named members were absent, viz:

Messrs. Ellis and Lent.

The Speaker then returned his thanks to the House as follows:

I take this occasion to thank the Hon. members of this House, for the honor conferred upon me by selecting me to preside over your deliberations, and with your patience and co-operation, it is my determination to discharge the duties incumbent upon me impartially and to the best of my ability, and I hope with honor to this House and credit to myself.

Messrs. Cooper and Kellogg then came forward, and the oath of office was administered to them by the Speaker.

On motion of Mr. Brookings,
The reading of the Journal was dispensed with.

On motion of Mr. Brookings,
The House then proceeded to the election of fireman.

Mr. Taylor nominated Mr. Peterson, for fireman.

Mr. Kellogg nominated K. P. Rønne for fireman.

Mr. Stevens nominated B. F. Gray for fireman.

The vote being taken the result stood as follows:

Those who voted for Mr. Peterson, were

Messrs. Austin, Whitehorn, Hampton, Taylor, McHenry, Brown and Mr. Speaker.—7.

Those who voted for Mr. Rønne, were

Messrs. Watson, Collins, Walter, Curry, Ryan, Kellogg, Ash, Fargo, Brookings, Cooper, Lewis and McCarthy.—12.

Those who voted for Mr. Gray, were

Messrs. English, Brouch, and Stevens.—3.

Mr. Rønne having received a majority of all the votes, was declared duly elected fireman.

The following communications were received from the Council:

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

MR. SPEAKER:—I am instructed by the Hon. Council to inform the Hon. House of Representatives that the Council is now permanently organized, by the election of the following officers, to-wit:

Geo. Stickney—*President.*

J. R. Hanson—*Secretary.*

E. Vinton—*Assistant Secretary.*

C. Allen—*Engrossing and Enrolling clerk.*

J. Prentiss—*Sergeant-at-Arms.*

J. Broulette—*Fireman.*

T. B. Fraley—*Messenger.*

Rev. M. Hoyt—*Chaplain.*

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
Monday, Decemper 4th, 1865. }

MR. SPEAKER:—I have the honor to inform your Hon. body that Messrs. Stutsman, Cole, and Stevens have been appointed a committee of three, on the part of the Council, to act in conjunction with a similar committee on the part of the House to draft rules for the government of the two houses.

J. R. HANSON,
Secretary.

Mr. Brookings offered the following resolution, to-wit :

Resolved, That the chief clerk be instructed to inform the Council that the House is now permanently organized by the election of the following officers, to-wit :

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*.

The resolution was adopted.

Mr. Brookings offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker to act in conjunction with a like committee on the part of the Council, to be a joint committee, to report on the subject of joint standing rules.

The resolution was adopted.

The Speaker appointed as such committee Messrs. Brookings, McCarthy and Taylor.

Mr. Cooper offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker, to report standing rules for the government of this House.

The resolution was adopted.

The Speaker appointed as such committee, Messrs. Cooper, Watson and Collins.

Mr. Brookings offered the following resolution :

Resolved, That a committee of three be appointed to act in conjunction with a similar committee of the Council, to inform his Excellency, the Governor, that the House is organized and ready to receive any communication he may be pleased to make.

The resolution was adopted.

The Speaker appointed as such committee, Messrs. Brouch, English and Hampton.

On motion of Mr. Ash,

Mr. Brown was granted leave of absence until Monday, December eleventh.

On motion of Mr. Brookings,

Mr. Brouch was granted leave of absence until Monday, December eleventh.

Mr. Brookings gave notice, that on to-morrow or some subsequent day of the session, he will ask leave to introduce a memorial to the Secretary of War, for the establishment of a military post at the north base of the Black Hills, also,

That he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial to the Secretary of War and commanding General of this Department, to make some town, or military post in this Territory, head quarters of this military district.

The following communication was received from the Council:

COUNCIL CHAMBER
Tuesday, December 5th, 1865. }

MR SPEAKER:—I am instructed to inform the Hon. House that the following Resolution has been adopted by the Hon. Council:

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 his Excellency, the Governor, may be pleased to make.

J. R. HANSON.
Secretary.

Mr. Brookings offered the following resolution:

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.

The resolution was adopted.

The committee appointed to wait upon his Excellency the Governor, in conjunction with a like committee on the part of the Council and inform him that the House is now permanently

organized and ready to receive any communication his excellency may have to make.

Reported through their chairman, that the committee had performed the duty assigned them, and that his Excellency the Governor will communicate at any hour the two Houses may designate.

The following communication was received from the Honorable Secretary of the Territory.

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

To the Hon. Speaker and members of the House of Representatives:

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.

On motion of Mr. Brookings,

A committee of three was appointed to act in conjunction with a like committee on the part of the Council, 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 two o'clock, P. M., this day, in order to receive any communication he may have to present.

The Speaker appointed as such committee,
Messrs. Lewis, Watson and Austin.

The House then proceeded to the election of Chaplain.

Mr. Brookings nominated Rev. M. Hoyt, for Chaplain.

The vote being taken *viva voce*, Mr. Hoyt received all the votes, and was declared duly elected Chaplain.

On motion of Mr. Brookings,

The House took a recess until half past one this P. M.

AFTER RECESS.

At half past one o'clock P. M.,
The House was called to order by the Speaker.

The following communication was received from the Council:

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

MR. SPEAKER:—I am instructed by the Honorable Council to inform the Honorable House of Representatives that Messrs. Turner, Cole and Weeks have been appointed a committee of three to act in conjunction with a similar 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 two o'clock P. M., this day, in order to receive any communication he may have to present.

J. R. HANSON,
Secretary.

Mr. Lewis, chairman of committee appointed to act in conjunction with a similar committee on the part of the Council, relative to informing his Excellency when the two Bodies will meet in Joint convention, submitted the following report:

MR. SPEAKER:—Your committee appointed to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency the Governor, and inform him that the two Houses will meet in Joint convention this P. M., at two o'clock, &c., have performed the duty assigned them, and beg leave to report that his Excellency, will communicate to the two Houses at the hour named.

J. A. LEWIS,
Chairman.

On motion of Mr. Brookings,

A committee of three was appointed to inform the Council that the House is now ready to meet them in Joint convention, and that said committee escort the Council to the Hall.

The Speaker appointed as such committee, Messrs. McCarthy, Taylor and Collins.

The committee then repaired to the Council Chamber, and after a brief absence, returned and announced the Hon. Council.

The Speaker assigned the Council seats on the East side of the Hall.

IN JOINT CONVENTION.

The President of the Council assumed the chair, and called the Joint convention to order.

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

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

Members of the House :—Ash, Austin, Brookings, Bruch, 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.

On motion of Mr. Brookings,

The officials of the Territory, present, were invited to seats within the bar of the House.

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

Which motion was agreed to.

The President appointed as such committee Mr. Turner on the part of the Council and Mr. Collins on the part of the House.

The committee retired and after a brief absence returned and reported as follows :

MR. CHAIRMAN :—Your committee appointed to wait upon

his Excellency the Governor, and inform him that the Joint convention of the Legislative Assembly is now in session and ready to receive any communication he may have to make, have performed the duty assigned them and beg leave to report that his Excellency will communicate immediately.

J. W. TURNER,
E. C. COLLINS,
Committee.

Mr. Hand, private secretary, then read the message as follows:

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 her-

esy 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 confidence 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 Legis-

lative 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 Shyenne 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 trav-

eled 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 demonstra-

ted 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 or-

der 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 hereaf-

ter 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.

The House was called to order by the Speaker in the chair.

Mr. Brookings, moved to make the Governor's message the special order for 11 o'clock, A. M., next Friday.

Which motion was agreed to.

Mr. McCarthy offered the following resolution :

Resolved, That one thousand copies of the Governor's message be printed for the use of this House.

On motion of Mr. McCarthy,
The House adjourned until to-morrow, at 11 o'clock, A. M.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, December 6th, 1865. }

House met pursuant to adjournment, and was called to order by the Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named gentlemen were absent, viz :
Messrs. Brouch, Brown, Ellis and Lent.

The following communication was laid upon the Speaker's table :

YANKTON, D. T. }
December 6th, 1865. }

HON. G. B. BIGELOW, }
Speaker of the House of Representatives, }

SIR :—I have the honor to tender my resignation as fireman, to the House of Representatives of the Legislature of Dakota, at its present session.

I am Sir,

Very Respectfully,

Your ob't serv't

K. P. RONNE.

On motion of Mr. Brookings,
The resignation of Mr. Ronne was accepted.

On motion of Mr. Brookings,
The House then proceeded to the election of fireman.

Mr. Ash nominated Stephen Baker for fireman.

Mr. Taylor nominated B. F. Gray for fireman.

The vote being taken, the result stood as follows :

Those who voted for Mr. Baker, were

Messrs. Ash, Brookings, Collins, Curry, Cooper, Fargo,

Lewis, McCarthy, Walter, Watson, Whitehorn and Mr. Speaker.—12.

Those who voted for Mr. Gray, were

Messrs. Austin, English, Hampton, Kellogg, McHenry, Ryan, Stevens, and Taylor.—8.

Mr. Baker having received a majority of all the votes, was declared duly elected fireman.

Mr. Brookings, chairman of the select committee appointed to act in conjunction with a like committee on the part of the Council to draft joint rules for the Council and House of Representatives, submitted the following report:

MR. SPEAKER:—Your select committee appointed to act in conjunction with a like committee on the part of the Council, 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 labors.

W. W. BROOKINGS,
C. H. McCARTHY,
FRANKLIN TAYLOR,
House Committee.

Mr. Cooper, chairman of the select committee appointed to draft rules and regulations for the government of the House, submitted the following report:—

MR. SPEAKER:—Your select committee, appointed to draft standing rules for the government of the House, has attended to the duty assigned them, and respectfully submit the accompanying draft of standing rules.

C. N. COOPER,
Chairman.

Mr. Brookings in the chair.

On motion of Mr. McCarthy,

The report of the committee on joint rules was then taken up and adopted.

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.

The report of the committee on rules for the government of the House was then taken up for consideration.

Mr. Collins moved to amend the rules by adding to the list of standing committees, that of "Mines and Minerals."

Which motion was agreed to.

On motion of Mr. Kellogg,

The rules as amended were adopted.

STANDING RULES OF THE HOUSE.

1. The speaker shall take the Chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered upon the Journal of the House.

2. Upon the appearance of a quorum, the Journal of the preceding day shall be read by the clerk, and any mistake therein may be corrected by the House.

3. Any four members shall be authorized to compel the attendance of absent members.

4. The Speaker shall preserve order and decorum and shall decide questions of order subject to an appeal to the House.

5. The Speaker shall vote on all questions taken by yeas and nays, (except on appeals of his own decisions) and in all elections or divisions called for by any member.

6. When the House adjourns the members shall keep their seats until the Speaker announces the adjournment.

7. Every member previous to his speaking, shall rise from his seat, and respectfully address himself to the Speaker.

8. When two or more members rise at once, the Speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the Chair, shall speak first.

9. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every member choosing to speak on the question pending shall have spoken.

10. No motion shall be debated or put, unless the same be seconded; it shall be stated by the Speaker before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

11. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments shall be entered on the Journal, whether they are rejected or adopted.

12. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain day, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and a call of the House may be had upon the demand of two members.

13. A motion to adjourn shall always be in order; except when a member is addressing the Chair, or a vote is being taken; that and the motion to lay upon the table, shall be decided without debate.

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

15. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of sitting, unless sooner disposed of by taking the question, or in some other manner.

16. All incidental questions of order arising after a motion is made for the previous question during the pending of such motion, or after the House shall have determined that the main question shall be now put, shall be decided, whether on appeal or otherwise, without debate.

17. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker, or by a member in his place.

18. Every member who shall be present before the vote is declared from the Chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote.

19. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the Chair.

20. If the question in debate contains several points, any member may have the same divided.

21. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the Chair shall be submitted to. On an appeal, no member shall speak more than once without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

22. Every bill shall be introduced by a motion for leave, or by an order of the House on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice of a motion for leave to bring in a bill, shall be in writing, and shall contain the title of the bill.

23. Every bill, before being introduced, shall have endorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the names of such committee shall be endorsed thereon.

24. All bills, memorials, or joint resolutions, shall be read the first time for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

25. All bills, memorials, or joint resolutions, on their second reading, shall be read at length, and the question taken upon their commitment, amendment or engrossment for a third reading.

26. All bills, memorials, or joint resolutions, on their third reading shall be read by their title; and no amendment shall be in order except by unanimous consent of the House.

27. Every bill shall be read on three different days, unless in case of urgency two-thirds of the House shall deem it expedient to dispense with this rule; and no bill shall be passed unless it shall have been read once at length.

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

29. In forming committee of the Whole House, the Speaker shall appoint a chairman to preside.

30. Bills committed to the committee of the Whole House, shall, in committee of the Whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing, and reported to the House by the chairman.

31. All questions, whether in committee or in the House, shall be put in the order they are moved, except in cases of privileged questions, and in filling up blanks, the largest sum and longest time shall be first put.

32. A similar mode of proceeding shall be observed with bills which have originated in and passed the Council, as with bills originating in the House, except that they shall not be printed.

33. No motion for reconsideration shall be in order unless on the same day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move the reconsideration.

34. When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can be previously disposed of.

35. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a

motion for a reconsideration shall be decided by majority of votes.

36. The rules of the House shall be observed in committee of the Whole House, so far as may be applicable, except that the yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

37. A motion that the committee rise, shall always be in order, and shall be decided without debate.

38. Standing committees consisting of three members each, shall be appointed on the following subjects :

1. Ways and Means.
2. Judiciary.
3. Internal Improvements.
4. Public Lands.
5. Federal Relations.
6. Education.
7. Towns and Counties.
8. Military Affairs.
9. Incorporations.
10. Agriculture.
11. Manufactures.
12. Elections.
13. Indian Affairs.
14. Public Buildings.
15. Public Printing.
16. Highways, Bridges and Ferries.
17. Mines and Minerals.
18. Engrossment.
19. Enrollment.

39. The committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House, correctly engrossed, before their third reading ; said committee may report at any time.

40. The committee on Enrollment shall examine all House bills and joint resolutions, which have passed the two Houses,

and when reported correctly enrolled, they shall be presented to the presiding officers of the House and Council for their signatures, and when so signed, to the Governor for his approval; said committee may report at any time.

41. Select committees to whom references shall be made shall, in all cases, report a state of facts and their opinion thereon, to the House.

42. In all cases where a bill, order, or resolution, or motion shall be entered upon the Journals of the House, the name of the member moving the same shall be entered on the Journals.

43. No person shall be admitted within the bar of the House but the Executive, members of the Council, Territorial Treasurer and Auditor, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress, of the Legislative Council, and such other persons as the House shall deem proper to admit.

44. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of the House, which are committed to a committee of the Whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day;" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House, and the Clerk shall also keep a book showing the situation and progress of bills.

45. On the meeting of the House, after reading of the Journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Notices.
5. Introduction of bills.
6. Motions and resolutions.
7. Considerations of messages from the Council.
8. First reading of Council bills, resolutions, and memorials.

9. Second reading of the same.
10. Third reading of the same.
11. Second reading of the House bills.
12. Third reading of the same.
13. Consideration of the general orders.
14. Unfinished business.

46. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

47. When the House have arrived at the general orders of the day, they shall go into committee of the Whole upon such orders, or a particular order designated by a vote of the House and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the committee of the Whole shall consider, act upon or pass the general orders according to the order of their reference.

48. The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

49. The rules of parliamentary practice embraced in Barclay's Digest, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the Council and House of Representatives.

50. No rule of the House shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

51. The hour of the daily meeting of the House shall be ten o'clock in the morning, until the House direct otherwise.

52. The ayes and noes shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions and resolutions making an appropriation of money, in which case the ayes and noes shall be had without any demand.

53. All House bills of a general nature shall, after their

second reading, be printed without a special order from the House.

54. All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House, and President of the Council, and forthwith transmitted by the Chief Clerk of the respective House, in which they originated, to the President of the Senate and Speaker of the House of Representatives, and also a copy to our Delegate in Congress.

On motion of Mr. Kellogg,

Ordered, That one hundred and fifty copies of the standing rules of the House, together with the joint rules of the two Houses; be printed for the use of the members.

Mr. English offered the following resolution:

Resolved, That this Hall be tendered to the Yankton Ladies Educational Aid Society, on Thursday, December 7th, for the purpose of holding a festival.

The resolution was adopted.

Mr. Bigelow moved that when this House adjourn, it adjourn until ten o'clock, A. M., Friday, December 8th.

Which motion was agreed to.

On motion of Mr. Hampton,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Friday, December 8th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named gentlemen were absent, viz :

Messrs. Brown and Ellis.

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

The fireman elect (Mr. Baker,) then came forward and the oath of office was administered to him by the Speaker.

The Speaker then announced the following standing committees :

STANDING COMMITTEES.

Ways and Means—Messrs. Collins, Taylor and Lewis.

Judiciary—Brookings, Taylor and McNeethy.

Internal Improvements—McHenry, Branch and Kellogg.

Public Lands—Taylor, Watson and English.

Federal Relations—Lewis, Whitehorn and Cooper.

Education—Austin, Ash and Ryan.

Towns and Counties—Watson, Carr and Stevens.

Military Affairs—English, McHenry and Watson.

Incorporations—Taylor, Lewis and Austin.

Agriculture—Whitehorn, Watson and Stevens.

Manufactures—McHenry, Ash and Upton.

Elections—Collins, Cooper and Whitehorn.

Indian Affairs—Lewis, Hampton and Watson.

Public Buildings—Brookings, Lewis and Collins.

Public Printing—Ash, Kellogg and Brown.

Highways, Bridges and Ferries—Kellogg, Fargo and Lewis.

Engrossment—McCarthy, Fargo and Watson.

Enrollment—Cooper, Taylor and Watson.

The Speaker then administered the oath of office to Mr. Lent, of Union county.

Mr. Brookings moved that one hundred copies of the list of standing committees be printed for the use of the House.

Which motion was agreed to.

Mr. Brookings introduced house file No. 1, A memorial to the Secretary of War, for the establishment of a military post at the North Base of the Black Hills.

Read a first time.

On motion of Mr. Brookings,

The Assistant Clerk was granted leave of absence until Monday, December 11th.

On motion of Mr. Brookings,

The House took a recess of twenty minutes.

At the expiration of which time, the House was called to order by the Speaker.

The hour having arrived for the consideration of the Governor's message, which was made the special order for eleven o'clock, A. M., to-day,

On motion of Mr. Brookings,

The House resolved itself into committee of the whole House on the message, and

After some time spent therein

The Speaker resumed the chair, and

Mr. Kellogg reported that the committee having, according to order, had the Governor's message under consideration, had come to no resolution thereon.

Mr. Brookings offered the following resolution, and moved its adoption :

Resolved, That all that portion of the Governor's message relating to the overthrow of the rebellion, be referred to the committee on Federal Relations.

That all that portion relating to the Indian war be referred to the committee on Indian Affairs.

That all that portion relating to emigration be referred to the committee on Internal Improvements.

That all that portion relating to Territorial expenses be referred to the committee on Ways and Means.

That all that portion relating to Government wagon roads be referred to the committee on Incorporations.

That all that portion relating to capitol building be referred to the committee on Public Buildings.

That all that portion relating to amendment of the present laws of the Territory be referred to the committee on Judiciary.

That all that portion relating to Pacific railroads be referred to a select committee of one from each county.

That all that portion relating to private laws be referred to the committee on Towns and Counties.

That all that portion relating to education be referred to the committee on Education.

That the remainder be made the special order for next Friday, at half past ten, A. M.

The resolution was adopted.

The Speaker appointed Messrs. Brookings, Collins, Lewis, Stevens and Cooper, a select committee on that portion of the Governor's message relating to Pacific railroads.

On motion of Mr. McCarthy,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

SIXTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper and Ellis.

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

A memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T.

A memorial for the establishment of a mail route from Fort Sully, D. T., to Virginia City, Montana Territory, and

A memorial to the President of the U. S., that he be requested to appoint a citizen of our Territory, Indian Agent for the Upper Missouri Sioux Agency, such citizen as shall be recommended by our Delegate in Congress.

Mr. McCarthy gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for the classification of the laws of Dakota Territory.

Mr. Brookings introduced 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 at Fort Randall, D. T.

On motion of Mr. McCarthy,
The reading of the memorial was dispensed with.

Mr. McHenry offered the following preamble and resolution :

WHEREAS, The Hon. W. W. Brookings, occupying a seat as representative from Yankton county, and

WHEREAS, The said Brookings now holds an appointment as superintendent of a wagon road, under an appropriation, and by the authority of the Federal Government; now therefore,

Be it resolved, That the Hon. Judges of the Supreme Court, now in Session, be respectfully requested to send to the House of Representatives their written opinion on the 8th section of the Organic Act, passed by Congress for the organization of Dakota Territory, and the position held by W. W. Brookings as Superintendent of wagon roads be considered in their opinion a commission or an appointment under the Federal Government.

Mr. Kellogg moved its adoption.

Mr. Brookings objected to its adoption on the ground that it must lay over until some subsequent day according to the rules the House is now governed by.

The Speaker sustained the objection.

By leave of the House, Mr. Brookings introduced house file No. 3, Joint resolution relative to S. L. Spink.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the joint resolution

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch. Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.

So the memorial passed, and its

Title was agreed to.

Mr. Collins offered the following resolution, and moved its adoption:

Resolved, That a committee of three be appointed by the chair to draft a general ferry law under which any person de-

siring to run a ferry may do so by complying with the statutes made for the protection of the public.

The resolution was adopted.

The Speaker appointed as such committee, Messrs. Collins, Austin and Lewis.

Mr. McCarthy offered the following preamble and resolution:

WHEREAS, It is understood by the members of this House that the Hon. Wm. E. Gleeson is to deliver an address before this body; therefore,

Be it Resolved, That he be invited to deliver said address in this House at seven o'clock, P. M., on Monday next, before this body, and all who may be pleased to hear him.

The resolution was adopted.

Ordered, That the Clerk forward a copy of said resolution to Mr. Gleeson.

Mr. Collins moved that the Secretary be requested to present this House with one and one half dozen spittoons.

The motion was agreed to.

On motion of Mr. Collins,

The House took a recess of twenty minutes.

At the expiration of which time, the Speaker resumed the chair and called the House to order.

House file No. 1, A memorial to the Secretary of War for the establishment of a military post at the North Base of the Black Hills, was then

- Taken up, and

Read a second time, and

On motion of Mr. McCarthy,

Referred to a select committee of three, and made the special order for Monday next, at 11 o'clock, A. M.

The Speaker appointed as such committee, Messrs. McCarthy, Watson, and English.

On motion of Mr. Brookings,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

EIGHTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper, Ellis and Stevens.

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

The following communication was received from the Council :

COUNCIL CHAMBER, }
December 9th, 1865. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has ordered the printing of fifteen hundred copies of the Governor's message.

I have also to inform you that the following resolution has been adopted by the Council :

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 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.

J. R. HANSON,
Secretary.

The following communication from the Hon. Wm. E. Gleeson was laid upon the Speaker's table:

CHAMBER OF THE SUPREME COURT,
Yankton, D. T., December 11th, 1865. }

Gentlemen of the House of Representatives, Legislative Assembly of Dakota:

I have the honor to acknowledge the receipt of a copy of a resolution, through the politeness of George I. Foster, Esq., which you were pleased to pass, inviting me to address you on Monday evening, the 11th inst., at 7 o'clock, P. M.

Permit me, in accepting your very kind invitation, to assure you that I am deeply sensible of the marked honor and compliment you have done me, and will be happy to comply with your request at the time indicated.

With assurances of my sincere esteem,

I remain very truly,

Your ob't servant,

WM. E. GLEESON.

Mr. McCarthy, chairman of the select committee to whom was referred house file No. 1, submitted the following report:

MR. SPEAKER:—Your select committee having had under consideration house file No. 1, A memorial to the Secretary of War for the establishment of a military post at the North Base of the Black Hills of Dakota, have thoroughly examined the same, and beg leave to report the memorial back to the House and recommend its passage.

C. H. MCCARTHY,
Chairman.

Mr. Whitehorn gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to create and establish a fence law, and the mode of choosing fence viewers.

Mr. Kellogg gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill relating to county officers.

Mr. Brookings introduced house file No. 4, A memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T.

Read first time.

Mr. Watson offered the following resolution:

Resolved, That a committee be appointed consisting of one member from each organized county in this Territory, to take into consideration the expediency of enacting a law prohibiting all persons from encouraging and harboring Indians within the organized counties of this Territory, with instructions to report on Monday next by bill or otherwise,

The resolution was adopted.

The Speaker appointed as such committee, Messrs. Watson, McHenry, Fargo, Cooper, McCarthy and Stevens.

The communication from the Council relative to the appointment of a committee of one by the Council to act with a similar committee on the part of the House, to confer with the Judges of the Supreme Court, &c., was then taken up for consideration.

Mr. Brookings moved that a committee of one be appointed by the chair, to confer with said committee on the part of the Council.

Which motion was agreed to.

The Speaker appointed as such committee, the chairman of the committee on Judiciary.

Ordered, That the Clerk inform the Council of the action taken by the House.

Mr. Fargo moved that the copies of the Governor's message forwarded to this House be returned to the printer for correction.

Which motion was agreed to.

Mr. Kellogg moved that Mr. Watson be excused from serving on the committee on Enrollment.

Which motion was agreed to.

The Speaker appointed Mr. Walter a member of said committee.

Mr. Curry moved that Mr. Walter be excused from serving on the committee on Enrollment.

Which motion was not agreed to.

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., was then

Taken up and

Read a second time, and

On motion of Mr. Brookings,

Referred to the committee on Military Affairs.

Mr. Brookings moved that the rules be suspended, and the House proceed to the consideration of the general orders of the day.

Which motion was agreed to.

Accordingly the House resolved itself into the committee of the Whole House on the general orders of the day, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. McCarthy reported, that the committee having, according to order, had house file No. 1, A memorial to the Secretary of War for the establishment of a military post at the North Base of the Black Hills, together with the report of the select committee to whom the memorial was referred on the ninth inst., under consideration, have made some progress therein, and beg leave to report the memorial back to the House, and recommend the adoption of the report of said select committee.

On the motion of Mr. Collins,

The report of the committee of the Whole House was adopted.

Accordingly the memorial was then taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—20.

Mr. Brookings moved to amend the title of the memorial by inserting the words "and joint resolution" after the word "memorial," and before the word "to."

Which motion was agreed to.

So the memorial passed, and its

Title as amended was agreed to.

Ordered, That the Clerk inform the Council, and ask their concurrence therein.

Mr. Brookings moved to postpone the consideration of that portion of the Governor's message not referred to committees and made a special order for to-morrow at eleven o'clock, A. M.

Which motion was agreed to.

Mr. McCarthy in the chair.

The resolution of Mr. McHenry relative to the Hon. W. W. Brookings, &c., was then

Taken up for consideration.

Mr. Brookings moved that the resolution be indefinitely postponed.

The yeas and nays being called for and ordered, the vote stood,

Yeas 7; nays 12; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, English, Fargo, Lewis and Mr. Speaker—7.

Those who voted in the negative, were

Messrs. Collins, Curry, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Taylor, Walter, Watson and Whitehorn—12.

So the motion to indefinitely postpone the resolution was not agreed to.

The question then recurring upon the adoption of the resolution,

The ayes and nays were called for and ordered, and the vote stood,

Yeas 9; and nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Kellogg, Lent, McHenry, Ryan, Taylor Walter and Whitehorn—9.

Those who voted in the negative, were

Messrs. Ash, Brouch, Collins, English, Fargo, Hampton, Lewis, McCarthy, Watson and Mr. Speaker—10.

So the resolution was not adopted.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 11th, 1865. }

MR. SPEAKER:—I have the honor to inform your honorable body that the following resolution has been adopted by the Council:

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.

I have also to inform you that the Council have adopted the Joint Rules as report by the joint committee on Joint Rules.

I have also to inform you that house file No. 3 has passed the Council in the form of the accompanying substitute herewith transmitted.

J. R. HANSON,
Secretary.

Mr. Bigelow moved that when this House adjourn it adjourn until seven o'clock, this P. M.

Which motion was agreed to.

On motion of Mr. Kellogg,
The House adjourned.

At seven o'clock, P. M., the House was called to order by the

Speaker in the chair.

There being no quorum present,

The House was adjourned to its regular hour of meeting tomorrow.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 12th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Cooper, Ellis and Lewis.

The journal of the preceding day was then read, corrected and approved.

On motion of Mr. Brookings,

The rules were suspended, and

House file No. 3, Joint resolution, returned from the Council with amendments, was

Taken up for consideration, and

On motion of Mr. Brookings,

The amendments made by the Council were concurred in.

Ordered, That the Clerk inform the Council of the concurrence in said amendments.

Mr. English, chairman of the committee on Military Affairs, submitted the following report:

MR. SPEAKER:—Your committee to whom 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, Dakota Territory, beg leave to report that they have carefully examined the same and recommend its passage.

A. M. ENGLISH,
Chairman.

Mr. Fargo gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to restrain hogs from running at large.

Mr. Watson moved to reconsider the vote by which the resolution of Mr. McHenry was lost.

Mr. Brookings moved to lay the motion of Mr. Watson on the table; pending which

On motion of Mr. Brookings,

Ordered, That there be a call of the House; and thereupon, The roll of members was called, when it appeared that the following named members were absent, to-wit:

Messrs. Cooper, Ellis and Lewis.

The Speaker then directed the Sergeant-at-Arms to bring in the absent members.

After a brief absence, the Sergeant-at-Arms returned accompanied by Mr. Lewis.

Mr. Hampton moved that further proceedings in the call be dispensed with.

Which motion was agreed to.

Mr. McCarthy moved to adjourn.

The yeas and nays being called for and ordered, the vote stood,

Yeas 8; nays 12; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, English, Fargo, Lewis, McCarthy and Mr. Speaker—8.

Those who voted in the negative, were
Messrs. Austin, Brown, Collins, Curry, Hampton, Kellogg,
Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and
Whitehorn—14.

So the motion to adjourn was not agreed to.

Mr. Whitehorn moved that Mr. Lewis be excused from further attendance to-day on account of illness.

Which motion was agreed to.

The question then being upon the motion of Mr. Brookings to lay the motion of Mr. Watson on the table,

The ayes and nays were called for and ordered, and the vote stood,

Yeas 9; nays 12; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Austin, Brouch, English, Fargo, Hampton,
Lewis, McCarthy and Mr. Speaker—9.

Those who voted in the negative, were
Messrs. Brown, Collins, Curry, Kellogg, Lent, McHenry,
Ryan, Stevens, Taylor, Walter, Watson and Whitehorn—12.

So the motion to lay Mr. Watson's motion on table was not agreed to.

The question then recurring upon the motion to reconsider the vote by which the resolution of Mr. McHenry was lost.

The ayes and nays were called for and ordered, and the vote stood,

Ayes 13; nays 9; as follows;

Those who voted in the affirmative, were
Messrs. Austin, Brown, Collins, Curry, Kellogg, Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Whitehorn—13.

Those who voted in the negative, were
Messrs. Ash, Brouch, English, Fargo, Hampton, McCarthy and Mr. Speaker—7.

So the motion to reconsider was agreed to.

Mr. Collins moved that the resolution of Mr. McHenry be referred to a select committee of three, with instructions to amend.

Which motion was not agreed to.

Mr. Brookings moved that the business now before the House be postponed until all other business of the day is finished.

Which motion was not agreed to.

Mr. Brookings moved the previous question, which was stated "shall the main question be now put?"

The yeas and nays being called for and ordered, the vote stood,

Ayes 16; nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, English, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Whitehorn and Mr. Speaker—16.

Those who voted in the negative, were

Messrs. Collins, Curry, Fargo, Walter and Watson—5.

So the motion for the previous question was agreed to.

The main question was then put.

The yeas and nays being called for and ordered, the vote stood,

Yeas 12; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brown, Curry, Kellogg, Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Whitehorn—12.

Those who voted in the negative, were

Messrs. Ash, Brouch, Collins, English, Fargo, Hampton, McCarthy and Mr. Speaker—8.

So the resolution was adopted.

On motion of Mr. Brookings,

The consideration of messages from the Council was postponed until to-morrow.

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 a second time, and

On motion of Mr. Brookings,

Referred to the committee on Federal Relations.

House file No. 2, A memorial to the Secretary of War praying that the headquarters of this military district may be established at Yankton, Dakota Territory, together with the report of the committee on Military Affairs, to whom the memorial was referred on the eleventh inst., was then

Taken up, and

The report of the committee adopted.

Accordingly the memorial was then read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 16; nays 5; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, English, Fargo, Hampton, McCarthy, McHenry, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—16.

Those who voted in the negative, were

Messrs. Collins, Curry, Kellogg, Lent and Ryan—5.

Mr. Brookings moved to amend the title by inserting the words "or Fort Randall," after the word "Yankton" and before the word "Dakota."

Which motion was agreed to.

So the memorial passed, and its

Title as amended was agreed to.

Mr. Brookings moved that that portion of the Governor's message made the special order for to-day at eleven o'clock, A. M., be made the special order for Monday, December 18th, at half past 10, A. M.

Which motion was agreed to.

On motion of Mr. Curry,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper, Ellis and Taylor.

The journal of the preceding day was then read, corrected and approved.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following report :

MR. SPEAKER.—Your committee on Federal Relations to whom was referred house file No. 4, A memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T., would most respectfully beg leave to report that they have had the same under consideration and ask leave to report it back with the recommendation that it pass.

J. A. LEWIS,
Chairman.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to tax all non-residents grazing stock in the organized counties of this Territory ; also, a bill to levy a Territorial tax of three mills on the dollar on all property in the territory.

Mr. Ryan gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to amend section seven of chapter thirty-seven of the laws of 1862.

Mr. Brookings introduced house file No. 5, A memorial and joint resolution relative to the appointment of an Indian Agent.

Read a first time.

Mr. Brookings introduced house file No. 6, A memorial to Congress for a mail route from Fort Sully, Dakota Territory, to Virginia City, Montana Territory.

On motion of Mr. Brookings,
The reading of the memorial was dispensed with.

Mr. Brookings moved that a committee of two, consisting of Messrs. McHenry and Kellogg, be appointed by the House to present the McHenry resolution to the Supreme Court.

Which motion was agreed to.

On motion of Mr. McCarthy,
Mr. Cooper was excused for non-attendance.

On motion of Mr. Kellogg,
Mr. Taylor was excused for non-attendance on account of illness.

House file No. 4, A memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T., together with the report of the committee on Federal Relations, was then,

Taken up, and

On motion of Mr. Brookings,
The report of the committee was adopted.

Accordingly the memorial was read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Walter, Watson and Mr. Speaker

—19.

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

Ordered, That the clerk request the concurrence of the council therein.

The communication from the council relative to the meeting of the two houses 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, was then

Taken up for consideration, and
On motion of Mr. Brookings,
Was laid on the table.

On the motion of Mr. Brookings,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

ELEVENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named gentlemen were absent, viz :
Messrs. Brown, Cooper, Whitehorn and Ellis.

The journal of the preceding day was read and approved.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 14th, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body that the council has passed council bill No. 4, An act to amend chapter 19 of session laws of 1864-5; which I herewith transmit, and the concurrence of the house is respectfully requested.

J. R. HANSON,
Secretary.

Mr. McHenry, chairman of the select committee appointed by the house to present to the Supreme Court a copy of the resolution adopted by this house, on the 12th inst., relative to the Hon. W. W. Brookings, submitted the following report:

MR. SPEAKER.—Your committee, appointed to furnish the Hon. Judges of the Supreme Court of this Territory with a copy of the resolution passed by this house on the 12th inst., relative to W. W. Brookings, beg leave to report that they have discharged the duty assigned them, and ask to be discharged from its further consideration.

JAMES McHENRY.
Chairman.

The report of the committee was adopted.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to establish a board of Emigration.

Mr. Fargo introduced house file No. 7, An act to restrain swine from running at large.

Read a first time.

Mr. Brookings introduced house file No. 8, A bill to levy a tax on all stock of non-residents, within the limits of any organized county of this Territory.

Read a first time.

Mr. McCarthy introduced house file No. 9, A bill for the classification of the laws of Dakota Territory.

Read a first time.

Mr. Ryan introduced house file No. 10, An act to amend section seven of chapter thirty-seven, of the laws of 1862.

Read a first time.

Mr. Brookings moved that a committee of one from each county be appointed by the chair to make a report on the mineral and agricultural resources of this Territory.

Which motion was agreed to.

The Speaker appointed as such committee, Messrs. Collins, Whitehorn, Fargo, Stevens, Lewis and Cooper.

Mr. Brookings moved to amend rule 24, of the standing rules of this house by striking out the words "for information" and inserting "by their title, unless the reading at length shall be called for by some member."

Which motion was agreed to.

The following communication from the secretary of the "Yankton Ladies Educational Aid Society" was laid upon the clerks table.

YANKTON, DAKOTA TERRITORY, }
December 14, 1865. }

Gentlemen of the House of Representatives:

Permit me to tender to you the thanks of the "Yankton Ladies Educational Aid Society," for the use of Representative Hall on Thanksgiving evening. I am happy to inform you that the proceeds of the festival amounted to \$225.25 to be applied towards erecting a school house for the village of Yankton. By granting us the use of your hall, you have materially aided us in our benevolent enterprise.

Very respectfully,
FRANCES A. FOSTER,
Secretary.

On motion of Mr. Brookings,

The communication was referred to a select committee of three, consisting of Messrs. Brookings, Austin and English.

Council bill No. 4, An act to amend chapter nineteen of the session laws of 1864-5, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Towns and Counties.

Mr. Taylor, from the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on Enrollment, have to report, that they have examined house file No. 3, joint resolution, and find the same correctly enrolled.

FRANKLIN TAYLOR.

House file No. 5, A memorial and joint resolution relative to the appointment of an Indian Agent, was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood.

Yeas 19 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Walter, Watson, and Mr. Speaker—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

House file No. 6, A memorial to Congress for a mail route from Fort Sully, Dakota Territory, to Virginia City, Montana Territory, was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,
The rules were suspended, and the memorial
Read a third time, and put upon its passage.
The yeas and nays being ordered, the vote stood
Yeas 20; nays none; as follows:

Those who voted in the affirmative were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry,
English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy,
McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr.
Speaker—20.

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

Ordered, That the Clerk request the concurrence of the
council therein.

By unanimous consent, Mr. Kellogg offered the following
resolution:

Resolved, That this house meet at 7 o'clock, P. M., this day
for the purpose of hearing the address of the Hon. Wm. E.
Gleeson, and that the hon. Council be and is hereby invited
to seats within the bar of this house.

The resolution was adopted.

Ordered, That the clerk inform the hon. Council of the pas-
sage of said resolution.

Mr. McCarthy moved to extend the invitation, to listen to
Mr. Gleeson's address, to the ladies and gentlemen of Yank-
ton.

Which motion was agreed to.

On motion of Mr. Brookings,
The house took a recess until 7 o'clock, P. M.

At 7 o'clock, P. M., the house was called to order by the
speaker, who announced that the Hon. Wm. E. Gleeson would
address the house.

Accordingly Mr. Gleeson delivered an able address on the
re-construction policy of President Johnson.

Mr. Hampton moved that the house now adjourn.
Which motion was not agreed to.

Mr. McCarthy moved that a vote of thanks be tendered Mr. Gleeson, for his very able address.
Which motion was agreed to.

On motion of Mr. McCarthy,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, December 15, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper and Ellis.

The journal of the preceding day was read and approved.

Mr. Watson, chairman of the committee on Towns and Counties, submitted the following report :

MR. SPEAKER:—Your committee on Towns and Counties have had council bill No. 4, An act to amend chapter 19 of the session laws of 1864-5, under consideration, and beg leave to

report the same back to the House and recommend its indefinite postponement.

T. C. WATSON,
Chairman.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill regulating the admitting of attorneys to practice in the courts of this Territory.

Mr. McCarthy gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for the establishment of a military post at the Eastern base of the Black Hills of Dakota Territory.

Mr. Kellogg introduced house file No. 11, An act relative to county officers.

Read a first time.

Mr. Whitehorn introduced house file No. 12, A bill for an act to create and establish a fence law and the mode of choosing fence viewers, and their duties defined.

Read a first time.

Mr. Brookings moved that leave of absence be granted Mr. Hoyt, chaplain of this House, until Tuesday, December 19th.

Which motion was agreed to.

Mr. Brookings offered the following resolution, and moved its adoption :

Resolved, That the Hon. Judges of the Supreme Court be, and are hereby requested to send their written opinion to this House, whether this House can legally pass any resolution or bill not in the possession of the House at the time of its passage.

Pending which,

Mr. Brookings moved that its consideration be postponed until all other business of the day be completed.

Which motion was agreed to.

Mr. Brookings offered the following resolution and moved its adoption :

Resolved, That the word "white" be stricken out of our election law.

On motion of Mr. Brookings,

The House resolved itself into the committee of the Whole House on the said resolution; and

After some time spent therein,

The Speaker resumed the chair, and

Mr. English reported that the committee having, according to order, had the resolution of Mr. Brookings relative to striking the word "white" out of our election law, under consideration, have come to no resolution thereon.

Mr. Brookings moved to lay the resolution on the table.

The ayes and nays were called for and ordered, and the vote stood,

Ayes 14; nays 6; as follows;

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, English, Fargo, Hampton, Lent, Lewis, Walter, Watson, Whitehorn and Mr. Speaker—14.

Those who voted in the negative, were

Messrs. Kellogg, McCarthy, McHenry, Ryan, Curry and Taylor—6.

So the motion to lay the resolution on the table was agreed to.

Mr. Fargo offered the following resolution:

Resolved, That the use of this hall is hereby tendered to the Dakota Historical Society, on Tuesday evening next for the purpose of holding its adjourned annual meeting for the election of officers, and listening to the address of M. K. Armstrong, on the "Early History of the Northwest."

The resolution was adopted.

On motion of Mr. Brookings,

The communication from the Council relative to the two Houses meeting in joint convention was taken from the table.

Mr. Brookings moved that the Chief Clerk be instructed to inform the hon. Council that this House will meet them in joint caucus at such time as the Council shall designate.

Which motion was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 15th, 1865. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body, that the Council have passed house file No. 1, A memorial for the establishment of a military post at the North Base of the Black Hills, with attached amendments; also, house file No. 4, A memorial for the establishment of a mail route from Fort Randall to Fort Sully, Dakota Territory; which I herewith transmit.

I have also the honor to inform you that the Council have passed council bill No. 1, A memorial to Congress relative to the location of 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 capital of Minnesota, to Yankton, the capital of Dakota Territory; also, council bill No. 6, An act to amend section 7, chapter 23, of session laws of 1863-4; which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

House file No. 1, A memorial and joint resolution to the Secretary of War for the establishment of a military post at the North Base of the Black Hills, returned from the Council with amendment, was then

Taken up, and

On motion of Mr. Brookings,

The Council amendment was concurred in.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 1, Memorial to Congress relative to the location of the north branch of the Pacific railroad, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a second time, and

Referred to the committee on Federal Relations.

Council bill No. 5, A memorial to Congress asking for the continuation of post route 13,577, from St. Paul, the capital of Minnesota, to Yankton, the capital of Dakota Territory, was then

Taken up, and
On motion of Mr. Brookings,
The rules were suspended, and the memorial
Read a second time, and
Referred to the committee on Federal Relations.

Council bill No. 6, An act to amend section seven, chapter 23, of session laws of 1863-4, was then

Taken up, and
Read a first time.

Council bill No. 4, An act to amend chapter nineteen of session laws of 1864-5, together with the report of the committee on Towns and Counties, were then

Taken up, and
On motion of Mr. Brookings,
Laid on the table until to-morrow.

House file No 7, An act to restrain swine from running at large, was then

Taken up, and
Read a second time, and
On motion of Mr. Brookings,
Referred to a select committee of one from each county.
The speaker appointed as such committee, Messrs. Hampton, Walter, Fargo, Brown, Lewis and Stevens.

House file No. 8, A bill to authorize the sheriffs of the different organized counties of the Territory, to levy a tax on all non-residents grazing and herding cattle within the limits of any organized county, was then

Taken up, and
Read a second time, and
On motion of Mr. Brookings,
Referred to committee on Judiciary.

House file No. 9, A bill for the classification of the laws of Dakota Territory, was then

Taken up, and
 Read a second time, and
 On motion of Mr. Brookings,
 Referred to committee on Ways and Means.

House file No. 10, An act to amend section seven of chapter
 37, of the laws of 1862, was then

Taken up, and
 Read a second time, and
 On motion of Mr. Ryan,
 Referred to a select committee of three.

The Speaker appointed as such committee, Messrs. Ryan,
 Lent, and Brouch.

On motion of Mr. Brookings,
 The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTEENTH DAY.

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

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

Speaker in the chair.

Roll called.

The following named members were absent, viz :
 Messrs. Brown, Cooper, Ellis, McCarthy and Stevens.

The journal of the preceding day was then read and approved.

• Mr. Fargo, from the committee on Engrossment, submitted the following report :

MR. SPEAKER.—Your committee on Engrossment, to whom was referred house file No. 1, A memorial and joint resolution to the Secretary of War, for the establishment of a military post at the north base of the Black Hills, would beg leave to report that they have examined the same and find it correctly engrossed.

S. C. FARGO.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER.—Your committee on Judiciary, to whom was referred house file No. 8, A bill to levy a tax on all non-residents herding and grazing stock within the limits of any organized county of this Territory ; have had the same under consideration and would beg leave to report the bill back to the house with the recommendation that it lie on the table for the present.

W. W. BROOKINGS.

Chairman.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following reports :

MR. SPEAKER.—Your committee on Federal Relations to whom was referred council bill No. 1, Memorial to Congress, relative to the location of the north branch of the Pacific Rail Road ; beg leave to report the same back to the house and recommend that it do pass.

J. A. LEWIS,

Chairman.

MR. SPEAKER.—Your committee on Federal Relations, to whom was referred council bill No. 5, A memorial to Congress asking for the continuation of post route 13,577 from St. Paul, the capital of Minnesota, to Yankton, the capital of Dakota

Territory; beg leave to report the same back to the house and recommend that it do pass.

J. A. LEWIS,
Chairman.

Mr. English gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a memorial to Congress asking an appropriation for the erection of a capital building.

Mr. Curry gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a memorial to Congress, asking for the establishment of a mail route from Sioux Falls, Dakota Territory, to Ponca, Nebraska Territory, by way of Brule Creek and Elk Point, Dakota Territory.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill regulating the distribution of the laws and journals.

Mr. Fargo gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to increase the revenue of the Territory for school purposes.

The committee on Judiciary introduced house file No. 13, A bill to levy tax on all non-residents herding and grazing stock within the limits of any organized county of this Territory.

Read a first time.

Mr. Brookings moved that the Hon. J. W. Boyle, be admitted to a seat within the bar of this house.

Which motion was agreed to.

Mr. Brookings offered the following resolution and moved its adoption :

Resolved, That the Hon. S. L. Spink, is hereby invited to address the members of this legislature and citizens generally, on the great political questions of the day, on next Wednesday

evening at 7 o'clock, and the use of this hall is hereby tendered to him on that evening for that purpose.

The resolution was adopted.

On motion of Mr. Curry,

Mr. McCarthy was excused for non-attendance to-day.

On motion of Mr. McHenry,

Mr. Stevens was excused for non-attendance to-day, on account of illness.

Council bill No. 6, An act to amend section seven, chapter twenty-three of session laws of 1863-4, was then

Taken up, and

Read a second time, and

Referred to the committee on Judiciary,

Mr. Taylor, from the committee on Enrollment, submitted the following report:

MR. SPEAKER :—Your committee on Enrollment, have examined house file No. 4. A memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T., and find the same correctly enrolled.

FRANKLIN TAYLOR.

Council bill No. 1, Memorial to Congress relative to the location of the north branch of the Pacific Railroad, reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.

—19.

So the memorial passed, and its

Title was agreed to.

Council bill No. 5, A memorial to Congress asking for the continuation of Post Route 13,577, from St. Paul, the capital

of Minnesota, to Yankton, the capital of Dakota Territory; reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.

—19.

So the memorial passed, and its

Title was agreed to.

House file No. 12, A bill for an act to create and establish a fence law and the mode of choosing fence viewers, and their duties defined; was then

Taken up, and

On motion of Mr. Brookings,

The second reading of the bill was dispensed with, and the bill

Referred to the same select committee as was House file No. 7.

Mr. Brookings moved that the committee to whom house files No. 7 and 12 were referred, be instructed to report a bill to this house as early as practicable, embracing the subject of fence law, and restraining of cattle, swine and sheep from running at large.

Which motion was agreed to.

House file No. 8, A bill to levy a tax on all non-residents herding and grazing cattle within the organized counties of this Territory; reported back by the committee on Judiciary, was then

Taken up, and

On motion of Mr. Brookings,

Laid on the table.

The unfinished business of yesterday then being in order,

Mr. Brookings moved to lay on the table the resolution offered by himself on the fifteenth inst., relative to waiting upon the Judges of the Supreme Court, and requesting them to send their written opinion to this house, whether this house can legally pass any resolution or bill not in the possession of the house at the time of its passage.

Which motion was agreed to.

On motion of Mr. Brookings,

Council bill No. 4, An act to amend chapter nineteen of the session laws of 1864-5, was taken from the table.

Mr. Kellogg moved that the bill be indefinitely postponed.

Mr. Brookings moved to lay the motion of Mr. Kellogg on the table.

Which motion was agreed to.

Accordingly the bill was read a third time and put upon its passage.

The yeas and nays being called for and ordered, the vote stood,

Yeas 17 ; nays 2 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—17.

Those who voted in the negative, were

Messrs. Hampton and Kellogg—2.

So the bill passed, and its

Title was agreed to.

The following communication was received from the council :

COUNCIL CHAMBER, }
December 16th, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body that the council has passed 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, which I herewith transmit.

J. R. HANSON,
Secretary.

On motion of Mr. Hampton,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

FIFTEENTH DAY.

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

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

Speaker in the chair.

Roll called.

The following named members were absent, viz :
Messrs. Brown, Cooper, Whitehorn and Ellis.

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

The following communication from the Judges of the Supreme Court, was laid upon the Speakers table :

HON. G. B. BIGELOW,
Speaker of the House of Representatives :

SIR :—The undersigned “Judges of the Supreme Court,” have the honor to state that they have had under consideration the resolution submitted to them relative to the right to a seat as member of the House of W. W. Brookings, and have considered the same.

' The resolution states, that Mr. Brookings holds a seat as a Representative, and that he also holds an appointment, as superintendent of a Wagon road, and under an appropriation and by the authority of the Federal Government. And it presents this question: Does Mr. Brookings hold a commission, or an appointment under the Federal Government, which, under the 8th section of the Organic Act of this Territory would disqualify him from sitting as a member of the Legislative Assembly?

1. If Mr. Brookings holds a commission from the President of the United States appointing him to any Federal office connected with said wagon road he is within the meaning of said act.

2. If Mr. Brookings holds an appointment from the President of the United States, or from any one of the heads of the Departments to an office or position created by the constitution, or by act of Congress to be filled by appointment, and if the power to appoint to such office is vested by Congress in such head of department making the appointment, he then holds an appointment under the United States within the meaning of the 8th section of the Organic Act.

3. They are not informed as to the facts in the case relative to his having, or not having a commission or appointment under the United States, and therefore, questions of fact are not herein passed upon.

4. If the House should find, that the Secretary of the Interior by act of Congress was authorized to construct a wagon road and had authority to appoint a superintendent of the same, and that he appointed said Brookings as such, and he accepted the trust by acting pursuant to the same, or otherwise, and also, at the time he was elected a member of the House he held the same position and has not resigned the same, in this event it is such an appointment under the United States as is contemplated by said 8th section, and therefore, he would not be entitled to a seat as a member of the House.

All of which is respectfully submitted,

ARA BARTLETT,
J. P. KIDDER,
• WM. E. GLEESON.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER.—Your committee on Judiciary, to whom was referred council bill No. 6, An act to amend section seven, chapter twenty-three, of session laws of 1863-4, have had the same under consideration and beg leave to report it back to the House without recommendation.

W. W. BROOKINGS,
Chairman.

Mr. Collins, chairman of the committee on Ways and Means, submitted the following report :

MR. SPEAKER:—Your committee on Ways and Means, to whom was referred house file No. 9, A bill for the classification of the laws of Dakota Territory, have had the same under consideration and beg leave to report it back to the House and recommend its indefinite postponement.

E. C. COLLINS,
Chairman.

On motion of Mr. McCarthy,
The report of the committee was adopted.

Mr. Watson, chairman of special committee of one from each county, submitted the following report :

MR. SPEAKER:—Your committee consisting of one member from each county in this Territory, to consider the propriety of reporting by bill or otherwise in reference to the encouragement and harboring of Indians in the organized counties of said Territory, would beg leave to report by bill.

T. C. WATSON,
Chairman.

Mr. Collins gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to amend section 16, chapter 41, of the session laws of 1863-4, also to amend the form of school teachers certificates.

Mr. McCarthy gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a memorial to Congress asking for an appropriation for the classification of the laws of Dakota Territory.

Mr. McCarthy gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to create and empower the sheriff of Todd county to act as sheriff for the third judicial district of the Territory of Dakota.

Mr. English introduced house file No. 14, A memorial to Congress asking an appropriation for the erection of a capital building.

Read a first time.

Mr. Fargo introduced house file No. 15, A bill to increase the revenue for school purposes.

Read a first time.

Mr. Watson introduced house file No. 16, An act prohibiting the harboring of Indians in Union, Clay and Yankton counties.

Read a first time.

Mr. Brookings offered the following resolution, and moved its adoption :

Resolved, That the committee on Ways and Means, be, and are hereby instructed to report a bill in relation to Territorial revenue, and also a bill to create a board of emigration, &c., to this House at as early a day as possible, and further, that they advise with the Finance committee of the Council and embody as far as practicable the views of both committees in their bill or bills.

The resolution was adopted.

On motion of Mr. Lewis,

John Dillon, Esq., was admitted to a seat within the bar of the House.

Council bill No. 6, An act to amend section 7, chapter 23, of the session laws of 1863-4, reported back by the committee on Judiciary, was

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 20; nays none; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—20.

So the bill passed, and its
Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

House file No. 11, An act relative to county officers, was then

Taken up, and
Read a second time, and
On motion of Mr. McCarthy,
Referred to a select committee of three.

The Speaker appointed as such committee, Messrs. McCarthy, Fargo and Ryan.

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 and herding cattle within the limits of any organized county of this Territory, was then

Taken up, and
Read a second time, and
On motion of Mr. Ash,
Referred to a select committee of three.
The Speaker appointed as such committee,
Messrs. Ash, McHenry and Lewis.

On motion of Mr. Fargo,

The House resolved itself into committee of the whole House on that portion of the Governor's message not referred to committees and made a special order for eleven o'clock, this A. M., and

After some time spent therein

The Speaker resumed the chair, and

Mr. Collins reported, that the committee having, according to order had that portion of the Governor's message not referred to committees under consideration, have come to no resolution thereon.

On motion of Mr. Brookings,

Ordered, That that portion of the Governor's message not referred to committees be made the special order for every Wednesday after the other business of the day be finished.

On motion of Mr. McHenry,

The communication from the Judges of the Supreme Court, which was laid upon the Speakers table this morning, was

Referred to the committee on Elections, and fifty copies ordered printed.

Mr. Taylor, from the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 1, A memorial to the Secretary of War praying for the erection of a military post at the North Base of the Black Hills of Dakota; also, house file No. 6, A memorial to Congress for a mail route from Fort Sully, Dakota Territory, to Virginia City, Montana Territory; and find them correctly enrolled.

FRANKLIN TAYLOR.

On motion of Mr. Hampton,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

SIXTEENTH DAY,

HOUSE OF REPRESENTATIVES,
Tuesday, December 19th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown and Ellis.

The journal of the preceding day was then read and approved.

Mr. McCarthy, chairman of the select committee to whom was referred house file No. 11, on the 18th inst., submitted the following report :

MR. SPEAKER:—Your select committee of three to whom was referred house file No. 11, An act relative to county officers, have examined the same and beg leave to report the bill back to the house with the recommendation that it do pass.

C. H. McCARTHY,
Chairman.

Mr. Ash, chairman of the select committee to whom was referred house file No. 13, on the 18th inst., submitted the following report :

MR. SPEAKER—Your select committee to whom was referred 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 and herding cattle within the limits of any organized county of this Territory, have had the same under consideration and beg leave to report the bill back to the house with amendments, and recommend that it do pass.

H. C. ASH,
Chairman.

Mr. Ryan, chairman of the select committee to whom was referred house file No. 10, on the 15th inst., submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred house file No. 10, An act to amend section seven, chapter 87 of the laws of 1862, have had the same under consideration and beg leave to report the bill back to the house with amendments, and recommend that it do pass.

M. RYAN,
Chairman.

Mr. Brookings in the chair.

Mr. Bigelow gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for an act establishing and defining the necessary qualifications of voters, and who may hold office in this Territory.

Mr. Fargo introduced house file No. 17, An act to release Georgianna H. Young, from the bonds of matrimony.

Read a first time.

Mr. Bigelow introduced house file No. 18, A bill declaring what persons may vote and who may hold office in this Territory.

Read a first time, and

On motion of Mr. Bigelow,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Elections.

Mr. McHenry offered the following resolution, and moved its adoption :

Resolved, That the committee on Elections be empowered to send for persons or papers to be examined as witnesses in any matter submitted to them for investigation.

The resolution was adopted.

Mr. Fargo offered the following resolution, and moved its adoption :

Resolved, That this house request the Hon. Board of Education, to make a report of their official doings, and of the state and condition of the schools in the Territory, to this house, as soon as convenient.

The resolution was adopted.

Ordered, That the Chief Clerk forward a copy of said resolution to the Board of Education.

Mr. McCarthy offered the following resolutions, and moved their adoption :

Resolved by the Legislative Assembly of the Territory of Dakota, That the policy of President Johnson, both foreign and domestic, as embodied in his first annual message, meets with the entire approbation of the people of Dakota.

Resolved, That a copy of this resolution be transmitted to His Excellency, President Johnson, properly attested by the Speaker and Chief Clerk.

On motion of Mr. Kellogg,

The resolution was referred to a select committee of one from each county.

The Chair appointed as such committee, Messrs. Kellogg, McCarthy, Cooper, Fargo, Hampton and Stevens.

Mr. English moved that S. L. Spink, be requested to address the Legislative Assembly, &c., on Friday evening, Dec. 22d, instead of Wednesday evening, Dec. 20th.

Which motion was agreed to.

House file No. 14, A memorial to Congress asking an appropriation for the erection of a capital building, was then

Taken up, and

Read a second time, and

Referred to the committee on Public Buildings.

By unanimous consent, Mr. McCarthy offered the following resolution, and moved its adoption :

Resolved, That Hon. W. E. Gleeson be respectfully requested to furnish this house with a copy of his address delivered before this body, on the 13th inst., for publication; and that the Chief Clerk be instructed to transmit a copy of this resolution to the Hon. W. E. Gleeson.

The resolution was adopted.

House file No. 15, A bill to increase the revenues for school purposes, was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

Referred to a select committee of three.

The chair appointed as such committee, Messrs. Kellogg, Whitehorn and Ash.

The following communications were received from the council :

COUNCIL CHAMBER,
December 18th, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body, the council has passed council bill No. 2, An act to amend chapter 33, session laws of 1864-65; also, 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; also, council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a college in Dakota Territory; which I herewith transmit, and respectfully request the concurrence of the house therein; also, house file No. 2, A memorial to the Hon. Secretary of War, praying that the headquarters of the Upper Missouri Military District, be established within the Territory of Dakota; also house file No. 5, A memorial to the President of the United States, relative to the appointment of an Indian Agent; which I herewith transmit.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
December 19th 1865. }

MR. SPEAKER.—I am instructed to inform your honorable body, that in response to your communication of the 16th inst. relative to a joint caucus of the two houses, and inviting this body to designate the time when the two houses shall so meet, the council will meet the house in Joint Convention, this day at the hour of 11 1-2 o'clock A. M.

J. R. HANSON, •
Secretary.

House file No. 16, An act prohibiting the harboring of Indians in Union, Clay and Yankton counties, was then
Taken up, and
Read a second time, and
On motion of Mr. McCarthy,
Referred to a select committee of three.
The chair appointed as such committee, Messrs. McCarthy, Watson and McLlenry.

House file No. 11, An act relative to county officers, reported back by the select committee to whom it was referred Dec. 18th, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

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 within the limits of any organized county of this Territory, reported back with amendments, by the special committee to whom it was referred on the 18th inst., was then

Taken up for consideration.

Mr. English moved the adoption of the amendments reported by the committee.

Mr. Fargo moved to amend the amendments by inserting "twenty five cents per head" after the word "sheep," instead of "fifty."

Which motion was agreed to.

The question then recurring on the adoption of the amendments as amended,

It was agreed to.

Ordered, That the bill be engrossed for a third reading tomorrow.

By unanimous consent, Mr. Curry introduced house file No. 19, A memorial to Congress asking for the establishment of a mail route from Sioux Falls to Ponca, Nebraska.

Read a first time.

House file No. 10, An act to amend section seven of chapter thirty-seven of the laws of 1862, reported back with amendments by the committee to whom it was referred on the 15th inst., was then

Taken up for consideration, and

On motion of Mr. Kellogg,

The amendments reported by the committee were adopted.

Ordered, That the bill be engrossed for a third reading to-morrow.

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

Taken up, and

Read a first time.

Council bill No. 3, An act fixing the time of holding the district court in the first, second and third judicial districts, and the time of holding the courts in the county of Union, was then

Taken up, and

Read a first time, and

On motion of Mr. McCarthy,

The rules were suspended, and the bill

Read a second time, and

Referred to a select committee of three.

The chair appointed as such committee, Messrs. McCarthy, English and Kellogg.

Council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a College in Dakota Territory, was then

Taken up, and

Read a first time, and

On motion of Mr. Ash,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Federal Relations.

On motion of Mr. Brookings,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

SEVENTEENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz:

Messrs. Brown, Brouch, Ellis, McHenry and Stevens.

The journal of the preceding day was then read, and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
December 20th, 1865. }

MR. SPEAKER. —I have the honor to inform your honorable body that the Council have passed council bill No. 7, An act providing for Elections and to prescribe the canvass and return of the same; also, council bill No. 9, An act incorporating the North Platte and Green River bridge and ferry company; also, council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river; also, council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory; which I herewith transmit, and respectfully ask the concurrence of the House therein.

J. R. HANSON,
Secretary.

Mr. Brookings, chairman of the committee on Public Buildings, submitted the following report:

MR. SPEAKER:—Your committee on Public Buildings, to whom was referred house file No. 14, a memorial to Congress asking an appropriation for the erection of a capitol building, have had the same under consideration and ask leave to report the memorial back to the House with the recommendation that it do pass.

W. W. BROOKINGS.

Chairman.

Mr. McCarthy, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your Committee on Engrossment, have examined house file No. 10, An act to amend section eight, of chapter thirty-seven of the laws of 1862, and report the same correctly engrossed.

C. H. McCARTHY,

Chairman.

Mr. McCarthy, chairman of the select committee, to whom was referred council bill No. 3, on the nineteenth inst., submitted the following report:

MR. SPEAKER:—Your select committee of three having had under consideration council bill No. 3, An act to fix 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, have examined the same and beg leave to report the bill back to the House with the following amendments, and recommend its passage; in section first, fourth line, strike the words "third Monday of May," and insert in lieu thereof, "the second Monday of May."

C. H. McCARTHY,

Chairman.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to incorporate the Black Hills mining, exploring and manufacturing company.

Mr. Brookings introduced house file No. 20, A bill regulating the admission of attorneys.

Read a first time.

On motion of Mr. Brookings,
Mr. Lent was appointed a member of the committee on Enrollment.

On motion of Mr. Fargo,
Mr. Brookings was appointed a member of the select committee to report on the mineral and agricultural resources of this Territory.

Mr. Collins offered the following resolution:
Resolved, That Hon. J. P. Kidder be invited to address the members of this House, and citizens of Yankton and vicinity generally on Wednesday evening, December 27th, and that the Chief Clerk of this House be respectfully requested to present a copy of this resolution to his Hon., J. P. Kidder.

On motion of Mr. Brookings,
The resolution was adopted.

Mr. Cooper, chairman of the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 5, A memorial and joint resolution relative to the appointment of an Indian agent, and find the same correctly enrolled.

CHAS. COOPER,
Chairman.

Mr. Ash moved that Mr. Brouch be excused for non-attendance to-day on account of illness.

Which motion was agreed to.

Mr. Taylor moved that Mr. McHenry be excused for non-attendance to-day on account of illness.

Which motion was agreed to.

Council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same, was then

Taken up, and

Read a first time.

Council bill No. 9, An act incorporating the North Platte and Green river bridge and ferry company, was then

Taken up, and

Read a first time.

Council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river, was then

Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Highways, Bridges and Ferries.

Council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a second and third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.

—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

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

Taken up, and

Read a second time, and

Referred to the committee on Agriculture.

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 courts in the county of Union, reported back with amendments by the select committee to whom it was referred on the nineteenth inst., was then

Taken up, and

On motion of Mr. Brookings,

The amendments reported by the committee were adopted.

Mr. Kellogg moved the adoption of the following amendment:

In section 4, fourth line, insert the words "first Monday in April," in lieu of "third Monday in April."

The amendment was adopted.

House file No. 17, An act to release Georgianna H. Young from the bonds of matrimony, was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

Referred to a select committee of three,

The Speaker appointed as such committee, Messrs. Kellogg, Fargo and Ash.

House file No. 19, A memorial to Congress asking for the establishment of a mail route from Sioux Falls to Ponca, Nebraska, was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

House file No. 14, A memorial to Congress asking an appropriation for the erection of a capitol building, reported back by the committee on Judiciary, was then

Taken up for consideration, and
On motion of Mr. Brookings,
Indefinitely postponed.

House file No. 10, A bill to amend section 7, chapter 37, of the laws of 1862, reported correctly engrossed, was then

Taken up for consideration, and
On motion of Mr. Brookings,
Recommitted to a select committee of one from each county.
The speaker appointed as such committee, Messrs. Brookings, Austin, Collins, Lewis, Cooper and Stevens.

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, returned from the Council with amendments, was then

Taken up for consideration, and
On motion of Mr. Brookings,
The amendments made by the Council were concurred in.

On motion of Mr. Brookings,
The House resolved itself into the committee of the whole House on the special order of the day, and

After some time spent therein
The Speaker resumed the chair, and

Mr. Lewis reported, that the committee having, according to order had that portion of the Governor's message not referred to committees under consideration, have come to no resolution thereon.

The following communication was received from the Council:

MR. SPEAKER:—I have the honor of informing your body that the following resolution has been adopted by the Council:

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 Super-

intendent 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 enquire 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 disbursement 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.

J. R. HANSON,
Secretary.

On motion of Mr. Brookings,

The communication from the Council was taken up for consideration.

Mr. Kellogg moved 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 Council, 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.

The yeas and nays being called for and ordered, the vote stood,

Yeas 16 ; nays 3 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, McCarthy, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—16.

Those who voted in the negative, were

Messrs. Brookings, Cooper and Lewis.

So the motion was agreed to.

The Speaker appointed as such committee, Messrs. Kellogg and McCarthy.

On motion of Mr. English,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

EIGHTEENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Ellis, Lent and Stevens.

The journal of the preceding day was read and approved.

Mr. McHenry presented the petition of W. B. Root, claiming the right to a seat in this House, and moved that it be referred to the committee on Elections.

Mr. Whitehorn moved to amend the motion of Mr. McHenry by referring the petition to a select committee of three from Yankton county, to be appointed by the chair.

The question being upon the motion of Mr. Whitehorn.

It was agreed to.

The question recurring upon the motion of Mr. McHenry as amended,

It was agreed to.

The Speaker appointed as such committee, Messrs. Fargo, Ash and Brouch.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 21st, 1865. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council have passed 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 District; which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary,

Mr. Kellogg, chairman of the committee on Highways, Bridges and Ferries submitted the following report:

MR. SPEAKER.—Your committee on Highways, Bridges and Ferries, to whom was referred council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river, have had the same under consideration and beg leave to report the bill back to the House with the recommendation that it do pass.

G. W. KELLOGG,
Chairman.

Mr. Whitehorn, chairman of the committee on Agriculture, submitted the following report:

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

JAMES WHITEHORN,
Chairman.

Mr. McCarthy, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER.—Your committee on Engrossment, have examined 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 herding and grazing cattle and sheep within the limits of any organized county of this Territory, and find it correctly engrossed.

C. H. McCARTHY,
Chairman.

Mr. Brookings, chairman of the select committee to whom was referred house file No 10, on the 20th inst., submitted the following report:

MR. SPEAKER.—Your select committee, to whom was referred house file No. 10, An act to amend section seven of chapter 37, of the laws of 1862, have had the same under consideration and beg leave to report the bill back to the House without recommendation.

W. W. BROOKINGS,
Chairman.

Mr. Austin gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for an act to amend an act entitled "An act providing bounties for wolf scalps," of the laws of 1862-3.

Mr. Brookings moved that a committee of three from Yankton county be appointed by the chair to prepare this hall for the address on Friday evening next.

Which motion was agreed to.

On motion of Mr. McCarthy,

Mr. Stevens was excused for non-attendance to-day on account of illness.

Mr. Ryan moved that Mr. Lent be excused for non-attendance to-day on account of illness.

Which motion was agreed to.

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 District, was then

Taken up, and
Read a first time.

Council bill No. 7, An act providing for Elections and to prescribe the canvass and return of the same, was then

Taken up, and
Read a first time, and
On motion of Mr. Brookings,
Made a special order for December 22d, at eleven o'clock,
A. M.,

Council bill No. 9, An act incorporating the North Platte and Green River bridge and ferry company, was then

Taken up, and
Read a second time, and
On motion of Mr. Brookings,
Made a special order for eleven o'clock A. M., December twenty-third.

Mr. Cooper, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined 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, and find the same correctly enrolled.

CHAS. COOPER,
Chairman.

The following communication was received from the Council:

COUNCIL CHAMBER,
December 21st, 1865. }

MR. SPEAKER:—I have the honor to inform your body that the Council have disagreed to House amendments to 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 courts in the county of Union, and the House is respectfully requested to recede from its amendments to the said bill, which is herewith returned.

J. R. HANSON,
Secretary.

Council bill No. 2, An act to amend chapter 33, session laws of 1864-5, reported back by the committee on Agriculture, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—20.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 11, An act granting to Barney McGraw a ferry charter across the Missouri river, reported back by the committee on Highways, Bridges and Ferries, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 20; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lewis, McCarthy, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.—20.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the council therewith.

House file No. 20, A bill regulating the admission of attorneys, was then

Taken up, and

Read a second time, and

Referred to the committee on Judiciary.

House file No. 10, An act to amend section seven of chapter thirty-seven of the laws of 1862, reported back by the select committee to whom it was referred on the 20th inst., was then

Taken up, and

On motion of Mr. Collins,

Recommitted to the committee on Ways and Means.

House file No. 13, A bill to authorize sheriffs of the different counties of this territory to levy a tax on all non-residents grazing and herding cattle and sheep within the limits of any organized county in this Territory, reported correctly engrossed, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 20; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lewis, McCarthy, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—20.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

The following communication from the Honorable Board of Education was laid upon the Speakers table:

OFFICE OF BOARD OF EDUCATION,
Yankton, D. T., Dec. 21, 1865. }

SIR:—

In compliance with a resolution of the Hon. House of Representatives transmitted to the undersigned on the 20th instant, requesting the Board of Education to make a report of their doings, showing the condition of the schools of this Territory, &c., the undersigned beg leave to transmit herewith the able report of the Superintendent of Public Instruction on this subject.

In submitting this report for your consideration the undersigned beg leave to call your especial attention to that portion of the report on the subject of the grant of lands made to the States for the endowment of Colleges where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanic arts, in which it seems the Territories are not permitted to participate.

On this subject we beg leave to suggest the propriety of early memorializing Congress asking that not only equal privileges be extended to the Territories, but in addition that twenty sections of public lands be granted to aid the Territories in the erection of a college building and furnishing the same with suitable maps, charts, philosophical and mechanical apparatuses, in promotion of this object.

There being in our present laws no provisions made for calling the Board of Education together or requiring an official oath of the Superintendent of Public Instruction, we beg leave to recommend that you provide by suitable legislation the needed remedy on this subject.

The other reforms recommended in the report herewith submitted, the undersigned beg leave to state are deemed of importance and worthy of your consideration and favorable action thereon.

All of which is respectfully submitted.

Very Respectfully,
Your Ob't Ser'vts,
NEWTON EDMUNDS,
S. L. SPINK,

Board of Education.

TO THE HON. SPEAKER OF THE
HOUSE OF REPRESENTATIVES,
Yankton, D. T. }

OFFICE CLERK OF BOARD OF EDUCATION, }
 YANKTON, D. T., Dec. 12, 1865. }

To the honorable Board of Education, Territory of Dakota:

The Superintendent of Public Instruction, in compliance with the provisions of law, would respectfully submit his annual report.

In presenting the subject of schools, and the various topics which naturally arise in its consideration, two sensible and pertinent questions arise:

1. What is the condition of our public schools?
2. What can be done to increase their usefulness?

The first question can be answered satisfactorily after glancing at the reports of County Superintendents, a copy of each of which is annexed and forms a part of this report.

But the second is not so easily disposed of. In old and thickly settled states, where hundreds of children can easily be convened at one school, and where the aggregate of capital is so large that a school tax is scarcely felt, it is not difficult to devise a good school system, or impossible to put its machinery into successful operation.

But where a Territory is sparsely settled, and the aggregate of the taxable property comparatively small, it is with great difficulty that school districts can be organized, suitable school buildings erected, and sufficient funds be raised to secure the services of a competent teacher.

Let us first consider the condition of the public schools. It appears from the reports of the several County Superintendents that there are only four legally organized districts in the Territory—three in Union and one in Bon Homme County.—Efforts have been made in several instances to consummate a District Organization, but for some cause or other have failed to secure the end desired. Although this is but a small number of organized districts compared with what we ought to have, yet we think we have abundant reason to take courage and to labor more zealously in the future, hoping that the next school year will produce a more satisfactory result. We have thought best to make mention in the report for the last year, of the private as well as public schools, in order to present the educational interests of the Territory in its true light.

It is to be hoped that the neighborhoods now supporting pri-

vate schools, will organize school districts according to law, so that at the close of the present school year, the district clerks may be prepared to make accurate reports to the county superintendents, and they to the proper officer, that a more reliable and accurate report may be presented to the Board of Education.

In Clay, Yankton and Todd counties, excellent private schools have been maintained, some of them numbering as many as seventy-five pupils. Generally these private schools have been taught by experienced and competent teachers, the schools well attended, and it is presumed that they have given general satisfaction. But however competent the teachers, and faithful in the discharge of their duties, private schools will not answer the demand of popular education.

Private schools are for the most part kept in small uncomfortable rooms, with no maps, globes, charts, and black boards, which are so essential in the school room; and generally the schools are so small that they offer no opportunities for the classification of the pupils.

Private schools are generally of short duration, subjecting pupils to frequent change of schools, and parents to numerous unnecessary inconveniences. In the private schools nearly the same course of study is pursued as is required to be taught in the public schools.

The following table exhibits the kind of school—number of months taught—the number of pupils—the compensation paid to teachers, and a list of the names of persons engaged in teaching the past year:

Name of County	Name of Teacher	Kind of School	No. Months School	Salary	No. Pupils
Union Co.	Miss Charlotte Pinckney	Public	3 months	\$20.00 per month	50
"	" Jennie Collins	"	4 "	12.00 "	26
"	Mrs R J Rowley,	"	4 "	30.00 "	51
Clay Co.	Mr. Amos F. Shaw,	Private	"	2.50 per scholar	50
"	Miss Sarah Baker,	"	"	2.50 "	35
Yankton Co.	Mrs J. S. Foster,	"	9 "	3.00 per term	85
"	Mrs Cooley & Vanderhule	"	3 "	3.00 per scholar	
"	Miss Lizzie Hoyt,	"	com. Oct 10	4.00 per scholar	35
Bon Homme.	Miss Leanna Bradford	Public	3 months	\$12.00 per month	15
Todd Co.	Miss Lizzie Hoyt,	Private	3 "		35

There is within the boundaries of the five lower counties, as reported by superintendents, six hundred and twenty-one children between the ages of five and twenty.

Of this number Union county has 276; Clay, 140; Yankton, 134; Bon Homme, 21; Todd, 150.

From the above table we see that there is several neighborhoods supporting large private schools which will doubtless be organized early in the spring as public schools. This is substantially the condition of schools, public and private, at the present time in the Territory.

We now come to consider the second question, or, What can be done to increase the usefulness of our schools?

Some defects appear in our school law, which should be remedied by legislation.

1. Section 21, of "An act for the regulation and support of common schools" (subdivision 5) gives a district power at a legal meeting "to vote a tax of one half of one per cent. on the assessed valuation of the district for the purchase or lease of a site—and the erection of a school house."

In a thickly settled and wealthy community this sum may be sufficient for that purpose, but in this Territory, with our thinly settled districts, where much of the improved lands are held as Homesteads and consequently not liable at present to taxation, this per centage gives quite too small a sum to build a proper school house.

2. It may be necessary at some future time to include a portion of two or more counties in one district, in which case it would require legislation to authorize the formation of such joint district. It would be well for the present legislature to provide for such cases before any emergency shall occur.

3. By the present school law, the superintendent of public Instruction is required to report to the Board of Education, and the Board when requested by the House of Representatives, to report to the Legislature.

If the House, on account of press of business, or other reason, should neglect to call for a report from the Board of Education, there is no means of getting a statement of the condition of the schools before the legislature.

If the House does ask for a report it takes so long to get it properly before the legislature that the session is too far spent to accomplish anything. It would be far better to amend the law so as to require the superintendent of public Instruction to report to the Board of Education and they to submit his report, with such additional remarks as they may deem proper, to the legislature as early in the session as practicable.

The legislature at its session in 1862-3, passed a law incorporating the University of Dakota, and appointing a board of Regents.

This law has not the Governor's signature attached, although it appears among the laws for that session. There is some ground for reasonable doubts whether we have an incorporated "University of Dakota."

I would recommend a re-enactment of the law with an amendment making the Territorial Board of Education, *ex-officio* Regents of the University,

There is now no method of appeal from the decision of the district board—except to a legal tribunal or court of justice.

I would suggest the propriety of amending the school law so that when a person may feel aggrieved by the action of the district board, an appeal may be taken within a specified time and in the manner to be prescribed by law, to the county superintendents and from their decision to the proper officer.

Section 49, of the present school law, says the schools of this Territory shall be free to all white children between the ages of five and twenty-one years; thus excluding from the public schools all children of color, unless by special permission of the District Board. I would recommend that the word white in said section be stricken out, making the public schools free to all children wishing to obtain an education.

By a law of Congress approved July 2d, 1862, 30,000 acres of government land is granted to each State for every Senator and Representative in Congress to which such State is entitled, for the purpose of an agricultural school. In the original act, the words "States and Territories" are inserted, showing that it was the intention of Congress to extend to Territories the same rights and privileges as were given to States. But in the concluding terms of the same act, the word "Territories" is omitted, and it is held by the commissioner of the General Land Office, that the law does not apply to Territories.

I would recommend the Board to request the legislature to memorialize Congress on this subject and request that the law be so amended as to allow Territories to avail themselves of the generous provisions of this act.

TEXT BOOKS.

At their last annual meeting, the Board of Education un-
animously adopted the justly popular series of school books pub-
lished by A. S. Barnes and Burr, at 51 John Street, New York,
and known as the "National School Series," as the list of
text books to be used in the public schools of this Territory.—
This list will be published in all the newspapers of Dakota, as
required by law, as soon as practicable, that we may have con-
cert of action on the part of the school officers in securing uni-
formity of text books in all the schools of this Territory.

SCHOOL FUNDS.

The friends of schools, particularly county superintendents
are requested to see that the county assessor in each county
levies and collects the one dollar per capita tax authorized by
law. This fund if collected will not only aid materially in sup-
porting our public schools but it will also hasten the legal or-
ganization of districts in order that they may be entitled to
and receive their share of the public moneys.

ORGANIZATION OF DISTRICTS.

Frequent applications are made at this office for the neces-
sary directions to enable persons to organize "new districts."
To forward this desirable object, I will note the steps necessary
to be taken to form new districts.

1. County Superintendents to define the boundaries of the
district and file description with Register of Deeds; see section
2 of "An act to amend an act entitled, an act for the regula-
tion and support of common schools," laws of 1864-5, page 3.

2. County Superintendent to post notices of meeting to elect
district officers, see section 17 of "An act for the regulation
and support of common schools," laws of 1863-4, page 88.

3. The powers and duties of a school district meeting, when
lawfully convened, are defined in section 21 of the last men-
tioned act. See laws of 1863-4, page 89.

Annual school meetings shall be held in all organized dis-
tricts on the last Saturday of September of each year. See
laws of 1863-4, page 91.

TEACHERS.

The wages of teachers in this Territory has varied according

to circumstances, but generally a reasonable compensation has been allowed. It is injurious to the best interests of our schools for directors to employ cheap teachers simply because they are cheap. It is far better to have a short term of school taught by a capable and experienced teacher, than a longer term taught by one who has little or no experience and who is poorly qualified for teaching. There is no locality where the exhortation to employ active and thorough teachers is so peculiarly applicable as in the far west.

In the east, "Teachers Institutes," "Teachers Associations" and "Normal Schools," incite teachers to constant study and perseverance in preparing themselves for the arduous duties of the school room. The teacher who does not apply himself with energy and diligence to continual study, soon finds himself distanced by his studious associates; he remains stationary, while his fellow teachers have been acquiring "new ideas" and developing new methods of teaching, until the former is no more to be compared to the latter, than the speed of the post-boy is to be compared with the rapidity of the telegraph.

We have none of these helps to teachers in this Territory at present, consequently our teachers should subscribe for and carefully peruse the best educational journals in the country. The *New York Teacher*, and kindred papers, are well calculated to aid teachers in becoming thorough and practical instructors.

COUNTY SUPERINTENDENTS.

Much of the usefulness of any school system depends upon the faithfulness of the officers into whose hands its interests are confided.

By their negligence and inaction they make inoperative an excellent school system; or by their diligence, energy and perseverance, they make very useful an indifferent one. County Superintendents should be, in the discharge of duty, always ready to assist in the organization of new districts, to encourage those who are disposed to look on the dark side of things in school matters, and to assist teachers in trying to elevate the standard of education. In short, "to be instant in season and out of season," always hopeful, remembering that much of the labor performed by them is like casting bread upon the waters, which will return after many days.

CONVOICATIONS OF SCHOOLS.

As a means of awakening an interest in schools on the part of pupils, as well as "children of larger growth," I would suggest the propriety of holding a convocation of all the schools in each county, at some convenient point where a pic-nic could be provided and short addresses be delivered, by the friends of education. I am quite sure much good can be effected in this way.

SCHOOL HOUSES.

It is important that every district should be furnished with a school house affording ample accommodations for its pupils.—Children often manifest a dislike to attending school, and sometimes I think we should not blame if they do. They frequently have to walk "in summer's heat and winter's cold," a mile or more to reach the school house, whose grounds furnish no wholesome water or refreshing shade, and not unfrequently remaining at school parched with thirst and suffering from cold in winter and heat in summer, when at a small expense the school grounds could be furnished with these indispensable comforts. If school houses are made comfortable, and the grounds made attractive and pleasant, kind and faithful teachers will experience no difficulty in getting their pupils to school.

Before another year shall pass away, if the friends of education shall act well their parts in the place that Providence has assigned them, we may confidently expect an improvement in the condition of our schools, which will make them an ornament to our Territory, and a blessing to those whose lot it is to dwell among us.

Very respectfully,
JAMES S. FOSTER,
Superintendent of Public Instruction.

On motion of Mr. Brookings,

Two hundred copies of the report of the Board of Education together with the report of the Territorial Superintendent of Public Instruction accompanying said report, were ordered printed.

The communication from the Council relative to the disagreement by that body to House amendments to 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 Union county, was then

Taken up for consideration, and it was found that there was an error in the message to the Council informing that body of said amendments.

Ordered, That the clerk be instructed to acquaint the Council therewith.

On motion of Mr. Brookings,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES. }
Friday, December 22^d, 1855. }

House met pursuant to adjournment, and proceeded to order by the

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown and Ellis.

On motion of Mr. Brookings,

The reading of the journal of the twenty-first was dispensed with.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—Your committee on Judiciary to whom was referred house file No. 20, A bill regulating the admission of attorneys, have had the same under consideration and report the bill back to the House and recommend its passage.

W. W. BROOKINGS.

Chairman.

Mr. Hampton, chairman of the select committee to whom was referred house file No 7, on the 15th inst., submitted the following report :

MR. SPEAKER.—Your select committee, to whom was referred house file No. 7, An act to restrain swine from running at large, have had the same under consideration and report the bill back to the House and recommend its passage with the following amendments :

In each line where the word "swine" occurs insert the words "or sheep" after the word "swine."

A. H. HAMPTON,

Chairman.

Mr. Kellogg, chairman of the select committee, to whom was referred house file No. 15, on the nineteenth inst., submitted the following report :

MR. SPEAKER:—Your select committee to whom was referred house file No. 15, A bill to increase the revenue for school purposes, have had the same under consideration and beg leave to report the same back to the House and recommend its indefinite postponement.

G. W. KELLOGG,

Chairman.

Mr. Kellogg, chairman of the select committee to whom was referred the resolution offered by Mr. McCarthy relative to the policy of President Johnson, on the 19th inst., submitted the following report :

MR. SPEAKER—Your select committee to whom was referred the resolution offered by Mr. McCarthy, relative to the policy of President Johnson, have had the same under consideration

and beg leave to report the same back to the House and recommend its adoption.

On motion of Mr. Brookings,

The resolution of Mr. McCarthy, and the report of the select committee, were laid on the table.

Mr. McCarthy, chairman of the select committee to whom was referred house file No. 16, on the 19th inst., submitted the following report :

MR. SPEAKER:—Your select committee to whom was referred house file No. 16, An act prohibiting the harboring of Indians in Union, Clay and Yankton counties, have after mature consideration agreed upon a substitute bill, entitled "An act prohibiting the harboring of Indians within the organized counties." It will be observed that the substitute extends the provisions of the act over all the organized counties, and in other respects the substitute, whilst it retains the desirable features of the original, remedies, in the opinion of the committee, its defects. The bill, as substituted, is as stringent in its provisions as was deemed advisable in order to secure its benefits without endangering its effectiveness; all of which is respectfully submitted with the recommendation that the bill as substituted do pass.

McCARTHY,
WATSON,
McHENRY,
Committee.

Mr. English gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to incorporate the Big Cheyenne river, bridge and ferry company.

Mr. Brookings introduced house file No. 21, A bill regulating the printing and distribution of the laws and journals.

Read a first time.

Mr. McCarthy introduced house file No. 22, Joint resolution relative to President Johnson.

Read a first time.

Mr. Fargo moved that the committee to whom house file No. 17 was referred be empowered to send for persons and papers. Which motion was agreed to.

Mr. Ash offered the following resolution and moved its adoption :

Resolved, That the use of this hall be tendered to the Yankton Ladies Educational Aid Society, on Monday, December 25th, for the purpose of holding a fair,

The resolution was adopted.

On motion of Mr. Brookings,

The House resolved itself into the committee of the Whole House on the special order for to-day ; and

After some time spent therein,

The Speaker resumed the chair, and

Mr. English reported, that the House having according to order had council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same, under consideration, have come to no resolution thereon.

On motion of Mr. Austin,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, December 23, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper, Ellis, McHenry and Stevens,

The journal of the preceding day was then read, and approved.

The following communication was received from the Council :

COUNCIL CHAMBER,
December 23d, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body that the Council 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 I herewith respectfully transmit.

I have also the honor to inform you that the Council has passed council bill No. 14, An act to regulate the sale of poisons; also, council bill No. 18, An act to establish the courts and define the jurisdiction of justices of the peace, and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

Mr. Hampton, chairman of the select committee to whom was referred house file No. 12, on the 16th inst., submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred house file No. 12, A bill for an act to create and establish a fence law and the manner of choosing fence viewers and their duties defined, have had the same under consideration and beg leave to report the same back to the House, with amendments, and without recommendation; and further, your committee ask to be discharged from further action in the matter.

A. H. HAMPTON,
Chairman.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a

memorial to the Post Master General for a daily mail service from Sioux City to Yankton.

Mr. Brookings offered the following preamble and resolution, and asked to have it lie over until the member from Clay, to whom it refers, shall appear in his seat :

WHEREAS, James McHenry now occupies and holds a seat in this House as Representative from Clay county, Dakota Territory ; and

WHEREAS, Said James McHenry was not eligible to said office of Representative, nor any other office in this Territory at the time of his election, nor is he now eligible ; in accordance with the provisions of the election law, section 51, said James McHenry not having been a resident of this Territory nine months prior to his election, or prior to the present time, as required by the laws of this Territory ; therefore,

Resolved, That the committee on elections be and are hereby ordered to investigate the right of said James McHenry to hold a seat in this House as Representative from Clay county, Territory of Dakota, and report the same to this House.

Council bill No. 14, An act to regulate the sale of poisons, was then

Taken up, and

Read a first time.

Council bill No. 18, An act to establish the courts and define the jurisdiction of justices of the peace, was then

Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Judiciary.

By unanimous consent, Mr. Taylor introduced house file No. 23, 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.

Read a first time, and

On motion of Mr. McCarthy,
 The rules were suspended, and the bill
 Read a second time, and
 Referred to the committee on Federal Relations.

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, was then

Read a second time, and
 Referred to the committee on Judiciary.

House file No. 20, A bill for an act to regulate the admission of attorneys to the several courts of this Territory, reported back by the committee on Judiciary, on the 22d inst., was then

Taken up, and
 Read a third time, and put upon its passage.
 The yeas and nays being ordered, the vote stood
 Yeas 16; nays 1; as follows:

Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Lewis, McCarthy, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—16.

Mr. Ryan voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered. That the Clerk request the concurrence of the Council therein.

House file No. 15, A bill to increase the revenue for school purposes, reported back on the 22d inst., by the select committee to whom it was referred on the 19th inst., was then

Taken up, and

On motion of Mr. Kellogg,

Made a special order for Thursday, December 28th, at eleven o'clock, A. M.

House file No. 7, An act to restrain swine from running at large, reported back on the 22nd inst., by the select committee to whom it was referred on the 15th inst., was then

Taken up, and

On motion of Mr. Kellogg,
 Referred to a select committee of seven.

The Speaker appointed as such committee, Messrs. Kellogg, Walter, Fargo, Austin, McCarthy, Stevens and Brown.

Mr. Collins moved that the select committee to whom was referred the petition of W. E. Root, be empowered to send for persons and papers to be used as witnesses in the matter.

Which motion was agreed to.

House file No. 12, A bill for an act to create and establish a fence law and the mode of choosing fence viewers and their duties defined, reported back by the select committee to whom it was referred on the 16th inst., was then

Taken up, and

On motion of Mr. Kellogg,

Made the special order for Friday, December 29th, at eleven o'clock, A. M.

The following communication was received from the Council:

COUNCIL CHAMBER, }
 December 23d, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body, the council has passed council bill No. 15, An act in relation to county surveyors, and respectfully request the concurrence of the House therein; also, that the Council have adopted a substitute to house file No. 11, which I herewith transmit.

J. R. HANSON,
Secretary.

By unanimous consent, council bill No. 15, An act in relation to county surveyors, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Public Lands.

House file No. 11, An act relative to county officers, returned from the Council with amendments, was then

Taken up, and

On motion of Mr. Kellogg,

The House concurred in Council amendments.

Council bill No. 9, A bill providing for the incorporation of the North Platte and Green river bridge and ferry company, which was made the special order for eleven o'clock, A. M., to-day, was by unanimous consent,

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 10 ; nays 3 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Curry, English, Hampton, Kellogg, Lewis, McCarthy, Ryan, Taylor and Walter—10.

Those who voted in the negative, were

Messrs. Brookings, Lent and Mr. Speaker—3.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Curry,

The House adjourned.

G. B. BIGELOW,

Speaker.

GEO. I. FOSTER,

Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Monday, December 25th, 1865. }

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

Speaker in the chair.

Roll called.

There appearing no quorum,

The house was adjourned to its regular hour of meeting tomorrow.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 26th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :
Messrs. Cooper and Ellis.

The journals of the twenty-third and twenty-fifth inst., were read and approved.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—Your committee on Judiciary to whom was referred 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 ask leave to report it back to the house and recommend its indefinite postponement.

W. W. BROOKINGS.

Chairman.

Mr. Collins, chairman of the committee on Elections, submitted the following report :

MR. SPEAKER:—Your committee on Elections, to whom was referred house file No. 18, A bill declaring what persons may vote and who may hold office in this Territory; have had the same under consideration and beg leave to report it back to the House and recommend its indefinite postponement.

E. C. COLLINS,

Chairman.

Mr. Collins, chairman of the committee on Ways and Means, submitted the following report :

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred house file No. 10. An act to amend section eight of chapter thirty-seven, of the laws of 1862, have had the same under consideration and beg leave to report it back to the house by substitute bill, which is herewith submitted.

It will be seen by referring to the Statutes, that section eight chapter thirty-seven, has several subdivisions. The new bill does not notice that fact, notwithstanding it amends only the seventh subdivision of said section. In the opinion of the committee other subdivisions ought to be amended, and therefore they offer the accompanying in lieu of the original amendment.

E. C. COLLINS.

Chairman.

Mr. Kellogg, chairman of select committee, appointed to

wait upon Supt. G. C. Moody, in conjunction with a like committee on the part of the council, &c., submitted the following report:

MR. SPEAKER:—Your select committee appointed to act conjointly with a like committee on the part of the council to wait upon Superintendent G. C. Moody, and request of him an itemized statement of disbursements by him made of money appropriated by Congress for the erection of a bridge over the Big Sioux river, have to report that they have performed the duty assigned them, and have received the accompanying reply of Mr. Moody, which is herewith submitted; your committee therefore ask to be discharged.

G. W. KELLOGG,
C. H. MCCARTHY.

Reply of Mr. Moody to the select committee appointed to wait upon him, &c.

MESSRS. COLE AND LABRECHE, *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 honorable 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. Fargo, chairman of the select committee to whom was referred the petition of W. E. Root, claiming the right to a seat in this house, submitted the following report :

MR. SPEAKER.—Your committee to whom was referred the petition of W. E. Root, and who were empowered to send for persons and papers, in accordance therewith notified the sergeant-at-arms to request the attendance of M. K. Armstrong, Geo. N. Propper and J. R. Hanson, to appear before said committee, December 23d, at 2 o'clock, P. M., Messrs. Hanson and Propper did not appear.

S. C. FARGO,
Chairman.

Mr. Brookings introduced house file No. 24, Memorial to the Post Master General, in relation to the establishment of a daily mail from Sioux city, Iowa, to Yankton, Dakota Territory.

Read a first time.

Mr. McCarthy introduced house file No. 25, Memorial to the Secretary of War, Generals Pope and Sully, asking for the erection of a Military Post on the Niobrara river, at or near Pine creek, on the Sawyer route,

Read a first time.

Mr. Brookings offered the following resolution and moved its adoption,

Resolved, That all action in cases of election contests in this house, or rights to seats in the same, both in the house and before committees, be postponed until the 5th day of January next.

Mr. Austin moved to amend the resolution by changing the time of postponement from January 5th to July 4th, 1866.

The question being upon the amendment by Mr. Austin,

The yeas and nays were called for and ordered, and the vote stood,

Yeas 7; nays 14; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, English, Fargo, Lewis, and Mr. Speaker—7.

Those who voted in the negative, were
Messrs. Brown, Collins, Curry, Hampton, Kellogg, Lent,
McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson
and Whitehorn—14.

So the motion of Mr. Austin, to amend the resolution, was
disagreed to.

The question then recurring upon the adoption of the reso-
lution,

The ayes and nays being called for and ordered, the vote
stood,

Yeas 12; nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, English,
Fargo, Hampton, Lewis, McCarthy, Stevens, and Mr. Speaker
—12.

Those who voted in the negative, were

Messrs. Collins, Curry, Kellogg, Lent, McHenry, Ryan,
Taylor, Walter, Watson and Whitehorn—10.

So the resolution was adopted.

By unanimous consent, Mr. Taylor, chairman of the com-
mittee on Public Lands, submitted the following report:

MR. SPEAKER.—Your committee on Public Lands, to whom
was referred council bill No. 15, An act in relation to county
surveyors, have had the same under consideration and beg
leave to report the same back without amendment and recom-
mend that it do pass.

FRANKLIN TAYLOR,
Chairman.

Council bill No. 14, An act to regulate the sale of poisons,
was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

Referred to the committee on Towns and Counties.

Council bill No. 18, An act to establish the courts and de-
fine the jurisdiction of justices of the peace; reported back by
the committee on Judiciary, was then

Taken up, and

On motion of Mr. Brookings,
Laid on the table,

On motion of Mr. Brookings,
The rules were suspended, and
House file No. 8, A bill to levy a tax on all stock of non-
residents within the limits of any organized county of this Ter-
ritory, was

Taken from the table, and
On motion of Mr. Brookings,
Indefinitely postponed.

Council bill No. 7, An act providing for elections and to
prescribe the canvass and return of the same; reported back
by the committee of the whole house on the 22d inst., was then

Taken up, and
On motion of Mr. Brookings,
Referred to the committee on Judiciary.

Council bill No. 15, An act in relation to county surveyors;
reported back by the committee on Public Lands, was then

Taken up, and
Read a third time and put upon its passage.
The yeas and nays being ordered, the vote stood
Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Brouch, Brown, Collins, Curry,
English, Fargo, Hampton, Lent, Lewis, McCarthy, McHenry,
Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker
—19.

So the bill passed, and its
Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

House file No. 21, A bill regulating the printing and distri-
bution of the laws and journals, was then

Taken up, and
Read a second time, and
On motion of Mr. Brookings,
Referred to the committee on Ways and Means.

House file No. 22, joint resolution relative to President Johnson, was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

The rules were suspended and the joint resolution,

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.—22.

So the joint resolution passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

House file No. 18, A bill declaring what persons may vote and who may hold office in this Territory; reported back by the committee on Elections, was then

Taken up, and

On motion of Mr. Kellogg,

Its consideration was postponed until the other business of the day is finished.

House file No. 10, (substitute) An act to amend section eight of chapter thirty-seven, of the laws of 1862; reported back by the committee on Ways and Means, was then

Taken up for consideration.

Mr. Brookings moved the adoption of the following amendment to the bill:

In section 5, strike out the words "suitable to the condition," and insert the word "necessary" after the word "all" and before "wearing" in the first line.

Which motion was agreed to.

Mr. Brookings moved the adoption of the following amendment:

In section seven, first line, strike out the words "one cow," and insert the words "three cows."

Mr. Kellogg offered the following amendment to the amendment :

Insert the word "two," before the word "cows," and in lieu of the word "three."

The question being upon the adoption of the amendment,
It was agreed to.

The question then recurring upon the amendment as amended.

It was agreed to.

Mr. Austin moved the adoption of the following amendment.

In section seven, fourth line, strike out the word "ten," before the word "sheep," and insert in lieu thereof, the words "one hundred."

Which motion was disagreed to.

Ordered, That the bill be engrossed for a third reading.

Being engrossed it was accordingly,

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 18; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, and Mr. Speaker—18.

Those who voted in the negative, were

Messrs. Austin, Brookings, Watson, and Whitehorn—4.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Taylor, from the committee on Enrollment, submitted the following report :

MR. SPEAKER.—Your committee on Enrollment, have examined house file No. 11, An act requiring justices of the peace and constables, to qualify and give bonds; also house file No. 19, A memorial to Congress asking for the establishment of a mail route from Sioux Falls to Ponca, Nebraska, and find the same correctly enrolled.

FRANKLIN TAYLOR.

House file No. 16, (substitute) An act prohibiting the harboring of Indians within the organized counties, reported December 22d by the select committee to whom the original bill was referred on the 19th inst., was then

Taken up, and

Read a third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

By unanimous consent, house file No. 12, A bill for an act to create and establish a fence law, and the mode of choosing fence viewers and their duties defined, was

Taken up for consideration, and

On motion of Mr. Kellogg,

The House resolved itself into the committee of the Whole House on the bill; and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Lewis reported, that the committee having had, according to order, house file No. 12, A bill for an act to create and establish a fence law, and the mode of choosing fence viewers and their duties defined, under consideration, had directed him to report the bill back to the house with the recommendation that it be re-committed to a select committee of three.

On motion of Mr. Brookings,

The report of the committee was adopted.

The speaker appointed as such committee, Messrs. Kellogg, Taylor and Fargo.

On motion of Mr. Kellogg,

The house resolved itself into the committee of the whole house on house file No. 18, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Taylor reported, that the committee having, according to order, had house file No. 18, A bill declaring what persons may vote, and who may hold office in this Territory; under consideration, have come to no resolution thereon.

Mr. Kellogg moved to indefinitely postpone the bill.

The ayes and nays being called for and ordered the vote stood,

Ayes 18; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Collins, Curry, English, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Whitehorn—18.

Those who voted in the negative, were

Messrs. Austin, Fargo, Lewis and Mr. Speaker—4.

So the bill was indefinitely postponed.

On motion of Mr. Brookings,

The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, December 27th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Cooper and Ellis.

The following communication was received from the Council:

COUNCIL CHAMBER. }
December 27th, 1865. }

MR. SPEAKER. — I have the honor to inform your honorable body that the Council has passed council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians, which I herewith transmit and respectfully ask the concurrence of the House therein.

J. R. HANSON,
Secretary.

Mr. Collins, chairman of the committee on Ways and Means, submitted the following report :

MR. SPEAKER.—Your committee on Ways and Means, to whom was referred house file No. 21, A bill regulating the printing and distribution of the laws and journals of Dakota Territory, have had the same under consideration and report it back to the House without amendment and recommend that it do pass.

E. C. COLLINS,
Chairman.

Mr. Watson, chairman of the committee on Towns and Counties, submitted the following report :

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

T. C. WATSON,
Chairman.

Mr. Austin gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for an act providing bounties for wolf scalps.

Mr. Lewis gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a memorial to the Post Master General requesting service on mail route No. 15,562.

Mr. Lewis introduced house file No. 26, An act locating a Territorial road in Union county.

Read a first time.

Mr. Collins introduced house file No. 27, A bill to regulate ferries in the organized counties of Dakota Territory.

Read a first time.

On motion of Mr. English,

Mr. W. P. Lyman was invited to a seat within the bar of this House.

Mr. Ash moved to reconsider the vote by which house file No. 10 was passed on the 26th inst.

The yeas and nays being called for and ordered, the vote stood,

Ayes 11; nays 11; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brown, English, Fargo, McCarthy, Stevens, Watson, Whitehorn and Mr. Speaker—11.

Those who voted in the negative, were

Messrs. Brouch, Collins, Curry, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor and Walter—11.

So the motion to reconsider was disagreed to.

Council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians, was then

Taken up, and

Read a first time.

Council bill No. 14, An act to regulate the sale of poisons, reported back by the committee on Towns and Counties, was then

Taken up, and

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 15; nays 5; as follows;

Those who voted in the affirmative, were

Messrs. Brouch, Collins, Curry, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—15.

Those who voted in the negative, were

Messrs. Brookings, Brown, English, McCarthy, and Stevens—5.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

House file No. 21, A bill regulating the printing and distribution of the laws and journals of Dakota Territory, reported back by the committee on Ways and Means, was then

Taken up, and

Read a third time, and put upon its passage,

The ayes and nays being ordered the vote stood,

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Brookings moved that the House do now adjourn.

Which motion was disagreed to.

On motion of Mr. Kellogg,

That portion of the Governor's message not referred to committees was made the special order for Saturday of each week at 11 o'clock, A. M., instead of Wednesday of each week.

Mr. Kellogg moved that the committee on Judiciary be requested to report council bill No. 7, back to the House.

Which motion was agreed to.

Mr. Brookings moved that the House do now adjourn.
Which motion was disagreed to.

Mr. Whitehorn moved that the committee on Judiciary be allowed another day to report council bill No. 7 to the House.
Which motion was agreed to.

Mr. Kellogg, moved to postpone the consideration of house file No. 15, made the special order for to-morrow, until January 5th.

Mr. Brookings moved to lay the motion of Mr. Kellogg on the table.

Which latter motion was agreed to.

On motion of Mr. Curry,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, December 28, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz:
Messrs. Brown, Cooper and Ellis.

The journal of the twenty-seventh inst., was read and approved.

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

MR. SPEAKER:—A majority of your committee on Judiciary to whom was referred council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same, have to report that they have thoroughly examined the bill and recommend that it do pass without amendment.

FRANKLIN TAYLOR.
C. H. McCARTHY,

Mr. Brookings, chairman of the committee on Judiciary submitted the following minority report :

MR. SPEAKER:—The undersigned chairman of the committee on Judiciary asks leave to report council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same, back to the House with amendments.

W. W. BROOKINGS,
Chairman.

The following communications were received from the Council:

COUNCIL CHAMBER,
December 28th, 1865. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council have passed council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson ; also, council bill No. 25, An act to amend chapter 23, of the laws of 1863-4 ; which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
December 28th, 1865. }

MR. SPEAKER.—I am instructed by the Council to inform the honorable House of Representatives, that in the matter of disagreement 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 courts in the county of Union, the Council respectfully request a conference committee on the said bill.

J. R. HANSON,
Secretary.

Mr. Taylor, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have to report that they presented to his Excellency the Governor for his approval at half past eleven o'clock, A. M., December 27th, 1865, house file No. 11, An act requiring justices of the peace and constables to qualify and give bond.

FRANKLIN TAYLOR.

Mr. English introduced house file No. 28, A bill to incorporate the Big Cheyenne river bridge and ferry company.

Read a first time.

Mr. Lewis introduced house file No. 29, A memorial to the Post Master General requesting service on mail route No. 15,562.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Federal Relations.

On motion of Mr. Collins,

The rules were suspended and

The communication from the Council relative to the appointment of a conference committee, to confer in the matter of disagreement 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, was

Taken up for consideration.

Mr. Collins offered the following resolution and moved its adoption:

Resolved, That in accordance with the request of the honor-

able Council, the Speaker of the House appointed a committee of one from each county to confer with the committee from the Council in the matter of disagreement between the two Houses concerning council bill No. 3.

The resolution was adopted.

The Speaker appointed as such committee, Messrs. Collins, Taylor, Fargo, Brown, McCarthy and Stevens.

Mr. Hampton offered the following resolution and moved its adoption:

Resolved, That the Hon. Ara Bartlett be respectfully requested to address the members of the Legislature and the citizens of Yankton and vicinity, on Thursday evening, January 4th, 1866.

The resolution was adopted.

Council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the joint resolution

Read a second time, and

Referred to the committee on Federal Relations.

Ordered, That council bill No. 16 be printed.

Council bill No. 25, An act to amend chapter 23, of the session laws of 1863-4, was then

Taken up, and

Read a first time.

Council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians, was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

Referred to the committee on Towns and Counties.

The following communication from his Excellency the Governor, was laid upon the Speaker's table.

DAKOTA TERRITORY, EXECUTIVE OFFICE }
 Yankton, December 27, 1865. }

SIR:—I have the honor to enclose herewith, An act requiring justices of the peace and constables to qualify and give bonds; which I have this day examined, approved and signed.

I have the honor to be, sir,

Very Respectfully,

Your Ob't Ser'vt,

NEWTON EDMUNDS,

Governor.

To THE HON. G. B. BIGELOW,

Speaker of the House of Representatives.

On motion of Mr. Brookings,

The House resolved itself into the committee of the Whole House on council bill No. 7, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Lewis reported that the committee having according to order had council bill No. 7, An act providing for elections and to prescribe the canvass and return of the same, under consideration, have come to no resolution thereon.

Mr. Brookings moved the adoption of the following amendment reported by the minority of the committee on Judiciary.

In section 50, first line, strike out the words "free white."

The ayes and nays being called for and ordered the vote stood,

Ayes 8; nays 13; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Brouch, Collins, Fargo, Hampton, Lewis and Mr. Speaker—8.

Those who voted in the negative, were

Messrs. Ash, Curry, English, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Whitehorn—13.

So the motion to adopt the amendment was disagreed to.

Mr. Brookings moved the adoption of the following amendment reported by the minority committee on Judiciary:

In section 50, fifth line, strike out the words "nine months" and insert the words "ninety days" in lieu thereof.

The ayes and nays being called for and ordered, the vote stood,

Ayes 3; nays 18; as follows:

Those who voted in the affirmative, were
Messrs. Brookings, Fargo and Lewis—3.

Those who voted in the negative, were
Messrs. Ash, Austin, Brouch, Collins, Curry, English, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—18.

So the motion to adopt the amendment was disagreed to.

The question then recurring upon the third reading of the bill, it was accordingly

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 17; nays 4; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Austin, Collins, Curry, English, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—17.

Those who voted in the negative, were
Messrs. Brookings, Brouch, Fargo and Lewis—4.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Brookings,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, December 29th, 1865. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper and Ellis.

The journal of the previous day was read and approved.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following report :

MR. SPEAKER.—Your committee on Federal Relations, to whom was referred 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, have had the same under consideration and ask leave to report it back to the house with the recommendation that it do pass.

J. A. LEWIS,

Chairman.

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred house file No. 29, A memorial to the Post Master General requesting service on mail route No. 15,562, have had the same under consideration and ask leave to report the memorial back to the house with the recommendation that it do pass.

J. A. LEWIS,

Chairman.

Mr. Watson, chairman of the committee on Towns and Counties, submitted the following report:

MR. SPEAKER—Your committee on Towns and Counties, to whom was referred council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians; have had the same under consideration and report the same back without amendment and recommend that it do pass.

T. C. WATSON,
Chairman.

Mr. Kellogg, chairman of the select committee to whom was referred house file No. 17, on the 20th inst., submitted the following report:

MR. SPEAKER.—Your select committee to whom was referred house file No. 17, An act to release Georgianna H. Young, from the bonds of matrimony; have had the same under consideration and ask leave to report it back to the house with the accompanying testimony and recommend its passage.

G. W. KELLOGG,
Chairman.

Mr. McCarthy moved that the testimony accompanying the report of the committee be now read.

The Speaker decided the motion out of order.

Mr. McCarthy appealed from the decision of the chair.

The question being put "shall the decision of the chair stand as the decision of the house?"

The decision of the chair was sustained.

Mr. Kellogg, chairman of the select committee to whom was referred house file No. 7, on the 23d inst., submitted the following report:

MR. SPEAKER:—Your select committee to whom was referred house file No. 7, An act to restrain swine from running at large; have had the same under consideration and ask leave to report it back to the house by substitute bill and recommend its passage.

GEO. W. KELLOGG,
Chairman.

The following communications were received from the Council:

COUNCIL CHAMBER,
December 29th, 1865. }

MR. SPEAKER.—I have the honor to inform your honorable body, that the council has passed house file No. 16, An act to prohibit the harboring of Indians within the organized counties; also, house file No. 20, A bill regulating the admission of Attorneys; which I herewith transmit.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
Dec. 29th, 1865 }

MR. SPEAKER:—I have the honor of informing your body, that the council desire an explanation of house file No. 22, Joint Resolution indorsing the policy of President Johnson; the same being written in pencil and it not being a bill in the legal acceptance of the term, I herewith return the said document.

J. R. HANSON,
Secretary.

Mr. Watson gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for a Territorial road, commencing on section 23, township 90, range 50 west, commencing on the Missouri river at or near the residence of Barny McGraw, thence by the most practicable route via Elk Point and Brule Creek to the north line of Union county in the direction of Sioux Falls or Fort Brookings.

Mr. Austin introduced house file No. 30, A bill for an act providing bounties for wolf scalps.

Read a first time.

Mr. Brookings offered the following preamble and resolution and moved its adoption:

WHEREAS, The members of the house of representatives are the especial guardians of the people, and

WHEREAS, The 9th section of the organic act provides that "the said Judges shall respectively reside in the districts which shall be assigned them," therefore

Resolved, That Judge W. E. Gleeson, one of the Judges of this Territory, be and is hereby requested to reside in accordance with the organic act and laws of the Territory, within the limits of his district.

Mr. McCarthy moved to lay the resolution on the table.

The ayes and nays being called for and ordered, the vote stood,

Yeas 6; nays 14; as follows:

Those who voted in the affirmative, were

Messrs. Kellogg, McCarthy, McHenry, Ryan, Stevens, and Watson—6.

Those who voted in the negative, were

Messrs. Ash, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Lent, Lewis, Taylor, Walter, Whitehorn and Mr. Speaker—14.

So the motion to lay the resolution on the table, was disagreed to.

On motion of Mr. Ash,

Mr. Hoyt, chaplain of this house was granted leave of absence until Tuesday, January 2d, 1866.

The communication from the council relative to an explanation in reference to house file No. 22, Joint Resolution indorsing the policy of President Johnson, was then

Taken up for consideration.

Mr. McCarthy moved that the joint resolution be engrossed and returned to the council.

Which motion was agreed to.

Council bill No. 25, An act to amend chapter 23, of the session laws of 1863-4; was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 20; nays 1; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker—20.

Mr. Taylor voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 19, An act to prohibit the furnishing of intoxicating liquors to Indians; reported back by the committee on Towns and Counties, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the council therewith.

House file No. 24, memorial to the Post Master General in relation to the establishment of a daily mail from Sioux City, Iowa, to Yankton, Dakota Territory; was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—21.

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

Ordered, That the Clerk request the concurrence of the
council therein.

House file No. 25, Memorial to the Secretary of War and
Generals Pope and Sully, asking for the erection of a Military
Post on the Niobrara river, at or near Pine creek, on the
Sawyer route, was then

Taken up, and

Read a second time, and

On motion of Mr. Fargo,

Referred to a select committee of three.

The Speaker appointed, as such committee, Messrs. Fargo,
McCarthy, and Lewis.

House file No. 26, An act locating a territorial road in Union
county, was then

Taken up, and

Read a second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 20 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry,
English, Fargo, Hampton, Lent, Lewis, McCarthy, McHenry,
Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr.
Speaker—20.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the
Council therein.

House file No. 27, A bill to regulate ferries in the organized
counties of Dakota Territory, was then

Taken up, and

Read a second time, and

On motion of Mr. Collins,

Referred to the committee on Highways, Bridges and Ferries.

House file No. 28, A bill to incorporate the Big Sheyenne river bridge and ferry company, was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Brouch, Collins, Curry, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—19.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

House file No. 23, 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; reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—21.

So the memorial passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. McCarthy, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER.—Your committee on Engrossment, have examined house file No. 22, Joint Resolution relative to Andrew Johnson; and find the same correctly engrossed.

C. H. McCARTHY,
Chairman.

House file No. 29, Memorial to the Post Master General, requesting service on post route No. 15,562, reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouh, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—21.

So the memorial passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

House file No. 7, (substitute) An act to prohibit sheep and swine from running at large, reported back by the select committee to whom the original bill was referred on the 23d inst., was then

Taken up for consideration.

Mr. Austin moved that the bill be referred to a select committee of three.

The ayes and nays being called for and ordered, the vote stood,

Ayes 11; nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouh, Curry, English, Fargo, Lewis, McCarthy, Walter and Mr. Speaker—11.

Those who voted in the negative, were

Messrs. Collins, Hampton, Kellogg, Lent, McHenry, Ryan, Stevens, Taylor, Watson and Whitehorn—10

So the motion to refer the bill to a select committee of three was agreed to.

The Speaker appointed as such committee, Messrs. Austin, Walter and Fargo.

House file No. 17, An act to release Georgianna H. Young, from the bonds of matrimony; reported back by the select committee to whom it was referred on the 20th inst., was then

Taken up, and

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 14; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Collins, Fargo, Hampton, Kellogg, Lent, Lewis, Stevens, Walter, Watson, Whitehorn and Mr. Speaker—14.

Those who voted in the negative, were

Messrs. Brookings, Curry, English, McHenry, Ryan, and Taylor—6.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

On motion of Mr. Brookings,

Council bill No. 18, was taken from the table.

Mr. Brookings moved the adoption of the following amendment to the bill:

In section 3, division 1, insert the words "when the damages exceed one hundred dollars," after the word "battery."

Which motion was agreed to.

The question then recurring upon the third reading of the bill, it was accordingly,

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr. Lewis moved that the house do now adjourn.

The ayes and nays being called for and ordered the vote stood,

Ayes 11; nays 9; as follows:

Those who voted in the affirmative, were

Messrs. Ash, English, Fargo, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor and Walter—11.

Those who voted in the negative, were

Messrs. Austin, Brookings, Brouch, Collins, Curry, Hampton, Kellogg, Watson, and Whitehorn—9.

So the motion to adjourn was agreed to.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Saturday, December 30th, 1865. }

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

Speaker in the chair.

Roll called.

The following named members were absent, viz:

Messrs. Cooper, Ellis, Ryan, Taylor and McHenry.

The following communication was received from the Council:

COUNCIL CHAMBER, }
December 30th, 1865. }

MR. SPEAKER. —I have the honor to inform your honorable body that Messrs. Stevens, Turner, Armstrong, Cole and Thompson have been appointed a committee on the part of the Council to act with the House committee in reference to the disagreement of the two houses concerning council bill No. 3.

J. R. HANSON,
Secretary.

Mr. Brookings, from the committee appointed to report on the Mineral and Agricultural resources of this Territory, submitted the following report, which was ordered printed:

MR. SPEAKER:—Your select committee, appointed to report on the Mineral, Agricultural and Manufacturing Resources of Dakota, beg leave to submit the following report:

Dakota extends from Minnesota and Iowa on the east to the Rocky Mountains on the west, and from the Niobrara river on the south, to the British Possessions on the north, comprising seven degrees of latitude and fifteen of longitude—154,486,208 acres of land.

MINERAL RESOURCES.

And the committee confine themselves entirely to facts. In an article on the prospect of building the Pacific Railroad which is attached to the valuable report on foreign and domestic commerce issued by the Treasury Department in 1864, on page 217, we find the following:

“It is now well ascertained that the Black Hills of Dakota Territory, situated on the 44th parallel of latitude, and between the 103d and 105th meridians of longitude are rich in gold and silver as well as coal, iron, copper, and pine forests. With the pacification of the Sioux nation, and the establishment of emigrant roads, Dakota will be the scene of great mining excitement, as the gold fields of the Black Hills, all within two hundred [120] miles of the steamboat navigation of the Missouri river, at the intersection of its channel with the forty-fifth parallel of latitude.”

On the 643d page of Senate Documents, 2nd Session 35th

Congress, Vol. 2, Lieut. G. K. Warren, (now Major General) U. S. Topographical Engineers, in his explorations in the Black Hills in the summer of 1857, says :

“In these mountain formations, which border the great plains on the west, are to be found beautiful flowing streams, and rich valleys covered over with fine grass for hay, and susceptible of a high state of cultivation. Fine timber for fuel and lumber, limestone and good stone for building purposes are here abundant. Gold has been found in places in valuable quantities, and without doubt the more common and useful minerals will be discovered when more minute examinations are made.”

Capt. John Mullen, U. S. A., in his report on Military Wagon roads in the Upper Missouri country, published in 1863, says in relation to western Dakota and East Montana :

“So, that now gold is profitably being taken out at the following points: At Big Hole, Beaver Head and Prickly Pear, in West Dakota (now East Montana). From the same report: “The result of Captain Reynold’s explorations would show that traces of gold was found by his party in all the tributaries of the Yellowstone from the South. Enough discoveries have been made to warrant us in thinking that the entire mountain system will be found to be gold bearing.” The same author speaks of sulphur being found on the Yellowstone. “And a coal oil spring exists on the Big Horn river, a tributary of the Yellowstone.”

Father De Smet, an Indian Missionary, who has spent many years with wild tribes of the North West, asserts that the Indians have long known and concealed the localities of inexhaustible “graves” of precious metals slumbering in the remote and hidden recesses of the Black Hills of Dakota, where the white man has never intruded.

Captain Reynold’s report has never been published so that the most your committee know about his discoveries is, that persons on the expedition with him says that he found gold on several of the small streams running out of the Black Hills into the Big Cheyenne.

The Black Hills of Dakota are but the continuation of the Big Horn and Snow Mountains, which are but the continuation of the Rocky Mountains. Gold has already been discov-

ered in the Big Horn and Snow Mountains, and in the bed of every stream taking its rise in these mountains, to-wit: Powder, Tongue, Rose Bud and Big Horn rivers, so that reasoning from analogy, gold should be found in the "Black Hills of Dakota," but we have the positive evidence of Lieut. Warren, and several others, that it actually exists there. Lieut. G. K. Warren thus describes the Geological formation of the Black Hills of Dakota:

- I. Metamorphosed azoic rock, including granite.
- II. Lower silurian (potsdam sandstone).
- III. Devonian.
- IV. Carboniferous.
- V. Permian.
- VI. Jurasiac.
- VII. Cretaceous."

This whole geological range of rocks from the granite and metamorphosed azoic to the cretaceous formation of the surrounding plains, are developed by the upheaval of the mountain mass. Thus at the junction of the silurian rocks, gold becomes accessible, and the carboniferous strata bring coal measures within reach. The geological formation of these Hills would most certainly indicate great richness of minerals of all kinds.

The distinguished geologist, Prof. Owen, says that the Black Hills of Dakota, the silver bearing placers of the Amazon, the rich Cordilleras of Mexico, and the Himlayha range of India, have all emerged from the sea at the same geological period, and the same formation of mineral bearing strata can be traced in each.

IRON.

There is no limit to the amount of iron ore in Dakota Territory. Prof. Gregg, of New York, who visited our Territory and Montana Territory, in the summer of 1865, after analyzing some of our iron ore, says: "That the carbonate of iron or clay iron stone similar and equal to the English iron ore, crops out on the Missouri river from Bijou Hills to above Fort Sully, a distance of one hundred miles, and that the bed in some places is fifty feet thick and inexhaustible." The writer has seen the iron ore and fully confirms the above statement of Prof. Gregg,

that in the vicinity of Fort Sully, D. T., there is no limit to iron ore. The men that accompanied Gen. Harney's Expedition to the Black Hills say that iron was found so pure that it was used by the blacksmiths of the expedition in its native state; also, the Ponca Indians have brought into the white settlements specimens of Iron from these Hills in a very pure state.

The question naturally arises, if the "Black Hills of Dakota" are rich in minerals, why they have not been explored?

This question is easily answered, simply that the powerful tribes of the Sioux or Dakota Indians, who inhabit this country have prevented the whites from entering and exploring the same. In 1857 they turned back Lieut. Warren and his party, telling him that they never would give up that country to the whites and that he could not even explore it, and so it has been up to last fall, when the commission to treat with the Indians that inhabit that country, got them reluctantly to consent, in the treaties made with them, to the whites passing through and exploring their country. In proof of the above, we quote from an able article on the Black Hills from the *St. Joseph (Mo.) Herald and Tribune*: "Those who have been wondering why so much attention has been paid to the suppression of the Indian troubles in that region may recognize the reason, in the fact that but for these troubles, gold hunters would now be digging away at the foot of the Black Hills, and laying the foundations of new colonies. The mountain men have all, always said there was gold in these Hills, and much of the emigration would have stopped there but for the Indian war."

Now that the Indian war is over, and the Indians have made peace with the government, and that there is to be a Military Post at the North base of the Black Hills; your committee deem it important that a law should be passed by the Legislature, regulating mining claims, and mining interests, for in our opinion the emigration will be very large to the gold fields in the Spring, and proper laws should be passed for their protection.

COAL.

Coal on the Missouri river at Fort Rice has been discovered in great abundance, some veins from ten to fifteen feet thick. The opinion of Dr. J. V. Hayden and Mr. Meek, geologists, is that the carboniferous limestone around the Black Hills be-

long to the true coal measures, if so, there must be an abundance of coal in that portion of Dakota. Good cannal coal or bituminous coal has been discovered very recently on the Dakota river, about forty miles north of the city of Yankton, near Fort De Roche, also some specimens on the Big Sioux river.

According to all analysis coal ought to occupy the geological interval between the limestone of Minnesota and the cretaceous formation on the Upper Missouri; and Featherstonaugh says, that the cretaceous rocks of the Missouri rest upon the carboniferous limestone of the Big Sioux. The coal formation must exist in Dakota. Prof. Owen says that the erratic specimens of coal found on the Blue Earth river, in Minnesota, have probably been brought down in the great drift movement from the concealed beds of Dakota; so that when a geological survey of the Territory shall be made, abundance of coal will be found extending over our Territory.

COAL OIL, OR PETROLEUM.

Captain Mullen, U. S. A., says, "that a coal oil spring exists on the Big Horn river." The water in many of the springs along our rivers taste very much like water coming from the vicinity of coal oil, especially is this so of several springs on the Big Sioux.

CLAYS.

There is an abundance of clay that will make the best of brick; on the big Sioux, extending to the noted Red Pipe Stone Quarry, abundance of white marl, that would make brick of great beauty, resembling the celebrated Milwaukee brick, only of more variable colors.

BUILDING MATERIAL.

At Sioux Falls, on the Big Sioux river, and at Fort De Roche, on the Dakota river, there is abundance of red sandstone that makes an excellent building stone. Lieut. G. K. Warren, says of the western portion of the Territory. "Pine timber of the finest quality, in abundance grows there, easy of access, from which the finest lumber can be made; building stone of good quality abounds." An excellent quality of limestone, as white as marble, was found on the Vermillion river last season where the Brookings wagon road crosses the same.

There is more or less limestone on all of the streams of Dakota, and very fair building timber on most of the streams.

RIVERS OF DAKOTA.

The Missouri river extends a thousand miles through the Territory, and is navigable for steamboats the entire distance, hundreds of miles above; the river is from one half to one third of a mile wide, and Dr. J. V. Hayden, U. S. Geologist, says thus of it in his report of the Missouri country: "The broad bottom prairies of the Missouri, are of inexhaustible fertility, sustaining a vegetation variable in its character and of enormous growth, the upland prairies possess a soil composed of yellow marl well adapted to agriculture and grazing." This stream is well timbered almost its entire length.

The Big Sioux river is two hundred miles long, a clear running stream of clear water, and quite well timbered; this beautiful valley cannot be surpassed for fertility of soil and the variety and luxuriance of its vegetation; the bottom lands on this stream are from a half to three miles wide, and bears an enormous growth of blue joint grass, which makes hay of an excellent quality.

What has been said of the Big Sioux, may be said of the Dakota and Vermillion rivers, except that there is not so much timber as on the Sioux, and soil not quite as good on the Dakota river as on the Sioux, although of very good quality, and well adapted to stock growing. As to the character and description of the other streams, we shall quote from Lieut. Warren.

"The Big Cheyenne is a most important river, and has its extreme source west of the Black Hills, which its two main branches enclose. These forks are supplied by numerous streams from the mountains, and they unite in about longitude $102^{\circ}20'$, the river flowing into the Missouri in latitude $44^{\circ}48'$. In its lower course I am informed there is fertile land on its banks, and there are considerable areas in and around the Black Hills. The Cheyenne river can be rafted, and the stream that comes from the Hills could be used to drive the logs down to the river." And thus the way is open to this supply of timber.

"White Earth river has generally an open well wooded val-

ley, with fine soil and luxuriant grass. Any one who travels in Nebraska will always feel rejoiced when he reaches the banks of this beautiful stream. It is much resorted to by the Brule's. It has numerous branches, the largest of which is called the South Fork. The pine on White river and its tributaries is nearly equal in extent to that on the Niobrara. This stream has been used by traders to boat down their furs. I believe it can also be used to raft down the pine timber on its banks and branches." Lieut. Warren speaks very favorably of the Niobrara river, which is partly in our Territory, that there is considerable pine timber on its banks and branches, and much good land and excellent water.

The Red River of the North, rises in Lake Travers, and flows north 380 miles to the British Possessions, is a navigable stream its entire distance, well wooded and a soil unsurpassed in fertility. There are a number of other small streams, some of which have abundance of timber and a good soil and clear running water. There are quite a number of lakes in East Dakota remarkable for their beauty, and with their sylvan associations form the prominent charm of its rural landscape. There is an abundance of timber on some of these lakes surrounded with a good soil, water, and plenty of fish in the waters of the same. All the streams of Dakota abound in delicious fish of many varieties.

RAILROADS.

We have no railroads yet in Dakota, but a number of lines in Minnesota and Iowa pointing to Dakota. The land grant railroads in Minnesota that strike the eastern boundary of Dakota are as follows: "Routes one and two, from Stillwater by way of Saint Paul, to a point between the foot of Big Stone Lake and the mouth of the Sioux and Wood River, and branch down the Red River of the North." "Routes three and four, from Saint Paul to the southern boundary of the State in the direction of the Big Sioux river." "Route five, from Winona via Saint Peter to a point on the Big Sioux river, south of the forty-fifth parallel of north latitude." This grant was transferred to the Transit Railroad Company." The western terminus of this road was once located temporarily at Sioux Falls, now in Dakota. The company now intend to extend it

through our Territory to the Missouri river near latitude 40°.

Land grant railroads in Iowa that point towards Dakota: The Dubuque and Pacific, has its western terminus at Sioux City, Iowa. McGregor railroad has its western terminus at a point near the northern boundary of Union county, Dakota Territory. It will be seen by the foregoing that there are five railroads running east and west that have their western terminus on the eastern boundary of our Territory, giving us in a few years several lines of communication with the east.

The northern branch of the Central Pacific Railroad starts from Sioux city, and it is expected that it will pass up the Missouri river through our Territory to the mouth of the Niobrara, thence up said river to the South Pass. This is by far the best route for that branch. The Northern Central Pacific Railroad will pass directly through our Territory, more than probably up the valley of the Big Shyenne river, especially since such extensive gold discoveries are being made in this district of country.

We find the following in a report on Minnesota railroads: "The Transit with its terminus at Winona and the Root river opposite La Cross, will give the wheat districts of Southern Minnesota, and the new Territory of Dakota, an outlet towards Chicago."

Some hundred or more miles of this last mentioned road is completed, and the entire road will be finished in a few years.

NATIONAL WAGON ROADS THROUGH DAKOTA, TO MONTANA, IDAHO AND THE PACIFIC STATES.

Col. James Sawyer has under an appropriation of the Federal Government opened during the past season, a road from the mouth of the Niobrara river to Virginia City, Montana Territory, which he reports to be a good route, with plenty of water, wood and grass, of an excellent quality, besides this route is at least four hundred miles shorter than any of the old routes.

Hon. W. W. Brookings partially opened a route during the past season from the Missouri river, near Fort Tuttle, to the forks of the Big Cheyenne, thence to connect with Col. Sawyer's road on Tongue river. This route will be opened through to its connection with the Niobrara road in early spring, and it

will be three hundred miles shorter than any other route, and in all probability the great thoroughfare for all the northern travel to the gold fields of the Black Hills, Montana, Idaho, and the Pacific States, will be over this route; it being known to be a good route, with abundance of wood, water and grass, and is to be thoroughly protected by military force. There are good roads up the valley of the Missouri river, and from Minnesota on the forty-fourth parallel of latitude, nearly west from Mankato, Minnesota, that connect with this Big Shyenne road at Fort Sully, D. T.

HYDRAULIC CAPACITY AND MANUFACTURING RESOURCES OF DAKOTA.

On all of the streams and their branches, running into the Missouri, have more or less water falls. At Sioux Falls, the Big Sioux river falls in a few rods over one hundred feet, there are three perpendicular falls, one twelve, fifteen and twenty-one feet. Gov. Jayne speaking of this water power, says: "The falls on the Big Sioux furnishes a motive power sufficient to drive all the machinery of the New England mills." With this fine water power, and the great advantage which the Territory possesses for wool growing—the development of woolen manufactories promises largely for the future.

SALT.

It is generally believed that there are more or less salt springs spread over the entire northern portion of our Territory. A statistical writer of Minnesota, says: "A few years ago a supply of salt for the British settlements of the Red river was obtained from northwestern Dakota. With the imperfect apparatus employed by the half breeds engaged in the manufacture, the springs near Lake Maniloha are said to yield one bushel of good salt to 24 gallons of brine or 33 1-3 per cent., yielding same proportion of salt to brine as East Saginaw springs, Michigan."

THE SOILS OF DAKOTA.

The prevailing soil of east Dakota is a dark calcareous, sandy loam, containing a various intermixture of clay, abounding in minerals, salts and an organic ingredient, derived from the

accumulation of decomposed vegetable matter for long ages of growth and decay. The earthy materials of our soil are minutely pulverized, and the soil is everywhere light, mellow and spongy. While its sandy predominance makes our soil very early. The upland soil of east Dakota, cannot be surpassed for fertility and the variety and luxuriance of its vegetation.— And Dr. Hayden, geologist, thus speaks of the western portion: “The numerous broad valleys in the Black Hills possess a very fertile soil, and abound in springs of pure water, and the time cannot be far distant when they will be settled by a thriving population, and the vast forests of pine rendered servicable to the wants of man.”

WHEAT, CORN, OATS, &c.

Your committee have been unable to get any accurate information in relation to the amount of the crops per acre, but from their own personal observation, they are of the opinion that no state or territory surpasses Dakota in the yield of their crops per acre, and they are of the opinion the average yield of wheat per acre, is twenty-five bushels; oats, forty-five; corn, between fifty and sixty; potatoes, two hundred and twenty-five. All vines and garden vegetables yield bountifully.

But for raising wheat, Dakota, we believe is not equalled by any state or territory in the Union. Our dry pure atmosphere is what is required for the perfection of this grain; the best wheat grown in the world, is the wheat grown on the Red River, within the limits of Dakota. The inhabitants of that section claim sixty bushels as an average yield per acre, and the wheat weighs from sixty-five to seventy pounds per bushel. Every one that has ever seen any of the Red River wheat, pronounced it the finest they ever saw. And we are of the opinion that a large portion of our Territory will yield equally as well, some farmers have told your committee of a yield of 104 bushels of potatoes from one and one-fourth bushels of seed, and corn at 100 bushels per acre. The committee give several letters received in relation to the agriculture of the Territory, and as they are acquainted with the men, would be willing to vouch for the truthfulness of their statements.

COUNCIL CHAMBER,
Yankton, D. T., Jan. 8th, 1866. }

HON. W. W. BROOKINGS:

Sir.—In compliance with your request, asking for agricultural statistics, I have the honor to submit the following brief statement in relation to the crops of the year 1865, in the south part of Union county, Dakota, together with a short history of the settlement in which I reside, and a few general remarks in regard to said county.

I reside in what is generally known as the French Settlement, which consists of about forty families, mostly French Canadians, who settled in Dubuque county, Iowa, some twenty years ago. In the month of June, 1862, we came into Union county and commenced to break prairie, and build light board houses for temporary protection. During the summer of said year but little was done more than to break prairie and secure hay for winter use, for the reason that in August of that year, the Indians attacked the settlements in Minnesota and caused general alarm throughout Dakota; to such an extent did the excitement prevail, that many families left the Territory, and but few permanent improvements were made during that year.

Since the spring of the year 1863, improvements have been made as rapidly as the circumstances of the settlers would admit, and at the date hereof we all have comfortable though not costly houses and out-buildings, and the average amount of land substantially fenced and under cultivation upon each of forty farms in this settlement is thirty acres. The soil in this portion of Union county, like most of the county, is a rich alluvial deposit, generally called bottom land. It is well adapted to the production of all the cereals, timothy, red-top and clover. The average yield of crops for the past year, per acre, is as follows: corn, 50 bushels; wheat, 25 bushels; oats, 40 bushels; potatoes, 175 bushels; sorghum yields above 140 gallons of syrup per acre; beans and peas yield well. The soil is well adapted to the production of all kinds of root crops and vines. The average yield of prairie hay per acre is two tons, and the amount is almost unlimited, there being thousands of acres covered with heavy grass in the immediate vicinity of all the settlements in the county. Most of the hay is cut with machines, of which there are eight in this settlement. The

average number of horses, oxen and other cattle to each farmer is about twenty head. Sheep do well, and wool growing will soon be one of the most profitable employments for the farmers of Dakota. There is a sufficient amount of timber in this county for a very large population. Timber land is worth five dollars per acre; sawed lumber is worth fourteen dollars per thousand. Stock raising is one of the most profitable pursuits for the farmer to engage in—the amount of pasturage upon the prairies is unlimited, as is also the quantity of rich nutritious grasses for hay. The amount of stock each farmer can raise is only limited by the amount of capital and labor he can employ. Tens of thousands of acres of the richest lands in the west lie vacant in this county in the immediate vicinity of flourishing settlements, inviting the industrious of all classes to free homesteads, and in no section of the west, in the opinion of the writer, can the industrious immigrant sooner surround himself with the conveniences of life, than in Dakota.

There has been a school in this settlement, seven months during the past year; average attendance fifty scholars. A deep interest is manifested in the cause of education throughout the county. Four schools have been taught in this county the past year. Within the last twelve months the population has increased fifty per cent., and I have no doubt but that we shall gain as rapidly during the present year. There are four post offices in the county, to wit: Brule Creek, Elk Point, Willow and Big Sioux.

Very Respectfully,
Your Ob't Ser'vt,
CHARLES LABREECHE.

VERMILLION, }
Clay Co., Dec. 29th, 1865. }

MESSRS. COLLINS, WHITEHORN, FARGO, STEVENS, LEWIS,
COOPER, AND BROOKINGS:—

Gentlemen:—Your letter of the 20th instant, asking me for my experience, and opinion of the agricultural resources of

Clay county is received. In reply, I would state, that corn in Clay county in 1862, was about 40 bushels per acre on an average, and potatoes about 200 bushels per acre, and garden vegetables in abundance. In 1863, corn was not so good, about 23 bushels per acre, the season being very dry. In 1865, the corn crop was very large, from fifty to sixty bushels per acre; and the potatoe crop unusually large, from 200 to 300 bushels per acre; turnips, 700 to 800 bushels per acre; and all kinds of garden vegetation exceedingly large. In wheat I have not had much experience. Sorghum I do know will do well here; my sorghum gave me this year 180 gallons of good syrup per acre. The above named crops was grown on virgin soil, and I believe that this soil is capable of producing from 100 to 150 bushels of corn per acre, by using a plenty of barn yard manure and well cultivated, for my experience teaches me that 100 bushels of corn can be produced on one acre as easily as the same amount on two acres. Stock of all kinds do well here, I have wintered cattle on less than one ton of hay, and they do very well at that, two tons of hay will carry one cow through the winter in first rate order, without grain of any kind. Timothy and clover grows very large here, and I dare say that it will excel the New England states for durability. This being a grape country I know of no reason why tame grapes will not do as well as in any of the eastern states, and wine made as cheap as elsewhere. I have given you an outline of what can be done by way of farming, and if any person wishing for more information, of our garden of the world, from me, I will freely give it by letter or otherwise as the case may be.

Gentlemen, I remain yours,
With much respect,
JAMES WHITEHORN.

YANKTON, D. T., }
Jan. 2d, 1866. }

To the Hon. Committee of the House of Representatives:

Sirs:—In compliance with your request, I herewith transmit to you an account of the results of farming in Yankton

county for the past year, and also hints upon stock raising. The crops were generally good. Corn was among the best, yielding a fair average and of sound quality. In fact in many instances the crop was very superior, producing bountifully. Mr. Strunk, residing on Dakota river bottom, stated that he had lived in Iowa, but that he never saw such corn there, as his this year. Other farmers living on the same river, represents an average of fifty bushels of corn to the acre. I think mine would yield that amount. The culture of sorghum is attracting considerable attention. The yield the past season has in most instances been satisfactory, and the quality excellent; in fact the quality in some instances has been pronounced by an Illinois sorghum grower and manufacturer superior to any thing he ever saw in that state. About 160 gallons of molasses to the acre have been produced, and that of good consistency. Some of the crops have yielded ample returns for the labor bestowed. I have lived in five different states previous to moving here, but I never had so good a crop of potatoes before, as I have raised the past season, including, both quantity and quality. Notwithstanding the fineness of the soil and its adaption to the culture and raising of the various products of the earth, such as wheat, oats, corn, potatoes, &c., it is believed to be for the interest of the husbandman to devote the larger share of his capital to growing cattle and sheep. The former of which grow finely and fatten rapidly on our varied and luxuriant prairie grass during the summer and fall months, and acquire a decent living in the river bottoms and ravines during an ordinary winter. Sheep have not been introduced very extensively, until the past season. The experiment has thus far proved satisfactory, they seem to be healthy and thrive well, and must ere long prove a productive element to our thriving county.

Respectfully Yours,
A. VANOSDEL:

DAKOTA TERRITORY,
Union county, Dec. 25th, 1865. }

HON. W. W. BROOKINGS:

Dear Sir:—In answer to your inquiry, I have to state that in the year 1862, it being my first crop in the Territory, and consequently was what we term a sod crop; land broken in spring with the rise or starting of the grass. A portion of my corn yielded 40 bushels per acre; beans, beets, onions, squashes, pumpkins and other garden vegetables a good yield and very fine and large. In the year 1863, my corn yielded 45 bushels to the acre; wheat, 33.1-3; potatoes, 175 per acre; beans, cabbage, carrots, parsnips, beets, onions, turnips, squashes, pumpkins and mellons, good crops of all these, large and very fine. In the year 1865, the present, I had corn which yielded 75 bushels per acre; wheat, if properly cared for would have yielded 20 bushels per acre, and other products in proportion.

I have the Honor to be Yours,
Very Truly,
THOS. C. WATSON.

LINCOLN, Clay County, D. T., Dec. 28th, 1865.

HON. W. W. BROOKINGS:

Sir:—In answer to your inquiries, I have to say that my oats yielded 65 bushels to the acre by actual measurement. My wheat is not threshed, but my neighbors say it will yield 35 bushels to the acre; corn, 50 bushels to the acre; two bushels of seed yielded 100 bushels of potatoes, (pinkeyes), one potato weighed two pounds and eleven ounces, did not measure the ground but planted or set cottonwood sprouts one foot high among them, and they have grown seven feet high and three inches in circumference. I milked twenty cows last summer, and the profits were about \$80 per head. I can make more cheese here than in New York, I can raise more grain in Dakota, with one third the labor, that I could in New York.

Respectfully Yours,
C. N. TAYLOR.

BON HOMME, Bon Homme Co., D. T., Dec. 25, 1865.

HON. W. W. BROOKINGS:

Sir:—In answer to your inquiries I have to say that I first settled in Bon Homme, Bon Homme county, in the fall of 1858, and remained there until spring. I planted corn and potatoes. My corn yielded 35 bushels per acre, and potatoes, 200, without cultivation. Moses Herrick, my neighbor, planted his corn on what is known as "weed land" and raised 80 bushels per acre. I then moved to Choteau Creek, the western portion of the county, and planted corn on what is termed the sod, and raised 25 bushels per acre—next year planted on the same ground and raised 50 bushels per acre—Mr. McDonald, a resident of this county, raised 50 bushels of oats per acre, and Mr. Gifford, another resident, raised wheat at 23 bushels per acre. Mr. Fraley, during the last year, raised 80 bushels of small Indian corn per acre. All kinds of stock do well in this country, without hay. I have never fed any hay to any stock only those that I work.

Yours truly,
JONATHAN BROWN.

TODD COUNTY, D. T., Dec. 29th, 1865.

HON. W. W. BROOKINGS:

Sir:—As a farmer of the above named county, I deem it incumbent on me to furnish you with a few facts concerning the products of this county, to be added to your report. Being a resident of the county for three years, I am able to make a proper estimate of the average yield of the produce, as well as the minerals of this county. The yield of corn per acre in this county is sixty bushels, the same ripens very early in the season; wheat is not much raised, but on the Agency of the Poncas. I have seen some fine club wheat raised under the superintendence of J. A. Lewis, farmer; the yield was twenty bushels, planted on the sod, on high land. Wheat planted on the bottom would do much better, especially winter wheat. Vegetables of all kinds do well, with the exception of the white turnip, the fly preys on this vegetable as soon as it makes its ap-

pearance above the ground. There has been a potato raised in this county 16 inches round, one of the largest I ever saw. This county is beautifully adapted to stock raising, which business is very profitable, owing to the demand of beef consumed at the military forts of this county. Cattle can live in the bottoms here all winter without hay, unless it is a very severe winter. The growth of vegetation is so rank, consisting of rushes and blue joint that it affords food as well as shelter. And while I do not like to intrude on your pages, permit me to say a word about the minerals, in 1857, Capt. McKey, while inspecting the U. S. Survey, discovered coal in this county, on the Niobrara river, and that there is iron in this county there is no doubt, for I saw fine specimens brought in by the Ponca Indians, who manufacture the same into arrow heads.—There is also indications of gold on the Keha Paha river which empties into the Niobrara. I might furnish you a more detailed account of the resources of this county if space would permit in your report. And hoping that you will give this room, so that the world may know that we have a soil, climate and space, inviting the husbandman, as well as the researcher of the hidden riches of the earth,

I am, &c., your humble and ob't serv't,

C. H. McCARTHY.

ELK POINT, Union Co., D. T., Jan. 2, 1866.

HON. W. W. BROOKINGS :

Sir:—In compliance with your request for some statistics of the agricultural products of this county, I have the honor to state that my wheat crop was, I think, about an average of this county, being 18@30 bushels per acre, and of an excellent quality. My corn was materially injured by the grasshoppers, I will therefore give you facts which have come under my observation. Joseph LeBerge, one of my nearest neighbors had a fine crop 80 ears of which were found to fill a two bushel seamless sack. My father (Joseph Collins) raised some 20 or more acres which was estimated by good judges at 50 bushels shelled corn per acre. One piece of 4 acres produced over 80

bushels shelled corn per acre by actual measurement. The probable average for this county is 40@50 bushels per acre. Potatoes, good, found one that weighed 4 pound and 11 oz.— Hay crops fine, on 4 acres of prairie meadow (measured land) I cut 13 tons of excellent hay consisting of about equal parts of blue joint, red top and prairie grass. The average yield of hay in our neighborhood was about two tons per acre, which in quality is but little inferior to timothy. Cattle and horses winter here with half the food and care that they require in Michigan, and appear in better spirits and condition in spring. I have two colts that wintered on the open prairie last season without hay or grain and came out fine in spring. Mr. D. M. Mills an old settler and stock raiser in the county, informs me that for the last eight years he has wintered his cattle and horses on the bottoms bordering on the Big Sioux River without providing either food or shelter for them. There being seldom any snow to cover the ground, they find an abundant of nutritious food on the prairie and the timber furnishes a very good protection from the winds and storms. And persons who have seen Mr. Mills' stock will bear me out in saying that it will compare favorably with the stall fed stock of the East.

Respectfully Yours,
E. C. COLLINS.

THE STOCK GROWING BUSINESS.

Dakota is the finest field in the world for stock growing. It stands prominent above all other countries as the best for the production of grass. "The grasses," says Farrey, "are proverbially in perfection only in northern and cold regions. It is in the north alone that we raise animals from meadows and are enabled to keep them fat and in good condition without grain." In none of the prairie districts of North America are the native grass so abundant and nutritious as on the plains and in the valleys of Dakota. This is sufficiently proved by the countless herds of buffalo that pasture throughout the year, upon its plains, even north of the 49° parallel of latitude; a fact which suggests an equivalent capacity for the herding of do-

mestic cattle. Horses and cattle roam during summer and winter over the prairies and through the woods, and keep fat without housing or hay. The wild grass of Dakota, are of many varieties. The blue joint of the valleys, makes the best of hay, and generally yields about three tons per acre. The gramana or buffalo grass of the upland prairies is so nutritious that horses will work all the time, that are fed on it, without any grain and keep fat. All of the wild grasses of Dakota are more nutritious than any of the tame grasses, cattle become fatter by pasturing on it. When cut it shrinks much less in curing for hay. It seldom heats. There is no dust in the hay. Horses that eat it never have the heaves. The hay in appearance is green and it smells much sweeter than tame hay. On the whole, it is superior either for pasturage or hay for horses, cattle or sheep. Owing to the healthiness, and dryness of the climate of Dakota, sheep must do extremely well in Dakota.— We have no cold sleet storms here, that are so fatal to sheep in many countries. The Indians have always kept thousands of horses in this country but never feed them hay in winter.

A MARKET FOR DAKOTA.

And here we quote again from Lieut. Warren, who speaking of the frontier settlements on the prairies, says: "But this gives them much of the value of places along the Atlantic frontier, in view of the future settlements to be formed in the mountains, between which and the present frontier a most valuable trade would exist. The western frontier has always been looking to the east for a market, but as soon as the wave of emigration has passed over the desert portion of the plains, to which the discoveries of gold have already given an impetus that will propel it to the Rocky Mountains, then will the present frontier of Nebraska and Dakota become the starting point of all the products of the Mississippi valley which the population of the mountains will require. We see the effects and benefits from the Santa Fe trade and the impetus given to Leavenworth by the Utah trade. The flow of products has, in the last instance been only in one direction, but when these mountains become settled as they eventually must, then there will be a reciprocant trade materially beneficial to both."— This is already true, and there is at the present time at least

a population of fifty thousand persons in the mountains directly west of Dakota, that depends on the country east of their borders to supply them with all the products that they need for consumption, and such is the demand that all kinds of products raised by the farmers in Dakota, including cattle and horses are worth twenty-five per cent. more in Dakota than on the Mississippi river. Some of the farmers of Dakota, the present season, although we have no large farms opened, have raised from fifteen hundred to three thousand dollars worth of crops. The rich discoveries of gold recently made in all the mountain regions on the western boundary of Dakota, will furnish a better market for years to come, than the farmers of the valley of the Mississippi have at present.

CLIMATE.

The following table will show the mean temperature at the several points indicated for six months from Dec. 1853 to May 1854, inclusive. It is compiled from official tables contained in the first and second volumes of Pacific Railroad surveys:

MONTHS	Great Salt Lake City; height above sea 4350 feet	Ft. Benton; lat. 47° 50' long 110°; height above sea 2662 feet	Olympia, on Puget Sound; Dec. 1854, to May, 1855	Ft. Clark, on the Missouri River, lat. 47°	Dubuque, Iowa.	Detroit, Mich.	Lodi, N. Y.	Amherst, Mass	Burlington, N. J.	New York City	Philadelphia, Pa.	Pittsburg, Pa.	Lewisburg, Va.
DECEMBER	42°	33°	43°	32°	27°	27°	23°	22°	29°	28°	31°	29°	34°
JANUARY	26°	17°	42°	19°	15°	24°	25°	22°	30°	29°	33°	26°	33°
FEBRUARY	39°	27°	45°	22°	27°	27°	23°	22°	32°	33°	34°	31°	38°
MARCH	47°	36°	47°	35°	39°	37°	32°	30°	39°	37°	43°	39°	47°
APRIL	57°	55°	50°	57°	52°	45°	42°	43°	50°	46°	51°	47°	52°
MAY	66°	58°	54°	60°	59°	59°	59°	57°	63°	50°	65°	61°	65°
Average for these six months	46°	38°	47°	38°	37°	36°	34°	33°	40°	39°	43°	39°	45°

It will be seen by the above table that at Fort Clark in Dakota Territory, in latitude 47, for the sixth months of December, January, February, March, April and May, it is but one degree colder than at New York City, and Pittsburg, Pa.— Besides in our dry atmosphere the cold is not so intensely felt as in more moist climates. It is impossible to estimate the im-

portance of the manifold services which this characteristic element of the climate of Dakota, the dryness of its atmosphere, renders in the development of all organic life. Dry air is a non conductor of heat, and as the decrease of moisture is in exact proportion to the decline of temperature, the minimum of both culminating with the mid winter nadir, the atmosphere of Dakota, even in its coldest state, is a robe of arctic furs, which holds in and stimulates the resident fires of vital heat within the body, imparting in their reaction, a sense of elastic vigor and redundant animation. Damp air on the other hand is a conductor of heat which it insidiously steals from the softened tissues, making a comparatively slight degree of cold unendurable to the sensation. Thus the same degree of cold in Dakota is felt much less than in the Atlantic states. Colds, chills, coughs and all of the pulmonary diseases are scarcely known in Dakota.

It is owing also to the conservative influence of this dry winter's air, that sheep, cattle and horses which will scarcely survive the damp winters of even the middle States, without careful warm housing, thrive in Dakota, the season through, in the open air, without shelter in winter. The diseases which destroy the herds and flocks of moister latitudes are unknown here. Horses are equally exempt from heaves and similar affections. The winter is thus the season of hearty digestion, of rapid secretion of fat and muscular development in men and animals. This pure and dry atmosphere will make Dakota the sanatorium of consumptive invalids.

This same dry air has a great influence in preventing mildews, rust, blight and other diseases incident to wheat, which pervades most countries, but are unknown to Dakota.

Spring is much earlier in Dakota than in the same latitude east, and here I quote again from J. V. Hayden, U. S. geologist; explorations in Dakota, in the year 1853. "March 7, Weather fair; grass starting up fresh and green near Black Hills, ants quite active; antelope returning to the open prairies from their winters home in the north." "March 8, weather very fair and warm, saw common striped snake." "March 10, saw two fine plants on the south side of Bear Peak, one of them was in blossom, the other was fast coming into bloom." "The ice broke up in the Missouri river March 6th, as far as

Fort Clark, latitude 47°." April 12, various kinds of insects quite abundant; common garter snakes; American elm in full bloom." The foregoing data was taken in latitude 44°, showing how much earlier the Spring is on the Missouri than on the Mississippi in the same latitude. Often all of our spring wheat is sown in March.

The writer's attention was also called to the fact stated above in the Spring of 1865, by several officers of Gen. Sully's staff. When this officer left Dubuque, Iowa, none of the trees were in blossom on the Mississippi. They were three days crossing the State of Iowa and were much surprised to find the trees in full bloom on the Missouri. The buffalo grass always starts up fresh and green in March, in Dakota.

CONCLUSION.

In conclusion, your committee have not thought it out of the line of their instructions to say a few words in relation to the prospects of Dakota for the emigrant. Dakota is new and recently organized and consequently very sparsely settled in the southern portion. Most of the land is yet in possession of the general government, and under the Homestead law can be had for ten cents per acre, so that he who desires a home can get it in Dakota, and hold it against the merciless creditor, for the homestead law of our Territory protects a man against his creditors to the amount of three thousand dollars; also, there is a very favorable law for persons that have unfortunately become bankrupts of other states, so that Dakota offers an asylum to the unfortunate, but industrious poor. Here is a place for him to rebuild his fortune again; here there need be no poor or destitute for all that will work there is abundance; here is a land yielding bountifully open to all nations, where all may become wealthy.

"Dakota Territory occupies the most elevated section of country between the Arctic Ocean and the Gulf of Mexico; forming to a great extent the water shed of the two great basins of North America—the Missouri and Mississippi rivers and the tributaries of Hudson Bay. Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reach a region of eternal ice, while those flowing southward pass from the haunts of the

grizzly bear and the region of wild rice, through the cotton fields and the sugar plantations of the Southernor, until their waters are mingled with the blue waves of the Gulf.

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

The mighty Missouri runs through the very heart of our Territory, and gives us more than one thousand miles of navigable water course, thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands to southern markets, and receive in exchange the trade and commerce of all climes and lands.

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

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

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

We find that Fort Benton on the Missouri river, in latitude $47^{\circ} 50'$, possesses the same mean temperature of Chicago and Albany, New York.

The corn producing belt of country which runs through Ohio; Indiana and Illinois, extends north and west through Iowa, up the valley of the Missouri, through Dakota. According to Blodgett, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn is a mean temperature of 67 degrees for July, and it may go a little beyond 65 for the Summer. According to the same authority, the thermal capacity required for the successful cultivation of wheat is a mean temperature of from 62 to 65 degrees, during the ripening months. Statistics prove that our Territory possesses a considerable excess of the temperature required, being beyond seventy. The capacity of our Territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat, potatoes, sorghum, melons, fruits and vegetables, demonstrate the ability of our country to sustain a dense population.

Shall we not judge of the future by the past. As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers upon which to float our cereal products and commercial exchanges, what section of the country within the broad confines of our Republic, is fairer or lovelier or richer or more inviting, as the home of the active, intelligent and industrious citizen; before a generation shall have passed more than a million of people will be living in the valley of the Missouri alone. Pacific Railroads will have been completed connecting the two oceans with its iron bands. And here we quote from an able report on Foreign and Domestic commerce published in 1864, by the U. S. Treasurer on railroads to the Pacific, in speaking of the Northern or Lake Route. "The latitude of 45° north, extending west of Minnesota is not only central to the lake coast and the railroads of northern Illinois and Iowa, Wisconsin and Minnesota, but in its traverse of the great plains and the Rocky mountains, it is most accessible from the mining districts now developed, or soon to be occupied in the Territories of Dakota, Montana and Idaho. Other conditions

being favorable, the future emigrant route will follow the parallel of 45° and when population warrants, that will be the general direction of the northern or lake railroad route." The same writer predicts that this road will be needed and built in a very few years. Since the forgoing article was written, richer gold discoveries have been made along the proposed line of this route, than any person ever dreamed of. This line passes through the heart of Dakota. "The trade with India and Japan, the commerce of the opulent and gorgeous East, will pass through our borders, on its way to the great cities of the Atlantic. By the transit of a world's commerce over a thousand miles of our Territory, we will derive incalculable benefit.—The experience of six thousand years, and the verification of all history is pointed and conclusive that activity, prosperity and opulence are inseparably connected with the great line of intercourse between nations.

Along the great highways of the world, where pass and re-pass the goods, wares, merchandise, the products, the commodities and wealth of nations, there towns and cities spring up, manufactories are established, and all the industrial arts are quickened and encouraged, and from these centers ramify and extend rivulets of business and avenues of wealth.

Dakota possesses within itself all the elements which are necessary to constitute a great, prosperous and powerful State. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses, which are ample to feed and support cattle to supply every market in the Union.

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

The high, rolling prairies south and west of the Missouri seem especially intended for the herdsmen of sheep and the growth of wool.

The falls on the Big Sioux furnish a motive power sufficient to drive all the machinery of the New England mills.

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

With all the elements of power surrounding us—we need but numbers, combined with industry, intelligence and virtue,

to make Dakota one of the most desirable and potent States of the government.

TO ENCOURAGE MANUFACTORIES.

Our legislature has wisely exempted all property invested in woolen manufactories for a period of ten years, cotton manufactories twenty years, and one half of all others five years, sheep are also exempt a certain number of years from taxation.

In the course of two or three years, several towns are to spring up on the Missouri river within the Territory of Dakota, and between the mouth of the Big Sioux river and the mouth of the Big Shyenne river, that will vie with Omaha, Nebraska City, and Leavenworth for the overland trade to Montana, Idaho and the northern Pacific states. These new towns will have the advantage of some several hundred miles in distance, over Omaha, Nebraska City and Leavenworth.—The thousand miles of country between St. Louis and Fort Sully, Dakota, must soon be supplied with pine lumber from the several millions of acres of pine land of the Black Hills of Dakota, via the White Earth and Big Shyenne rivers; and we look to see the prediction of J. W. Taylor, fulfilled, the coming spring, who says: "Even if there were no proofs of gold, silver, iron, and copper, in the gulches of the Black Hills, the demand for pine lumber in the valleys of the lower Missouri, will send armed parties into the forests which darken the flanks of the mountains. Give Dakota the supply of pine timber, to the towns and plains below, and a greater accumulation of wealth, a greater stimulent of agriculture and commerce are assured to the pioneers of this Territory than if the Black Hills proved as auriferous as California."

W. W. BROOKINGS, Yankton.

E. C. COLLINS.

JAMES WHITEHORN.

S. C. FARGO.

CHARLES COOPER.

J. A. LEWIS.

WM. STEVENS.

Mr. Austin, chairman of the select committee, to whom was referred house file No. 7, (substitute) on the 29th inst., submitted the following report:

MR. SPEAKER:—Your select committee to whom was referred house file No. 7, (substitute), A bill to restrain swine

and sheep from running at large in Union, Clay and Yankton counties, have had the same under consideration and ask leave to report it back to the House without recommendation.

H. J. AUSTIN,
Chairman.

Mr. McCarthy introduced house file No. 31, Memorial to Congress for an appropriation to codify the laws of Dakota Territory.

Read a first time.

Mr. Watson introduced house file No. 32, An act to locate and establish a territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county.

Read a first time.

Mr. English offered the following resolution and moved its adoption :

Resolved, That five thousand copies of the report of the committee on the Mineral and Agricultural Resources of this Territory be printed.

The resolution was adopted.

Mr. Kellogg moved that Mr. Ryan be excused for non-attendance to-day, on account of illness.

Which motion was agreed to.

Mr. Kellogg moved that Messrs. McHenry and Taylor be excused for non-attendance to-day.

Which motion was agreed to.

House file No. 30, A bill for an act providing bounties for wolf scalps, was then

Taken up, and

Read a second time, and

On motion of Mr. Curry,

Referred to a select committee of three.

The Speaker appointed, as such committee, Messrs. Curry, Hampton and Brouch.

By unanimous consent Mr. Fargo offered the following resolution and moved its adoption :

Resolved, That the use of this hall be tendered to Mr. A. L. Hinman and family, December 31st. 1865, for the purpose of holding funeral service.

The resolution was adopted.

House file No. 7, (substitute), A bill to restrain swine and sheep from running at large in Union, Clay and Yankton counties, reported back by the select committee to whom it was referred on the 29th inst., was then

Taken up for consideration.

Mr. Brookings moved to amend the bill by striking out the word "sheep" wherever it occurs.

Mr. Hampton moved to lay the motion of Mr. Brookings on the table.

Mr. Whitehorn moved to lay the bill on the table.

Which latter motion was agreed to.

The resolution relative to W. E. Gleeson, was then

Taken up for consideration.

Mr. Curry moved to make it a special order for Saturday, January 6th, 1866.

Mr. English moved to lay the motion of Mr. Curry on the table.

Which latter motion was disagreed to.

Mr. Hampton moved to make the resolution a special order for July 4th, 1866.

Which motion was disagreed to.

The question then recurring upon the motion of Mr. Curry.

It was disagreed to.

Mr. Brookings moved the previous question, which was seconded.

And the question being put, "shall the main question be now put?"

It was decided in the affirmative.

The ayes and nays being desired by two members and ordered, the vote stood,

Ayes 13; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry,

English, Hampton, Lent, Lewis, Watson, Whitehorn and Mr. Speaker—13.

Those who voted in the negative, were

Messrs. Brown, Fargo, Kellogg, McCarthy, Stevens and Walter—6.

So the resolution was adopted.

House file No. 15, A bill to increase the revenue for school purposes, was then

Taken up for consideration.

Mr. Kellogg moved to make the bill the special order for Saturday, January 6th, 1866.

Mr. Walter moved to lay the motion of Mr. Kellogg on the table.

Which latter motion was agreed to.

Mr. Brookings moved the previous question, which was seconded,

And the question being put, "shall the main question be now put?"

It was decided in the affirmative.

The question then recurring upon the third reading of the bill, it was accordingly

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 12; nays 6; as follows;

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Lewis, Walter and Mr. Speaker—12.

Those who voted in the negative, were

Messrs. Brown, Kellogg, Lent, McCarthy, Stevens and Whitehorn—6.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

On motion of Mr. English,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Monday, January 1st, 1866. }

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

Speaker in the chair.

Roll called.

The following named members were absent, viz :

Messrs. Brookings, Collins, Cooper, Ellis, Lewis, McHenry and Taylor.

On motion of Mr. English,

The reading of the journal of the 30th of December, 1865, was dispensed with.

Mr. Fargo, chairman of the select committee to whom was referred house file No. 25, on the 29th Dec., submitted the following report:

MR. SPEAKER.—Your select committee to whom was referred house file No. 25, Memorial to the Secretary of War and Generals Pope and Sully, asking for the erection of a Military Post on the Niobrara river, at or near Pine creek, on the Sawyer route; have had the same under consideration, and beg

leave to report it back to the house by substitute bill and recommend that it do pass.

S. C. FARGO,
Chairman.

Mr. Curry, chairman of the select committee to whom was referred house file No. 30, on the 29th of December, submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred house file No. 30, A bill for an act providing bounties for wolf scalps; have had the same under consideration and beg leave to report it back and recommend its indefinite postponement.

MICHAEL CURRY,
Chairman.

Mr. Kellogg introduced house file No. 33, An act to provide for the appointment of a board of supervisors, and to prescribe the duties of the same.

Read a first time.

Mr. Ryan introduced house file No. 34, An act to amend chapter 71 of the laws of 1862.

Read a first time.

Mr. McCarthy introduced house file No. 35, A memorial to Congress asking for the extension of the southern boundaries of the Territory of Dakota.

Read a first time.

Mr. McCarthy introduced house file No. 36, An act to annex the counties of Charles Mix, Gregory and Buffalo to Bon Homme county for judicial purposes, and providing for the annexing of the military reservation of Fort Randall to Todd county for judicial purposes, and providing a term of court for said Todd county, and for other purposes.

Read a first time.

The following communications were received from the Council:

COUNCIL CHAMBER,
January 1st, 1866. }

MR. SPEAKER:—I have the honor of informing your honor-

able body that the council have concurred in house amendments to council bill No. 18, An act to establish the courts and define the jurisdiction of justices of the peace.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
January 1st, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body that the council has passed house file No. 10, (substitute bill) An act to amend chapter 37 laws of 1862, which I herewith transmit. Also, council bill No 17, An act to regulate and establish a fence law ; also, council bill No. 23, (substitute) An act to authorize a special election in Yankton county on the question of assessing a tax to build a county jail ; which I herewith transmit and respectfully request the concurrence of the house therein.

J. R. HANSON,
Secretary.

On motion of Mr. Brown,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
Tuesday, January 2d, 1866. }

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

Speaker in the chair.

Roll called.

Prayer by the chaplain.

The following named members were absent, viz :

Messrs. Brown, Cooper, Ellis, McHenry, Stevens and Taylor.

The journal of the previous day was read and approved.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following report :

MR. SPEAKER.—Your committee on Federal Relations, to whom was referred council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson, have had the same under consideration and ask leave to report it back to the House without recommendation.

J. A. LEWIS,
Chairman.

Mr. Kellogg, chairman of the committee on Highways, Bridges and Ferries, submitted the following report :

MR. SPEAKER:—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 Dakota Territory, have had the same under consideration and beg leave to report it back to the House with amendments and recommend its passage.

GEO. W. KELLOGG,
Chairman.

Mr. Collins, chairman of the conference committee on the part of the House, in the matter of disagreement between the two Houses in relation to council bill No. 3, submitted the following report :

MR. SPEAKER:—Your select committee, which was appointed to confer with a similar committee on the part of the Council on the matter of disagreement between the two Houses, relative to council bill No. 3, entitled "An act regulating the time of holding the courts in the first, second and third judicial districts, &c.;" have performed the duty assigned them and beg leave to report the adjustment of the difference, by agree-

ing to a substitute bill, introduced in the Council and recommend that it do pass this House.

E. C. COLLINS.

Chairman.

Mr. Hampton moved that Messrs. Brookings and Collins be excused for non-attendance on the first inst.

Which motion was agreed to.

On motion of Mr. Brookings,

House file No. 10, (Council substitute), An act to amend section eight, of chapter thirty-seven, of the laws of 1862, returned from the Council on the first inst., was

Laid on the table.

The following communication was received from the Council:

COUNCIL CHAMBER, }
January 2d, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body that the Council has passed council bill No. 3, (substitute bill), 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, which I herewith transmit and respectfully request the concurrence of the House therein.

Also, the following house files, to-wit: House file No. 17, An act to release Georgiana H. Young from the bonds of matrimony; house file No. 21, (substitute bill), An act to provide for the printing and distribution of the laws and journals; 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; house file No. 24, A memorial for daily mail service from Sioux City to Yankton; house file No. 27, A memorial to the Post Master General requesting service on mail route No. 15,562; which bills I herewith transmit.

J. R. HANSON,

Secretary.

On motion of Mr. Brookings,

House file No. 21, (Council substitute), An act providing for the printing and distribution of the laws and journals, returned from the Council, was

Referred to the committee on Ways and Means.

On motion of Mr. Collins,

The communication from the Council relative to council bill No. 3, (substitute bill), An act fixing the time of holding the courts in the first, second and third judicial districts, and the time of holding the courts in the county of Union, was

Laid on the table.

Council bill No. 17, An act to regulate and establish a fence law, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Towns and Counties.

Ordered, That the bill be printed.

Council bill No. 23, (substitute), An act to authorize a special election in Yankton county on the question of assessing a tax to build a county jail, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the Yankton delegation.

Council bill No. 16, Joint resolution relative to Abraham Lincoln and Andrew Johnson, reported back by the committee on Federal Relations, was then

Taken up for consideration.

Mr. McCarthy moved to lay the joint resolution on the table.

Which motion was disagreed to.

Mr. Kellogg moved to refer the joint resolution to a select committee of three.

Which motion was disagreed to.

Accordingly the joint resolution was then
Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,
Yeas 17 ; nays none ; as follows :

Those who voted in the affirmative, were
Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry,
English, Fargo, Hampton, Kellogg, Lent, Lewis, Ryan, Wal-
ter, Watson, Whitehorn and Mr. Speaker.—17.

So the joint resolution was passed, and its
Title was agreed to.

Ordered, That the Clerk acquaint the council therewith.

House file No. 31, Memorial to Congress asking for an ap-
propriation to codify the laws of Dakota Territory, was then
Taken up, and
Read a second time, and
Referred to the committee on Federal Relations

House file No. 32, An act to locate and establish a Territo-
rial road from the Missouri river to the north line of Union
county by way of Elk Point and Brule Creek, was then
Taken up, and
Read a second time, and
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 a second time, and
Referred to the committee on Judiciary.

House file No 25, (substitute), memorial to the Secretary
of War and Commanding Generals Pope and Sully, asking for
the erection of a military post, reported back Jan. 1st, by the
select committee to whom it was referred on the 29th of Decem-
ber, was then
Taken up, and
Read a third time and put upon its passage.
The yeas and nays being ordered, the vote stood
Ayes 18 ; nays none ; as follows :

Those who voted in the affirmative, were
Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry,
English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy,
Ryan, Walter, Watson, Whitehorn and Mr. Speaker—18.

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

Ordered, That the Clerk request the concurrence of the
Council therein.

House file No. 30, A bill for an act to provide bounties for
wolf scalps, reported back Jan. 1st., by the select committee to
whom it was referred on the 30th of December, was then

Taken up, and

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 5; nays 13; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, English, Fargo, and Mr. Speak-
er—5.

Those who voted in the negative, were

Messrs. Ash, Brouch, Collins, Curry, Hampton, Kellogg,
Lent, Lewis, McCarthy, Ryan, Walter, Watson and White-
horn—13.

So the bill was rejected.

House file No. 27, A bill to regulate ferries in the organized
counties of Dakota Territory, reported back by the committee
on Highways, Bridges and Ferries, was then

Taken up for consideration.

On motion of Mr. Kellogg,

The House resolved itself into the committee of the Whole
House on the bill, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. English reported that the House having, according to
order had house file No. 27, A bill to regulate ferries in the or-
ganized counties of Dakota Territory, under consideration, have
directed him to report the bill back to the House with amend-
ments.

On motion of Mr. Brookings,

The report of the committee of the Whole House was adopted.

Ordered, That the bill be engrossed for a third reading.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 2d, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed council bill No. 20, An act to establish a public school law for the Territory of Dakota, which I herewith transmit and respectfully request the concurrence of the House therein.

Also, house file No. 26, An act locating a Territorial road in Union county, with an attached amendment, which I herewith transmit and respectfully ask the concurrence of the House therein.

J. R. HANSON,
Secretary.

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

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time.

Mr. Brookings moved to amend the bill by striking out the word "white" wherever it occurs in the bill.

Which motion was agreed to.

On motion of Mr. Brookings,

The bill was referred to the committee on Education.

On motion of Mr. Brookings,

The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
 Wednesday, January 3d, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Brown, Cooper, Ellis, McHenry and Taylor.

The journal of the second inst., was read and approved.

Mr. Kellogg, chairman of the committee on Highways, Bridges and Ferries, submitted the following report :

MR. SPEAKER.—Your committee on Highways, Bridges and Ferries, to whom was referred house file No. 32, An act to locate and establish a territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county, have had the same under consideration and ask leave to report it back to the house and recommend that it do pass.

G. W. KELLOGG,
Chairman.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—Your committee on Judiciary, to whom was referred house file No. 34, An act to amend chapter 71 of the laws of 1862; and 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; have had the same under considera-

tion and ask leave to report them back to the house and recommend their passage.

W. W. BROOKINGS,
Chairman.

Mr. Brookings, from the committee to whom was referred council bill No. 23, on the 2d inst., submitted the following report :

MR. SPEAKER.—Your committee to whom was referred council bill No. 23 (substitute) An act to authorize a special election in Yankton county on the question of assessing a tax to build a county jail, have had the same under consideration and ask leave to report it back to the house and recommend its passage.

W. W. BROOKINGS,
On the part of Yankton Delegation.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following report :

MR. SPEAKER :—Your Committee on Federal Relations, to whom was referred house file No. 31, Memorial to Congress for an appropriation to codify the laws of Dakota Territory ; have had the same under consideration and beg leave to report the same back to the house and recommend that it do pass.

J. A. LEWIS,
Chairman.

Mr. Collins, chairman of the committee on Ways and Means, submitted the following report :

MR. SPEAKER—Your committee on Ways and Means, to whom was referred house file No. 21, (council substitute) An act regulating the printing and distribution of the laws and journals ; have had the same under consideration and ask leave to report it back to the house and recommend its concurrence thereto.

E. C. COLLINS,
Chairman.

Mr. Brookings introduced house file No. 37, A bill to in-

corporate the Black Hills Mining, Exploring, Manufacturing and Transportation Company.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker
—19.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

Mr. Lewis introduced house file No. 38, An act relative to the commissioners and probate judge of Todd county.

Read a first time, and

On motion of Mr. McCarthy,

The rules were suspended, and the bill

Read a second and third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker
—19.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Kellogg introduced house file No. 39, An act to confer the right of citizenship on certain persons therein named.

Read a first time.

Mr. Ash moved that Mr. Lewis be excused for non-attendance on the first inst.

Which motion was agreed to.

Mr. Ash moved that Mr. Stevens be excused for non-attendance on the 2d inst.

Which motion was agreed to.

On motion of Mr. Kellogg,

House file No. 26, An act locating a Territorial road in Union county; returned from the council on the second inst., with attached amendment, was

Taken up for consideration, and

On motion of Mr. Kellogg,

The amendment was concurred in.

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; was then

Taken up for consideration.

Mr. Brookings moved the adoption of the following amendment:

On the second page of the memorial, eighth line, strike out the word "third" before the words "day of creation," and insert in lieu thereof the word "fourth."

Which motion was agreed to.

The question then recurring upon the third reading of the memorial, it was accordingly,

Read a third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker

—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 23 (substitute) An act to authorize a special election in Yankton county, on the question of assessing a tax to build a county jail ; reported back by the special committee to whom it was referred on the second inst., was then

Taken up, and

Read a third time, and put upon its passage,

The ayes and nays being ordered, the vote stood,

Yeas 18 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker—18.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

House file No. 34, An act to amend chapter 71 of the laws of 1862 ; reported back by the committee on Judiciary, was then

Taken up, and

Read a third time and put upon its passage.

The ayes and nays being called for and ordered, the vote stood,

Yeas 17 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker—17.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

House file No. 32, An act to locate and establish a Territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county ; reported back by the committee on Highways, Bridges and Ferries, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 19 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker
—19.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

House file No. 31, Memorial to Congress for an appropriation to codify the laws of Dakota Territory ; reported back by the committee on Federal Relations, was.

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 19 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker
—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

House file No. 21, (council substitute) An act to regulate the printing and distribution of the laws and journals ; returned from the council on the second instant, was then

Taken up for consideration, and

On motion of Mr. Brookings,

The amendments made by the council were concurred in.

By unanimous consent, Mr. Austin, chairman of the committee on Education, submitted the following report :

MR. SPEAKER.—Your committee on Education, to whom was referred council bill No. 20, An act to establish a public school law for Dakota Territory ; have had the same under con-

sideration and ask leave to report it back to the house without recommendation.

H. J. AUSTIN,
Chairman.

On motion of Mr. Brookings,
The house resolved itself into the committee of the whole house on council bill No. 20, and

After some time spent therein,
The Speaker resumed the chair, and

Mr. English reported that the house having according to order, had council bill No. 20, An act to establish a public school law for Dakota Territory, under consideration, had directed him to report the bill back to the house with the recommendation that it be recommitted to a select committee of three consisting of Messrs. Collins, Fargo and Austin.

On motion of Mr. Brookings,
The report of the committee of the whole house, was adopted.

The following communication was received from the Council:

COUNCIL CHAMBER, }
January 3d, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the council has passed council bill No. 21, An act to regulate the fees of county officers; which I herewith transmit and respectfully request the concurrence of the house therein.

J. R. HANSON,
Secretary.

On motion of Mr. Kellogg,
House file No. 7, (substitute), An act to restrain swine and sheep from running at large, was
Taken from the table, and
On motion of Mr. Brookings,
Made the special order for half past ten o'clock A. M., to-morrow.

House file No. 10, (substitute) An act to amend chapter thirty-seven, laws of 1862, returned from the council with amendments, was then

Taken up for consideration.

Mr. Brookings moved that the house concur in the council amendments.

Which motion was disagreed to.

On motion of Mr. Brookings,

The communication from the council relative to 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; was

Taken from the table, and the bill

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 19; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Walter, Watson, Whitehorn and Mr. Speaker

—19

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Hampton,

The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Thursday, January 4th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz:

Messrs. Cooper, Ellis and McHenry.

The journal of the preceding day was then read and approved.

Mr. Kellogg moved to reconsider the vote by which the House disagreed to Council amendments to House file No. 10, (substitute) on the 3d inst.

Which motion was agreed to.

Mr. Brookings moved that the further consideration of the said bill be postponed until after the general order of business for the day.

Which motion was agreed to.

On motion of Mr. Stevens,

Mr. Brown was excused for non-attendance until the present time.

On motion of Mr. McCarthy,

Mr. Philip K. Faulk was admitted to a seat within the bar of this House.

Council bill No. 21, An act to regulate the fees of county officers, was then

Taken up, and

Read a first time, and
 On motion of Mr. Brookings,
 The rules were suspended, and the bill
 Read a second time, and
 Referred to the committee on Judiciary.

House file No. 33, An act to provide for the appointment of a board of supervisors, and to prescribe the duties of the same, was then

Taken up, and
 Read a second time, and
 On motion of Mr. Brookings,
 Referred to the committee on Highways, Bridges and Ferries.

House file No. 35, A memorial to Congress asking for the extension of the southern boundaries of the Territory of Dakota, was then

Taken up, and
 Read a second time, and
 On motion of Mr. McCarthy,
 Referred to the committee on Federal Relations.

House file No. 36, An act to annex the counties of Charles Mix, Gregory and Buffalo to Bon Homme county for judicial purposes, and providing for the annexing of the military reservation of Fort Randall to Todd county for judicial purposes, and providing a term of court for said Todd county, and for other purposes, was then

Taken up, and
 Read a second time, and
 On motion of Mr. Brookings,
 Referred to the delegation from Bon Homme, Todd and Charles Mix counties.

Mr. Taylor, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have examined 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, and report the same correctly enrolled.

FRANKLIN TAYLOR,

On motion of Mr. Brookings,

The House resolved itself into the Committee of the Whole House on house file No. 7, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. English reported that the House having according to order had house file No. 7, An act to restrain swine and sheep from running at large, under consideration, had directed him to report the bill back to the House with amendments and recommend its passage.

On motion of Mr. Brookings,

The report of the committee was adopted.

Ordered, That the bill be engrossed for a third reading.

Being engrossed, it was accordingly read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 16; nays 1; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Kellogg, Lent, Ryan, Taylor, Walter, Watson and Mr. Speaker—16.

Mr. Whitehorn voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

By unanimous consent, Mr. Watson, chairman of the commission on Towns and Counties, submitted the following report:

MR. SPEAKER:—Your committee on Towns and Counties to whom was referred council bill No. 17, An act to regulate and establish a fence law, have had the same under consideration and report it back without amendment, and ask to be discharged from its further consideration.

T. C. WATSON,
Chairman.

By unanimous consent, Mr. Kellogg, chairman of the select committee to whom was referred house file No. 12, on the 29th of December, submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred house file No. 12, A bill for an act to create and establish a fence law and the mode of choosing fence viewers, and their duties defined, have had the same under consideration and beg leave to report it back to the House without recommendation.

GEO. W. KELLOGG.

Chairman.

On motion of Mr. Kellogg,

The House resolved itself into the committee of the Whole House on council bill No. 17, An act to regulate and establish a fence law, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Lewis reported that the House having according to order had council bill No. 17 under consideration, had directed him to report the bill back to the House, with sundry amendments, and recommend their adoption.

On the motion of Mr. Brookings,

The report of the committee was adopted.

The bill was accordingly read a third time, and put upon its passage,

The ayes and nays being ordered, the vote stood,

Ayes 18; nays 1; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Kellogg, Lent, Lewis, Ryan, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—18.

Mr. McCarthy voted in the negative.

So the bill passed.

Mr. Fargo moved that the title of the bill be as follows :

A bill for an act to create and establish a fence law and the mode of choosing fence viewers and their duties defined.

Which motion was agreed to.

The following communications were received from the Council :

COUNCIL CHAMBER, }
January 4th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body that the Council has passed council bill No. 29, An act to amend chapter 35, of the laws of 1862, which I herewith transmit and respectfully request the concurrence of the House therein; also, house file No. 31, with an attached amendment, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory, which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER, }
January 4th, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council have concurred in 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.

J. R. HANSON,
Secretary.

Mr. Walter moved that the House do now adjourn.
Which motion was disagreed to.

By unanimous consent Mr. Kellogg introduced 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 Big Sioux and Cheyenne wagon road.

Read a first time, and
On motion of Mr. Curry,
The rules were suspended, and the bill
Read a second time, and
Referred to a select committee of three.

The Speaker appointed as such committee, Messrs. Curry, Kellogg and Watson.

House file No. 12, A bill for an act to create and establish a fence law, and the mode of choosing fence viewers and their duties defined, reported back by the select committee to whom it was referred on the 24th of December, was then

Taken up for consideration, and
On motion of Mr. Brookings,
Indefinitely postponed.

On motion of Mr. Brookings,
House file No. 31, memorial to Congress for an appropriation
to codify the laws of Dakota Territory, returned from the Council
with amendments, was then

Taken up for consideration, and
On motion of Mr. Brookings,
The amendments were concurred in.

On motion of Mr. Hampton,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
Friday, January 5th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz:
Messrs. Ellis and McHenry.

The journal of the preceding day was then read and approved.

Mr. Kellogg, chairman of the committee on Highways, Bridges and Ferries, submitted the following report :

MR. SPEAKER :—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 bill under consideration and report it back with amendment, and recommend that it do pass.

GEO. W. KELLOGG,
Chairman.

Mr. Lewis, chairman of the committee on Federal Relations, submitted the following report :

MR. SPEAKER.—Your committee on Federal Relations, to whom was referred house file No. 35, A memorial to Congress asking for the extension of the southern boundaries of the Territory of Dakota, have had the same under consideration and beg leave to report it back to the House and recommend its passage.

J. A. LEWIS,
Chairman.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER :—Your committee on Judiciary to whom was referred council bill No. 21, An act to regulate the fees of county officers, have had the same under consideration, and ask leave to report it back to the House and recommend its passage.

W. W. BROOKINGS,
Chairman.

Mr. Collins, chairman of the select committee to whom was referred council bill No. 20, on the 4th inst., submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred council bill No. 20, An act to establish a public school law for the Territory of Dakota, have had the same under consideration and beg leave to report it back to the House with amendments and recommend its passage.

E. C. COLLINS,
Chairman.

Mr. McCarthy, Chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment, have examined house file No. 29, A bill to regulate ferries in the organized counties of Dakota Territory, and report the same correctly engrossed.

C. H. McCARTHY,
Chairman,

Mr. Lewis, from the select committee to whom was referred house file No. 36, on the 4th inst., submitted the following report:

MR. SPEAKER:—Your committee to whom was referred house file No. 36, An act to annex the counties of Charles Mix, Gregory and Buffalo to Bon Homme county for judicial purposes, and providing for the annexing of the military reservation of Fort Randall to Todd county for judicial purposes and providing a term of court for said Todd county, and for other purposes, have had the same under consideration and beg leave to report it back and recommend its indefinite postponement.

J. A. LEWIS.

Mr. Taylor, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 16, An act prohibiting the harboring of Indians within the organized counties; also, house file No. 17, an act to release Georgiana H. Young from the bonds of matrimony; also, house file No. 20, An act regulating the admission of attorneys; also, house file No. 21, An act to provide for the printing and distribution of the laws and journals; also, house file No. 24, A memorial to the Post Master General for daily mail service from Sioux City to Yankton; also, house file No. 29, A memorial to the Post Master General requesting service on mail route No. 15,562, and find the same correctly enrolled.

FRANKLIN TAYLOR.

Mr. Austin gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce, A

bill for an act to authorize the county commissioners of Clay county to levy and collect a direct tax for the purchase of books for the use of the county.

Mr. Watson introduced house file No. 41, An act to locate a Territorial road in Clay and Union counties.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Ryan, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

Mr. Fargo moved that the report of the Board of Education be made a special order for Tuesday, January 9th, at eleven o'clock, A. M.

Which motion was agreed to.

Mr. Brown moved that Mr. Cooper be excused for non-attendance to the present time.

Which motion was agreed to.

Mr. Cooper moved that all contested election cases now pending before this House, whether referred to committees or otherwise, be indefinitely postponed.

Mr. McCarthy moved to lay the motion of Mr Cooper on the table.

Which latter motion was disagreed to.

The question then recurring upon the motion of Mr. Cooper.

The ayes and nays being desired by two members and ordered, the vote stood,

Yeas 9; nays 9; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Austin, Brookings, Brouch, Cooper, English,
Fargo, Lewis and Mr. Speaker—9.

• Those who voted in the negative, were
Messrs. Collins, Curry, Kellogg, Lent, McCarthy, Ryan,
Taylor, Walter and Whitehorn—9.

So the motion was disagreed to.

Council bill No. 29, An act to amend chapter 35, of the laws
of 1862, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Judiciary.

Mr. Kellogg moved that Mr. Bothun be admitted to a seat
within the bar of this House.

Which motion was agreed to.

Council bill No. 20, An act to establish a public school
law for Dakota Territory, reported back with amendments by
the select committee to whom it was referred on the 3d inst., was
then

Taken up for consideration, and

On motion of Mr. Brookings,

The amendments reported by the committee were adopted.

Accordingly the bill was then read a third time, and put upon
its passage.

The ayes and nays being ordered, the vote stood,

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
Lewis, McCarthy, Ryan, Stevens, Taylor, Walter, Watson,
Whitehorn and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 21, An act to regulate the fees of county officers, reported back by the committee on Judiciary, was then

Taken up for consideration.

Mr. Kellogg moved the following amendment to the bill :

Annex to section fifteen the following: "For each days service at the meetings of the county commissioners, three dollars."

Which motion was disagreed to.

The question then recurring upon the third reading of the bill, it was accordingly,

Read a third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 18 ; nays 1 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Lent, Lewis, Stevens, Walter, Watson, Whitehorn and Mr. Speaker—18.

Mr. McCarthy voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

House file No. 39, An act to confer the rights of citizenship on certain persons therein named, was then

Taken up, and

Read a second time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 18 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Stevens, Watson, Whitehorn and Mr. Speaker—18.

So the bill passed, and its

Title was agreed to.

House file No. 33, An act to provide for the appointment of

a board of supervisors and to prescribe the duties of the same, reported back by the committee on Highways, Bridges and Ferries, was then

Taken up, and

Read a third time, and put upon its passage,

The ayes and nays being ordered, the vote stood,

Yeas 15 ; nays 2 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Brown, Collins, Curry, Fargo, Kellogg, Lent, Lewis, McCarthy, Stevens, Watson, Whitehorn and Mr. Speaker—15.

Those who voted in the negative, were

Messrs. Brookings and English—2.

So the bill passed, and its

Title was agreed to. •

Ordered, That the clerk request the concurrence of the council therein.

House file No. 36, An act to annex the counties of Charles Mix and Buffalo to Bon Homme county for judicial purposes, and providing for the annexing of the military reservation of Fort Randall to Todd county for judicial purposes and providing a term of court for said Todd county, and for other purposes, reported back by the select committee to whom it was referred on the 4th inst., was then

Taken up for consideration, and

On motion of Mr. Ash,

Indefinitely postponed.

House file No. 35, A memorial to Congress asking for the extension of the southern boundary of the Territory of Dakota, reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 5 ; nays 13 ; as follows :

Those who voted in the affirmative, were

Messrs. Curry, Lewis, McCarthy, Stevens and Taylor—5.

Those who voted in the negative, were

Messrs. Ash, Brookings, Brouch, Cooper, English, Fargo, Hampton, Kellogg, Lent, Walter, Watson, Whitehorn and Mr. Speaker—13.

So the bill was rejected.

By unanimous consent, Mr. Curry, chairman of the select committee to whom was referred house file No. 40, on the 4th inst., submitted the following report :

MR. SPEAKER.—Your select committee, 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 Big Sioux and Cheyenne wagon road, have had the same under consideration and beg leave to report it back to the House and recommend its passage.

MICHAEL CURRY,

Chairman.

House file No. 27, A bill to regulate ferries in the organized counties of Dakota Territory, reported correctly engrossed, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, Stevens, Taylor, Walter, Watson, Whitehorn and Mr. Speaker.—19.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

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 Big Sioux and Cheyenne wagon road, reported back by the select committee to whom it was referred on the 4th inst., was then

Taken up for consideration, and

On motion of Mr. Kellogg,

Referred to a select committee of three.

The Speaker appointed as such committee, Messrs. Kellogg, Curry and Taylor.

On motion of Mr. Brookings,

House file No. 10, An act to amend chapter 37 laws of 1862, returned from the Council with amendments, was then

Taken up for consideration, and

On motion of Mr. Brookings,

The amendments were concurred in.

The following communications were received from the Council :

COUNCIL CHAMBER,
January 5th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body that the Council have passed council bill No. 31, A memorial to the Secretary of War praying for the establishment of a military post on the Vermillion river ; also, house file No. 30, An act to release Rachel J. Rowley from the bonds of matrimony, with testimony, which I herewith transmit and respectfully request the concurrence of the House therein ; also, house file No. 25, A memorial to the Secretary of War and commanding Generals Pope and Sully ; also, house file No. 32, An act to locate and establish a Territorial road from the Missouri river to the north line of Union county ; also, House file No. 38, An act relative to the commissioners and probate judge of Todd county, which I herewith transmit.

I have also to inform you that the council have concurred in House amendment to council bill No. 10.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
January 5th, 1866. }

MR. SPEAKER :—I have the honor to inform your honorable body that the Council has refused to concur in House amendments to council bill No 17, An act to regulate and establish a fence law, and respectfully request that the House appoint a conference committee on the said bill.

J. R. HANSON,
Secretary.

On motion of Mr. Kellogg,
 The communication from the Council relative to council bill
 No. 17, An act to regulate and establish a fence law, was
 Taken up for consideration, and
 On motion of Mr. Kellogg,
 A conference committee of three, consisting of Messrs. Far-
 go, Austin and Collins, was appointed by the chair.

On motion of Mr. Hampton,
 The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
 Saturday, January 6th, 1866. }

House met pursuant to adjournment, and was called to or-
 der by the

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :
 Messrs. Ellis and Whitehorn.

The journal of the preceding day was read, amended and
 approved.

Mr. Lewis, chairman of the committee on Federal Relations,
 submitted the following report :

MR. SPEAKER:—Your Committee on Federal Relations, 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 ask leave to report it back to the house without recommendation.

J. A. LEWIS,
Chairman.

Mr. Taylor from the committee on Enrollment, submitted the following report :

MR. SPEAKER.—Your committee on Enrollment, have to report that at 11 1-2 o'clock, A. M., January 5th, 1866, we handed to his Excellency, the Governor, for his approval, house file No. 16, An act prohibiting the harboring of Indians in the organized counties ; house file No. 17, An act to release Georgeanna H. Young from the bonds of matrimony ; house file No. 20, An act regulating the admission of Attorneys ; and house file No. 21, An act to provide for the printing and distribution of the laws and journals.

FRANKLIN TAYLOR.

Mr. Lent, from the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 26, An act locating a Territorial road in Union county ; also, house file No. 31, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory ; and find them correctly enrolled.

W. E. LENT.

Mr. Brookings, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—Your committee on Judiciary, to whom was referred council bill No. 29, An act to amend chapter 85 of the laws of 1862, have had the same under consideration and beg leave to report the same back to the house and recommend its passage.

W. W. BROOKINGS,
Chairman.

Mr. Kellogg, chairman of the select committee to whom was referred house file No. 40, on the 5th inst., submitted the following report :

Mr. SPEAKER.—Your select committee to whom was referred house file No. 40, An act to locate a Territorial road from the Big Sioux river to Yankton, on the line surveyed by the Government for the location of the Big Sioux and Big Shyenne wagon road ; have had the same under consideration and ask leave to report it back to the house, with amendments, and recommend its passage.

GEO. W. KELLOGG,
Chairman.

Mr. Brown introduced house file No. 42, A bill for an act changing the boundary lines of Yankton and Bon Homme counties.

Read a first time, and
On motion of Mr. Brookings,
The rules were suspended, and the bill
Read a second time, and
On motion of Mr. Brookings,
Indefinitely postponed.

Mr. Brown introduced 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.

Read a first time, and
On motion of Mr. Brookings,
The rules were suspended, and the bill
Read a second and third time, and put upon its passage.
The yeas and nays being ordered, the vote stood,
Ayes 21 ; nays none ; as follows :
Those who voted in the affirmative, were
Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—21.
So the bill passed, and its
Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Brown introduced house file No. 44, An act to legalize the acts of the officers of Bon Homme county.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson, and Mr. Speaker—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

Mr. Austin introduced 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,

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Taylor, Walter, Watson, and Mr. Speaker—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Curry moved that Mr. McHenry be excused for non-attendance to the present time.

Which motion was agreed to.

Mr. Cooper moved to reconsider the vote by which house file No. 35, A memorial to Congress asking for the extension of the southern boundaries of the Territory of Dakota, was lost yesterday.

Which motion was disagreed to.

Council bill No. 31, A memorial to the Secretary of War praying for the establishment of a military post on the Vermillion river, was

Taken up, and

Read a first time, and

On motion of Mr. Curry,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Walter, Watson, and Mr. Speaker—21.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the council therewith.

Council bill No. 30, An act to release Rachael J. Rowley, from the bonds of matrimony, was then

Taken up, and

Read a first time, and

On motion of Mr. Collins,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 15; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Brown, Collins, Cooper,

Fargo, Hampton, Kellogg, Lent, Lewis, Stevens, Walter, Watson and Mr. Speaker—15.

Those who voted in the negative, were

Messrs. Brookings, Curry, English, McCarthy, McHenry and Ryan—6.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 8, An act accepting the grant of lands made by Congress for the endowment of a college in Dakota Territory; was then

Taken up for consideration, and

On motion of Mr. Brookings,

Indefinitely postponed.

Council bill No. 29, An act to amend chapter 35 of the laws of 1862; reported back by the committee on Judiciary, was then

Taken up, and

Read a third time and put upon its passage.

The ayes and nays being ordered the vote stood,

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—22.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

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 Big Sioux and Cheyenne wagon road, reported back, with amendments, by the select committee to whom it was referred on the 5th inst., was then

Taken up for consideration.

Mr. Brookings moved the adoption of the amendment reported by the committee.

Which motion was agreed to.

Mr. English moved to strike out of the bill all that portion relating to Yankton county.

Which motion was disagreed to.

The question then recurring upon the third reading of the bill, it was accordingly,

Read a third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 15; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brown, Collins, Curry, Cooper, Hampton, Kellogg, Lent, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter and Watson—15.

Those who voted in the negative, were

Messrs. Ash, Brookings, Brouch, English, Fargo, and Mr. Speaker—6.

Mr. Lewis was excused from voting.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

By unanimous consent, Mr. McCarthy introduced house file No. 46, A bill to confer the rights of citizenship on Autoine Roy and Lewis Roy.

Read a first time, and

On motion of Mr. McCarthy,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 21; nays 1; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Watson and Mr. Speaker—21.

Mr. Walter voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk request the concurrence of the council therein.

Mr. Cooper, chairman of the committee on Enrollment, submitted the following reports :

MR. SPEAKER—Your committee on Enrollment have examined house file No. 38, An act relative to the commissioners and Probate Judge of Todd county ; also, house file No. 32, An act to locate and establish a Territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county ; and find them correctly enrolled.

CHARLES COOPER,
Chairman.

MR. SPEAKER.—Your committee on Enrollment, have to report that at the hour of one o'clock P. M., this day they handed to his Excellency, the Governor, for his approval, house file No. 38, An act relative to the commissioners and Probate Judge of Todd county ; also, house file No. 32, An act to locate and establish a territorial road from the Missouri river by way of Elk Point and Brule Creek.

CHARLES COOPER,
Chairman.

On motion of Mr. Hampton,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Monday, January 8th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Ellis, McCarthy, Stevens and Whitehorn.

The journal of the preceding day was read and approved.

Mr. Taylor from the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on enrollment, have to report that they presented to his excellency the Governor, for his approval, at one o'clock, P. M., on the 6th instant, house file No. 26, An act locating a Territorial road in Union county.

FRANKLIN TAYLOR.

Mr. Lent from the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 10, An act to amend chapter thirty-seven, laws of 1862; also, house file No. 25, A memorial and joint resolution to the Secretary of War, Commanding Generals Pope and Sully, and find the same correctly enrolled.

W. E. LENT.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 8th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable

body that the Council has passed council bill No. 33, A memorial to Congress relative to an endowment of lands for college purposes, which I herewith transmit and respectfully request the concurrence of the House therein ; also, house file No. 41, An act to locate a Territorial road in Clay and Union Union counties, which bill I herewith transmit.

J. R. HANSON,
Secretary.

Mr. Fargo from the committee of conference on council bill No. 17, An act to establish a fence law, submitted the following report: .

MR. SPEAKER:—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 bill, which will be reported to the Council this morning. The committee do not consider the bill absolutely perfect, but as nearly so as they believe it will be possible to get it this session.— And in the opinion of your committee, the substitute bill will meet the wants of a large majority of the people of this Territory, and after duly testing the provisions thereof, any defects 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 endeavored to secure the greatest good to the greatest number, without the expectation of pleasing every one. The committee have accordingly united in the recommendation that the bill do pass.

Committee on behalf of the House, { FARGO,
KELLOGG,
AUSTIN.

Mr. Cooper introduced house file No. 47, A memorial for the establishment of a mail route from Choteau post office to Ponca Agency.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a second and third time and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 18 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Cooper, English, Fargo, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson and Mr. Speaker.—18.

So the memorial passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Fargo submitted the following resolution and moved its adoption :

Resolved, That the use of this hall be tendered to the Dakota Historical society on Tuesday evening, January 9th, 1866. The resolution was adopted.

Mr. Brouch moved that Mr. Stevens be excused for non-attendance to-day.

Which motion was agreed to.

Mr. Brouch moved that Mr. McCarthy be excused for non-attendance to-day.

Which motion was agreed to.

Council bill No. 33, A memorial to Congress relative to an endowment of lands for college purposes, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the memorial

Read a second and third time, and put upon its passage,

The ayes and nays being ordered, the vote stood,

Ayes 19 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Gurry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Walter, Watson and Mr. Speaker—19.

So the memorial passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the council therewith.

On motion of Mr. Brookings,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, January 9th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Ellis, McCarthy and Whitehorn.

The journal of the preceding day was read and approved.

Mr. Fargo moved that Messrs. Wm. Tripp, Wm. Reynolds and C. E. Rowley, be invited to seats within the bar of this House.

Which motion was agreed to.

Mr. Stevens moved that Mr. McCarthy be excused for non-attendance to-day.

Which motion was agreed to.

Mr. Brouch moved that Lieut. T. E. Clark be invited to a seat within the bar of this House.

Which motion was agreed to.

Mr. English moved that Lieut. Benjamin be invited to a seat within the bar of this House.

Which motion was agreed to.

Mr. Cooper, chairman of the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 41, An act to locate a Territorial road in Clay and Union counties, and report the same correctly enrolled.

CHAS. COOPER,
Chairman.

Mr. Brookings moved that Col. G. C. Moody, be permitted to read his report called for by a resolution adopted by this House on the 20th of December, 1865.

Which motion was agreed to.

Accordingly Mr. Moody read the report, as follows:

YANKTON, D. T.,
Jan. 8th, 1866. }

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,	\$9,516.99

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,	855.84
For transportation of materials, timber, lum- ber, provisions tools, &c.,	1,576.50
For ferrriage of hands,	59.70
For board of workmen,	375.10
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 employecs while actually engaged in the discharge of their duties,	250.65
For Salary of Engineer,	517.73
For salary of Superintendent and Disbursing 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 consistent with my position as an employee 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 labor was demanded 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. MOODY,

Superintendent and Disbursing Agent.

On motion of Mr. Brookings,
The report of Mr. Moody was adopted.

Mr. Brookings offered the following preamble and resolution and moved its adoption:

WHEREAS, A number of witnesses have been summoned by the Sergeant-at-Arms for certain contestants to seats in this House, by contestant's attorney's and others, and

WHEREAS, No provision has been made to pay said witnesses, therefore

Be it resolved, That the committee on Elections be instructed to give no further attention to any case of contest in this House, until the persons that have had witnesses summoned for them shall pay into the hands of the committee one dollar for each witness summoned to be paid by said committee to the witnesses, and fifty cents to the Sergeant-at-Arms for summoning the same, and the same for all witnesses to be summoned.

The resolution was adopted.

Mr. Brookings in the chair.

The following communications were received from the Council:

COUNCIL CHAMBER,
January 9th, 1866. }

MR. SPEAKER:—I have the honor of informing the Hon. House of Representatives that the following bills have passed the Council: House file No. 37, A bill to incorporate the Black Hills mining, exploring, manufacturing and transportation company, with an attached amendment; house file No. 33, An act to provide for the appointment of road supervisors and to prescribe the duties of the same, with an attached amendment; a substitute for house file No. 28, An act to incorporate the Big Cheyenne river bridge, and ferry company; house file No. 46, A bill to confer the right of citizenship on Antoine Roy and Lewis Roy; 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. 47, A memorial for the establishment of a mail route from Choteau post office to Ponca Agency; and house file No. 27, A bill to regulate ferries in the organized counties of Dakota Territory; which bills I herewith transmit; also, council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux bridge; council bill No. 35, A memorial and joint resolution relative to the introduction of blood hounds into this military district; council bill No. 27, An act to authorize the appointment of an immigrant agent; which bills I herewith transmit and am ordered to request the concurrence of the House in said bills.

I have further to inform you, that the Council respectfully request a conference committee on council bill No. 20, An act to establish a public school law for the Territory of Dakota; and also, council bill No. 21, An act to regulate the fees of county officers; concerning which bills there are matters of disagreement between the two Houses.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER,
January 9th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable

body that the Council has passed council bill No. 32, An act to establish a Civil Code, which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER, }
January 9th, 1866. }

Mr. SPEAKER:—I have the honor to inform the honorable House of Representatives that the Council has passed council bill No. 17, (substitute bill), An act to establish a fence law, which bill I herewith transmit and respectfully ask the concurrence of the House therein; also, house file No. 7, An act to prohibit sheep and swine from running at large, with attached amendments, which bill I herewith transmit.

J. R. HANSON,
Secretary.

The communication from the Council, was then
Taken up for consideration, and
On motion of Mr. Brouch,

The House concurred in Council amendments to house file No 37, A bill to incorporate the Black Hills mining, exploring, manufacturing and transportation company.

Mr. Kellogg moved that the House concur in Council amendments to house file No. 33, an act to provide for the appointment of road supervisors, and to prescribe the duties of the same.
Which motion was agreed to.

Mr. English moved that the House concur in Council amendments to house file No. 28, An act to incorporate the Big Cheyenne river, bridge and ferry company.
Which motion was agreed to.

Mr. Hampton moved that the House concur in Council amendments to house file No. 7, An act to prohibit sheep and swine from running at large.
Which motion was agreed to.

Mr. Collins moved that a committee of three be appointed by the chair to confer with a like committee on the part of the

Council, in the matters of difference between the two Houses concerning council bill No. 20, An act to establish a public school law for the Territory of Dakota.

Which motion was agreed to.

The chair appointed as such committee, Messrs. Collins, Fargo and Austin.

Mr. Kellogg moved that a committee of three be appointed by the chair 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. 21, An act to regulate the fees of county officers.

Which motion was agreed to.

The chair appointed as such committee Messrs. Kellogg, Ash and Brown.

Council bill No 17, An act to establish a fence law, was Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Ayes 20 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—20.

Mr. Brouch was excused from voting.

So the bill passed, and its

Title was agreed to. .

Ordered, That the clerk acquaint the Council therewith.

Council bill No. 27, An act to authorize the appointment of an immigrant agent, was then

Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and
 On motion of Mr. English,
 The rules were suspended, and the bill
 Read a third time, and put upon its passage.
 The yeas and nays being ordered, the vote stood,
 Yeas 19; nays 2; as follows:

Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Lent, Lewis, McCarthy, Mc-
 Henry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speak-
 er—19.

Those who voted in the negative, were
 Messrs. Hampton and Kellogg.

So the bill passed, and its
 Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Council bill No. 35, A memorial and joint resolution relative
 to the introduction of blood hounds into this military district,
 was then

Taken up, and
 Read a first time, and
 On motion of Mr. Kellogg,
 The rules were suspended, and the memorial
 Read a second and third time, and put upon its passage.
 The yeas and nays being ordered, the vote stood,
 Yeas 19; nays 2; as follows:

Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Hampton, Kellogg, Lent, Lewis, Mc-
 Henry, Ryan, Stevens, Taylor, Walter and Watson—19.

Those who voted in the negative, were
 Messrs. Fargo and Mr. Speaker—2.

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

Ordered, That the clerk acquaint the Council therewith.

Council bill No. 32, An act to establish a civil code, was
 then

Taken up, and

Read a first time, and
 On motion of Mr. English,
 The rules were suspended, and the bill
 Read a second and third time, and put upon its passage.
 The ayes and nays being ordered, the vote stood,
 Ayes 20; nays none; as follows:
 Those who voted in the affirmative were,
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
 Lewis, McHenry, Ryan, Taylor, Walter, Watson, and Mr.
 Speaker—20.

So the bill passed, and its
 Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

The Speaker resumed the chair.

The following communication was received from the Council:

COUNCIL CHAMBER,
 January 9th, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed council bill No. 38, An act to regulate the rates of printers fees; also, council bill No. 28, An act in relation to Territorial and county revenue, with attached amendments, which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

Council bill No. 38, An act to regulate the rates of printers fees, was then

Taken up, and

Read a first time, and

On motion of Mr. English,

The rules were suspended, and the bill

Read a second time.

Mr. Kellogg moved to indefinitely postpone the bill.

Which motion was disagreed to.

Mr. English moved that the rules be suspended and the bill read a third time and put upon its passage.

Which motion was agreed to.

Accordingly the bill was read a third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 13; nays 7; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Lewis, Ryan, and Taylor—13.

Those who voted in the negative, were

Messrs. Hampton, Kellogg, Lent, McHenry, Stevens, Walter and Watson—7.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 28, An act in relation to Territorial and county revenue, was then

Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on Ways and Means.

Mr. Brookings moved that the House do now adjourn.

Which motion was disagreed to.

The following communication from his Excellency the Governor, was laid upon the Speaker's table:

DAKOTA TERRITORY, EXECUTIVE OFFICE }
Yankton, January 8th, 1866. }

Sir:—I have the honor to enclose herewith, An act to prohibit the harboring of Indians within the organized counties; also, An act locating a territorial road in Union county; also, An act relative to the commissioners and Probate Judge of Todd county; also, An act regulating the admission of attorneys; also, An act to locate and establish a Territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county; also, An act to provide for the

printing and distribution of the laws and journals; which have been this day examined, approved and signed.

I am Sir,

Very Respectfully,

Your ob't Servant,

NEWTON EDMUNDS,

Governor.

HON. G. B. BIGELOW,

Speaker of the House of Representatives.

Council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux bridge; was then

Taken up, and

Read a first time.

Mr. Brookings moved that the joint resolution be rejected.

The question then being put "shall the joint resolution be rejected?"

It was decided in the negative.

Mr. Kellogg moved that the rules be suspended, and the joint resolution read a second and third time, and put upon its passage.

The ayes and nays being desired by two members, the vote stood,

Yeas 13; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Collins, Curry, Hampton, Kellogg, Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—13.

Those who voted in the negative, were

Messrs. Ash, Brookings, Brouch, Brown, Cooper, English, Fargo and Lewis—8.

So the House refused to suspend the rules, two thirds not voting in favor thereof.

Mr English moved that the House do now adjourn.

The yeas and nays being desired by two members, and ordered the vote stood,

Ayes 8; nays 13; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Cooper, English,

Fargo, and Lewis—8.

Those who voted in the negative, were
Messrs. Austin, Collins, Curry, Hampton, Kellogg, Lent,
McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr.
Speaker—13.

So the motion to adjourn was disagreed to.

Mr. Kellogg moved that the rules be suspended and the joint resolution read a second and third time, and put upon its passage,

Mr. Brookings moved to lay the motion of Mr. Kellogg on the table.

The ayes and nays being desired by two members, and ordered, the vote stood,

Ayes 8; nays 13; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Brookings, Brouch, Brown, Cooper, English,
Fargo and Lewis—8.

Those who voted in the negative, were
Messrs. Austin, Collins, Curry, Hampton, Kellogg, Lent,
McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr.
Speaker—13.

So the motion to lay the motion of Mr. Kellogg on the table was disagreed to.

Mr. Brookings moved that the House do now adjourn.

The ayes and nays being desired by two members, and ordered, the vote stood,

Ayes 7; nays 14; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Brookings, Brouch, Brown, Cooper, English
and Lewis—7

Those who voted in the negative, were
Messrs. Austin, Collins, Curry, Fargo, Hampton, Kellogg,
Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and
Mr. Speaker—14.

So the motion to adjourn was disagreed to.

Mr. Brookings moved that when this House does adjourn it adjourn until to-morrow, at eleven o'clock A. M.

Which motion was disagreed to.

Mr. Brookings moved that the rules be suspended and the bill be committed to a select committee of three, consisting of Messrs. Collins, Fargo and McHenry.

Pending which,

Mr. Kellogg moved the point of order, that the motion now pending before the House to suspend the rules for the second and third reading of the joint resolution would take preference to the motion last made.

The Speaker overruled the point of order, on the ground that the motion to commit would take preference to that to read a second and third time.

From this decision of the chair Mr. Kellogg appealed.

Pending which,

Mr. English moved that the House do now adjourn.

Which motion was disagreed to.

The question then being put "shall the decision of the chair stand as the decision of the House?"

It was decided in the affirmative.

Mr. Collins moved that the House do now adjourn.

Which motion was agreed to.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Wednesday, January 10th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :
Messrs. Ellis, McCarthy and Whitehorn.

The Journal of the preceding day was read and approved.

The following communications were received from the council :

COUNCIL CHAMBER, }
January 10th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body, that the council has passed council bill No. 36, (substitute bill) An act to establish the county of Pembina, to fix the representation thereof, and for other purposes; also, council bill No. 37, An act fixing the time of the regular meetings of the board of county commissioners; which bills I herewith transmit and respectfully request the concurrence of the house therein. Also, house file No. 39, An act to confer the right of citizenship on certain persons therein named; also, 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; which I herewith transmit.

J. R. HANSON,
Secretary.

COUNCIL CHAMBER, }
January 10th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body, that the council has passed council bill No. 20, An act to establish a public school law; (substitute bill) also, council bill No. 40, An act to incorporate the town of Yankton in the Territory of Dakota; which bills I herewith transmit and respectfully request the concurrence of the house therein.

J. R. HANSON,
Secretary.

Mr. Taylor, from the committee on Enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on Enrollment have to report that they have examined house file No. 7, An act to prohibit sheep and swine from running at large; also, house file No. 33, An act to provide for the appointment of road supervisors and to prescribe the duties of the same; and find the same correctly enrolled.

FRANKLIN TAYLOR.

MR. SPEAKER:—Your committee on Enrollment, have to report that at 11 o'clock, A. M., on the 9th inst., we presented to his Excellency, the Governor, for his approval, house file No. 10, An act to amend chapter thirty-seven, laws of 1862.

FRANKLIN TAYLOR.

Mr. Lent, from the committee on Enrollment, submitted the following report:

MR. SPEAKER.—Your committee on Enrollment, have examined house file No. 27, A bill to regulate Ferries in the organized counties of the Territory of Dakota; also, house file No. 28, An act to incorporate the Big Shyenne river bridge, and ferry company; and house file No. 46, A bill to confer the rights of citizenship on Antoine Roy and Lewis Roy; and find the same correctly enrolled.

W. E. LENT.

Mr. Cooper, chairman of the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined 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 county records; also, house file No. 47, A memorial for the establishment of a mail route from Choteau post office to Ponca Agency, and find the same correctly enrolled.

CHARLES COOPER,
Chairman.

Mr. Collins, chairman of the committee on Ways and Means, submitted the following report:

MR. SPEAKER:—Your committee on Ways and Means, to whom was referred council bill No. 28, An act in relation to

Territorial and county revenue, have had the same under consideration and beg leave to report it back to the house and recommend its passage.

E. C. COLLINS,
Chairman.

Mr. Collins, from the committee on conference on council bill No. 20, An act to establish a public school law for Dakota Territory; submitted the following report:

MR. SPEAKER.—Your special committee, appointed to confer with a like committee on the part of the council relative to the matter of disagreement on council bill No. 20, have had the same under consideration and the committee on the part of the house would respectfully report that the conference committee have agreed on a substitute bill which will be introduced in the council this morning, and recommend that it do pass this house.

E. C. COLLINS.

Mr. Brown introduced house file No. 48, A bill to annex S. A. Bentley and John Andrews, to the county of Bon Homme for election and judicial purposes.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 20; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Collins, Cooper, Curry, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—20.

Mr. Austin was excused from voting.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Cooper introduced house file No. 49, An act to confer

the rights of citizenship on Robert Holery of Bon Homme county.

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 19; nays 2; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Cooper, Curry, Collins, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Stevens, Taylor, and Mr. Speaker—19.

Those who voted in the negative, were

Messrs. Walter and Watson—2.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Brookings introduced house file No. 50, A bill to authorize and direct the auditor to issue warrants to certain officers.

Read a first time, and

On motion of Mr. Fargo,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 18; nays 3; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Collins, Cooper, Curry, English, Fargo, Lent, Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—18.

Those who voted in the negative, were

Messrs. Austin, Hampton and Kellogg—3.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk request the concurrence of the council therein.

Mr. Kellogg moved that L. D. Parmer be invited to a seat within the bar of this house.

Which motion was agreed to.

Mr. McHenry moved that G. C. Moody, B. M. Smith and C. F. Picott, be invited to seats within the bar of this house.

Which motion was agreed to.

The following communication from his Excellency, the Governor, was laid upon the Speaker's table.

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
Yankton, January 9th, 1866. }

Sir.—I have the honor to return herewith, without my approval, giving my reasons therefor, An act to release Georgeanna H. Young, from the bonds of matrimony.

Marriage contracts are by all enlightened communities considered of a most sacred and binding character upon the parties entering into such contracts. The higher the civilization the more sacred are such contracts held. This being the case, contracts of this character should not be lightly broken or interfered with, and when they are, such interference should, in my opinion, be by no doubtful authority. 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 great 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 contracts of this character through the properly constituted courts of this Territory, notwithstanding my earnest desire to cooperate with the Legislature Assembly on all subjects which in its wis-

dom it may see fit to Legislate upon, I feel it my imperative duty to return this bill without my approval.

I am Sir,

Very Respectfully
Your Ob't Serv't,
NEWTON EDMUNDS,
Governor.

HON. G. B. RIGELOW,
Speaker of the House of Representatives.

Mr. Fargo moved a reconsideration of the past action of the house on house file No. 17, An act to release Georgeanna H. Young from the bonds of matrimony.

Which motion was agreed to.

The bill was then

Read a third time,

The question then recurring on the passage of the bill over the Governor's veto, the question was put "shall the bill pass over the Governor's veto?"

The ayes and nays being ordered the vote stood,

Ayes 12; nays 9; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Brown, Cooper, Fargo, Hampton, Lewis, Stevens, Walter, Watson and Mr. Speaker—12.

Those who voted in the negative, were

Messrs. Brookings, Collins, Curry, English, Kellogg, Lent, McHenry, Ryan and Taylor—9.

So the bill did not pass over the Governor's veto, two-thirds not voting in favor thereof.

By unanimous consent, Mr. Kellogg, from the committee of conference on council bill No. 21, submitted the following report:

MR. SPEAKER:—Your committee on conference appointed to act with a like committee on the part of the council to consider the matter of disagreement between the two houses on council bill No. 21, An act to regulate the fees of county officers; have agreed upon a substitute bill, which will be reported to the council this morning at 11 o'clock, A. M.

G. W. KELLOGG,
Chairman.

Council bill No. 36, An act to establish the county of Pembina, to fix the representation thereof, and for other purposes, was then

Taken up, and

Read a first time.

Mr. Brookings moved that the house reject the bill.

And the question was put "shall this bill be rejected?"

The ayes and nays being desired by two members and ordered the vote stood,

Ayes 13; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Brouch, Brown, Collins, Cooper, English, Fargo, Hampton, Lent, Lewis, Ryan and Walter—13.

Those who voted in the negative, were

Messrs. Ash, Curry, Kellogg, McHenry, Stevens, Taylor, Watson, and Mr. Speaker—8.

So the motion to reject the bill was agreed to.

Ordered, That the clerk acquaint the council therewith.

Council bill No. 37, An act fixing the times of the regular meetings of the board of county commissioners; was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson, and Mr. Speaker—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Council bill No 20, An act to establish a public school law; was then

Taken up, and
 Read a first time, and
 On motion of Mr. Collins,
 The rules were suspended, and the bill
 Read a second and third time, and put upon its passage.
 The yeas and nays being ordered, the vote stood,
 Ayes 21 ; nays none ; as follows :
 Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
 Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson
 and Mr. Speaker—21.
 So the bill passed, and its
 Title was agreed to.
Ordered, That the clerk acquaint the Council therewith.

Council bill No. 40, An act to incorporate the town of Yank-
 ton in the Territory of Dakota ; was then
 Taken up, and
 Read a first time, and
 On motion of Mr. Brookings,
 The rules were suspended, and the bill
 Read a second and third time, and put upon its passage.
 The yeas and nays being ordered, the vote stood,
 Ayes 20 ; nays none ; as follows :
 Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
 Lewis, McHenry, Ryan, Taylor, Walter, Watson and Mr.
 Speaker—20.
 So the bill passed, and its
 Title was agreed to.
Ordered, That the clerk acquaint the Council therewith.

Mr. Cooper, chairman of the committee on Enrollment, sub-
 mitted the following report :

MR. SPEAKER.—Your committee on Enrollment, have to re-
 port that at the hour of 11 1-2 o'clock A. M., this day we hand-
 ed to his Excellency, the Governor, for his approval, house

file No. 41, An act to locate a Territorial road in Clay and Union counties ; also, house file No. 45, An act to authorise the sheriff of Clay county to levy and collect a direct tax for the purpose of purchasing blank books for keeping county records.

CHARLES COOPER,
Chairman.

Council bill No. 28, An act in relation to Territorial and county revenue ; was then

Taken up, and

Read a first time, and

On motion of Mr. Collins,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19 ; nays 2 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Taylor, Walter, Watson and Mr. Speaker—19.

Those who voted in the negative, were

Messrs. Brookings and Stevens—2.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Brouch moved that the house do now adjourn.

Which motion was disagreed to.

The Speaker announced as the business now in order, the unfinished business of yesterday.

Accordingly the question then recurred upon the motion of Mr. Brookings, pending before the house, at the time of its adjournment yesterday, that the rules be suspended for the purpose of committing council bill No. 34, Joint Resolution relative to G. C. Moody and the Big Sioux bridge ; to a select committee of three, consisting of Messrs. Collins, Fargo and McHenry.

Pending which

Mr. Brookings withdrew his motion, and moved that the rules be suspended that the joint resolution may be read a second time and referred to a select committee of five, consisting of Messrs. Collins, Fargo, McHenry, Ash and Kellogg.

Which motion was agreed to.

Accordingly the joint resolution, was

Read a second time.

The following communication was received from the Council :

COUNCIL CHAMBER, }
January 10th, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the council has passed council bill No. 21, (substitute) An act to regulate the fees of county officers; which bill I herewith transmit and respectfully request the concurrence of the house therein. Also, house file No. 48, A bill to annex S. M. Bentley and John Andrews to the county of Bon Homme for election and judicial purposes; which bill I herewith transmit.

J. R. HANSON,
Secretary.

On motion of Mr. Brookings,
The House adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, January 11th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :
Messrs. Ellis, McCarthy and Whitehorn.

The journal of the preceding day was read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER, }
January 11th, 1866. }

MR. SPEAKER.—I have the honor to inform your honorable body that the Council has passed house file No. 50, A bill to authorize and direct the auditor to issue warrants to certain officers; which bill I herewith transmit. Also, house file No. 43, An act locating a Territorial road; with amendments, which bill I herewith transmit. Also, council bill No. 39, An act to prevent the firing of woods and prairies; which bill I herewith transmit and respectfully request the concurrence of the house therein.

J. R. HANSON,
Secretary.

The following communication from his Excellency, the Governor, was laid upon the Speakers table :

DAKOTA TERRITORY, EXECUTIVE OFFICE }
Yankton, January 11th, 1866. }

Sir :—I have the honor to enclose herewith, to which have attached my approval, An act to amend chapter thirty-seven,

laws of 1862; also, An act to prohibit sheep and swine from running at large; also, A bill to confer the rights of citizenship on Antoine Roy and Lewis Roy; also, An act to establish a fence law; also, An act to provide for the appointment of road supervisors and to prescribe the duties of the same; also, An act to locate a Territorial road in Clay and Union counties; also, 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.

I am Sir,

Very Respectfully,

Your Ob't Serv't,

NEWTON EDMUNDS,

Governor.

HON. G. B. BIGELOW,

Speaker of the House of Representatives.

Mr. Lent from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 39, An act to confer the rights of citizenship on certain persons therein named; and 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.

W. E. LENT.

Mr. Taylor from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have examined house file No. 87, A bill to incorporate the Black Hills Mining, Exploring, Manufacturing and Transportation company; also, house file No. 48, A bill to annex S. A. Bently and John Andrews to Bon Homme county for election and judicial purposes; and find the same correctly enrolled.

FRANKLIN TAYLOR.

Mr. Lent, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have to

report that at the hour of 12 o'clock, M., January 10th, 1866, we handed to his Excellency, the Governor, for his approval, the following house files, to-wit: house file No. 7, An act to prohibit sheep and swine from running at large; house file No. 27, A bill to regulate ferries in the organized counties of the Territory of Dakota; house file No. 28, An act to incorporate the Big Shyenne river bridge and ferry company; house file No. 33, An act to provide for the appointment of road supervisors and to prescribe the duties of the same; and house file No. 46, An act to confer the rights of citizenship on Antoine Roy and Lewis Roy.

W. E. LENT.

Mr. Collins, chairman of the select committee to whom was referred council bill No. 34, on the 10th inst., submitted the following report:

MR. SPEAKER.—A majority of your select committee to whom was referred council bill No. 34, Joint Resolution relative to G. C. Moody and the Big Sioux bridge; would respectfully report that they have, in compliance with the order of the house, examined the books and accounts of said G. C. Moody, relative to the Big Sioux bridge, as thoroughly as the limited time allotted would permit; and as far as they were able to determine, the statements which were made to this house, by said Moody, of the disbursements of moneys on said Big Sioux bridge are explained by vouchers. As to the wisdom, prudence or economy of the disbursements, the committee do not pretend to judge; they would therefore beg leave to report the bill back to the house without recommendation.

E. C. COLLINS,
JAMES McHENRY,
S. C. FARGO,
H. C. ASH.

Mr. Fargo offered the following resolution and moved its adoption:

WHEREAS, George P. Waldron claiming to act as Attorney for W. E. Root, claiming a seat in the house occupied by W. W. Brookings, did appear before the committee appointed to take testimony and examine into the matter of contest as such

Attorney, and did question a part of such committee upon the occupation of W. W. Brookings during the past summer and not eliciting such answers as apparently he hoped to, did use after the adjournment of said committee language both offensive and abusive to one or more members of said committee tending to detract from the truthfulness of the statements of said members of the committee on the examination, and calculated to disturb the harmony of the action of said committee and of the house generally, if not to endanger the peace of society, therefore,

Be it resolved by the House of Representatives in session assembled, That such language emanating as it did from such a source as George P. Waldron, Ex Provost Marshal of this Military District, is highly reprehensible and deserves the severest rebuke from this body.

The resolution was adopted.

Mr. Fargo, chairman of the select committee to whom was referred the petition of W. E. Root, claiming the right to a seat in this house, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred the petition of W. E. Root, praying to be restored to the seat in this house now occupied by W. W. Brookings, beg leave to report that they met at the office of W. W. Brookings, in Yankton, December 22d, 1865. George P. Waldron, Esq., appeared for the plaintiff. W. W. Brookings answered in writing, denying each and every allegation set forth in the petition, and further avering that the said Root was a non-resident and therefore not eligible to any office in this Territory. The said Waldron not having any witnesses present requested that the committee meet at some other time in order that he (the said Waldron) might procure witnesses. Thereupon the committee adjourned to meet at the Representative Hall, Dec. 23d, at 2 o'clock, P. M. The committee met pursuant to adjournment and held one sitting, to which agreeable to the request of George P. Waldron, claiming to act as Attorney for the plaintiff, W. E. Root, Hon. M. K. Armstrong, J. R. Hanson and George N. Propper, were requested to appear before the committee. Messrs. Hanson and Propper did not appear. Mr. Armstrong appeared and his testimony was received. All the

testimony being taken that was presented at that time, your committee adjourned to meet at the same place, Dec. 27th, at 2 o'clock P. M. The subsequent action of the house postponing all contested election cases until the fifth of January, 1866, precluded your committee from meeting at the appointed time. Your committee have since reported to the house its doings from time to time without eliciting any reply or receiving any instructions. Your committee further patiently wait your instructions.

S. C. FARGO,
H. C. ASH,
JACOB BROUCH. } *Committee.*

Mr. Brookings moved that the resolution relative to Mr. McHenry, submitted Dec. 23d, 1865, be indefinitely postponed
Which motion was agreed to.

House file No. 43, An act to locate and establish a Territorial road from Yankton, via Smutty Bear Bottom, Bon Homme, Yankton Agency and Fort Randall, returned from the council, with amendments, was then
Taken up for consideration, and
On motion of Mr. Brookings,
The amendments were concurred in.

Council bill No. 39, An act to prohibit the firing of woods and prairies; was then
Taken up, and
Read a first time, and
On motion of Mr. Hampton,
The rules were suspended, and the bill
Read a second time, and
On motion of Mr. Curry,
The rules were suspended, and the bill
Read a third time, and put upon its passage.
The yeas and nays being ordered the vote stood,
Yeas 21; nays none; as follows:
Those who voted in the affirmative, were
Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,

Lewis, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—21.

So the bill passed, and its

Title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Council bill No. 21, An act to regulate the fees of county officers ; was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Yeas 19 ; nays 1 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Curry, Cooper, English, Hampton, Kellogg, Lent, Lewis, McHenry, Ryan, Stevens, Walter, Watson and Mr. Speaker—19.

Mr. Fargo voted in the negative.

So the bill passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the council therewith.

Council bill No. 34, Joint Resolution relative to G. C. Moody and the Big Sioux bridge ; was then

Taken up for consideration.

Mr. Brookings moved to indefinitely postpone the joint resolution.

Pending which,

By unanimous consent Mr. Kellogg from the select committee to whom the joint resolution was referred on the 10th inst., submitted the following minority report :

MR. SPEAKER:—I, a minority of the special committee on council bill No. 34, Joint Resolution relative to G. C. Moody and the Big Sioux bridge ; have to report that after a full and free examination of the books, vouchers, papers &c., in Mr. Moody's office, and after hearing his explanation of the same, I am fully convinced that said Moody needlessly, and it would seem foolishly used several teams and some twenty men in

getting timber for said bridge, which, as stated in the joint resolution required an expenditure of public money fully double the amount for which suitable timber would have been furnished on private or public contract. I am therefore in duty bound to report adversely to the majority, and recommend that the said bill do pass.

G. W. KELLOGG.

The question then recurring upon the motion to indefinitely postpone the joint resolution.

The ayes and nays being desired by two members, and ordered, the vote stood,

Ayes 7; nays 14; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Cooper, English and Lewis—7

Those who voted in the negative, were

Messrs. Austin, Collins, Curry, Fargo, Hampton, Kellogg, Lent, McHenry, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—14.

So the house refused to indefinitely postpone the joint resolution.

The question then recurring on the third reading of the joint resolution, it was accordingly

Read a third time and put upon its passage.

The ayes and nays being ordered the vote stood,

Ayes 13; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Collins, Curry, Fargo, Kellogg, Lent, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—13.

Those who voted in the negative, were

Messrs. Ash, Brouch, Brown, Cooper, English, Hampton, Lewis and McHenry.—8.

So the joint resolution passed, and its Title was agreed to.

The following communication was received from the Council :

COUNCIL CHAMBER,
January 11th, 1866. }

MR. SPEAKER:—I have the honor to inform your honorable body that the council has passed 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; also, council bill No. 42, An act to authorize the county commissioners of Yankton county to rent a building for a county jail; which bills I herewith transmit and respectfully request the concurrence of the house therein.

J. R. HANSON,
Secretary.

Mr. Lent, from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, beg leave to report that at the hour of 11 o'clock, A. M., this day, we handed to his Excellency, the Governor, for his approval, the following house files, to-wit: house file No. 37, A bill to incorporate the Black Hills Mining, Exploring, Manufacturing and Transportation company; house file No. 48, A bill to annex S. A. Bentley and John Andrews, to the county of Bon Homme for election and judicial purposes; house file No. 39, An act to confer the rights of citizenship on certain persons therein named; and, house file No. 40, An act to locate 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.

W. E. LENT.

On motion of Mr. Lewis,
The house adjourned.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
Friday, January 12th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Ellis and Whitehorn.

The journal of the preceding day was read and approved.

The following communication from his Excellency, the Governor, was laid up on the Speakers table :

DAKOTA TERRITORY, EXECUTIVE OFFICE
Yankton, January 12th, 1866. }

Sir:—I have the honor to enclose herewith, A bill to regulate Ferries in the organized counties of the Territory of Dakota; with my approval attached thereto.

I am Sir,

Very Respectfully,

Your ob't Servant,

NEWTON EDMUNDS,

Governor.

HON. G. B. BUELOW,

Speaker of the House of Representatives.

By unanimous consent 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, was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,
 The rules were suspended, and the bill
 Read a second and third time and put upon its passage.
 The ayes and nays being ordered, the vote stood,
 Yeas 22 ; nays none ; as follows :
 Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
 Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter,
 Watson and Mr. Speaker.—22.
 So the bill passed, and its
 Title was agreed to.
Ordered, That the Clerk acquaint the council therewith.

By unanimous consent council bill No. 42, An act to authorize the county commissioners of Yankton county to rent a building for a county jail, was then
 Taken up, and
 Read a first time, and
 On motion of Mr. Fargo,
 The rules were suspended and the bill
 Read a second and third time, and put upon its passage.
 The ayes and nays being ordered, the vote stood,
 Ayes 22 ; nays none ; as follows :
 Those who voted in the affirmative, were
 Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins,
 Curry, Cooper, English, Fargo, Hampton, Kellogg, Lent,
 Lewis, McCarthy, McHenry, Ryan, Stevens, Taylor, Walter,
 Watson and Mr. Speaker—22.
 So the bill passed, and its
 Title was agreed to.
Ordered, That the clerk acquaint the Council therewith.

Mr. Lent, from the committee on Enrollment, submitted the following report :

MR. SPEAKER.—Your committee on Enrollment, have examined house file No. 43, An act locating a Territorial road from Yankton to Fort Randall ; also, house file No. 50, A bill

to authorize and direct the Auditor to issue warrants to certain officers, and find the same correctly enrolled.

W. E. LENT.

Mr. Fargo moved that Mr. Whitehorn be excused for non-attendance to the present time.

Which motion was agreed to.

Mr. Stevens moved that Mr. McCarthy be excused for non-attendance to the present time.

Which motion was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 12th, 1866. }

Mr. SPEAKER:—I have the honor to inform your honorable body that the Council has passed council bill No. 44. Joint resolution relative to the Hon. Walter A. Burleigh, which I herewith transmit and respectfully request the concurrence of the House therein.

J. R. HANSON,
Secretary.

Council bill No. 44, Joint resolution relative to the Hon. Walter A. Burleigh was then

Taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and the joint resolution

Read a second and third time, and put upon its passage.

The ayes and nays being ordered, the vote stood,

Ayes 16; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Brookings, Brouch, Brown, Collins, Cooper, English, Fargo, Hampton, Lewis, McCarthy, Ryan, Taylor, Watson and Mr. Speaker—16.

Those who voted in the negative, were

Messrs. Curry, Kellogg, Lent, McHenry, Stevens and Walter—6.

So the joint resolution passed, and its

Title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr. Brookings moved that the House now take a recess of ten minutes.

Which motion was agreed to.

At the expiration of ten minutes,
The House was called to order by the Speaker.

Mr. Lent from the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment, have to report that they presented to his excellency the Governor, at eleven o'clock, A. M., this day for his approval, house file No. 50, An act to authorize and direct the Auditor to issue warrants to certain officers; also, house file No. 43, An act to locate a Territorial road from Yankton to Fort Randall.

W. E. LENT.

The following communication from his Excellency, the Governor, was laid upon the Speaker's table.

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
Yankton, January 12th, 1866. }

Sir.—I have the honor to enclose herewith, to which I have this day attached my approval, A bill to authorize and direct the Territorial Auditor to issue Territorial warrants to certain officers; also, An act to locate and establish a Territorial road from Yankton via Smutty Bear Bottom, Bon Homme, Yankton reservation and Fort Randall.

I am Sir,
Very Respectfully
Your Ob't Serv't,
NEWTON EDMUNDS,
Governor.

HON. G. B. RIGELOW,
Speaker of the House of Representatives.

The following communication was received from the Council:

COUNCIL CHAMBER,
January 12th, 1866. }

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the following resolution has been adopted by the Council:

Resolved, That the Secretary be instructed to request of the House of Representatives information relative to council bill No. 34, Joint Resolution relative to G. C. Moody and the Big Sioux bridge; the Council has been unofficially informed that said bill passed the House on yesterday, but has not been transmitted to this body.

J. R. HANSON,
Secretary.

Mr. Collins moved to reconsider the vote by which council bill No. 34, Joint resolution relative to G. C. Moody and the Big Sioux bridge, was passed yesterday.

Mr. McCarthy moved to lay the motion of Mr. Collins to reconsider on the table.

Mr. Brookings moved that the House do now adjourn.

The ayes and nays being desired by two members, the vote stood,

Yeas 9; nays 13; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Brookings, Brouch, Brown, Cooper, English, Hampton, Lewis and McHenry—9.

Those who voted in the negative, were

Messrs. Austin, Collins, Curry, Fargo, Kellogg, Lent, McCarthy, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—13.

So the motion to adjourn was disagreed to.

Mr. Brookings moved that when this House does adjourn it adjourn until four o'clock, this P. M.

Which motion was disagreed to.

Mr. Brookings moved that the House do now adjourn.

Which motion was disagreed to.

Mr. Brookings moved that when the House adjourn, it adjourn until three o'clock, this P. M.

The Speaker decided that the motion was out of order.

Mr. Brookings appealed from this decision of the chair,

And the question being put "shall the decision of the chair stand as the decision of the House?"

It was decided in the affirmative.

Mr. McCarthy moved the previous question.

Pending which,

Mr. Brookings moved that the house do now adjourn.

Which latter motion was disagreed to.

The question then recurring upon the demand for the previous question, it was seconded and the main question ordered and put, viz; "shall the motion to reconsider be laid upon the table?"

The ayes and nays being desired by two members, and ordered, the vote stood,

Ayes 13; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Collins, Curry, Fargo, Kellogg, Lent, McCarthy, Ryan, Stevens, Taylor, Walter, Watson and Mr. Speaker—13.

Those who voted in the negative, were

Messrs. Ash, Brookings, Brouch, Brown, Cooper, English, Lewis and McHenry—8.

So the motion to reconsider was laid upon the table.

Mr. Ash moved that the House do now adjourn.

Which motion was disagreed to.

Mr. Collins moved that when this House does adjourn it adjourn until half past three o'clock, this P. M.

Which motion was agreed to.

On motion of Mr. Stevens,

The House adjourned.

AFTERNOON SESSION.

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

Speaker in the chair.

On motion of Mr. Brookings,

The reading of the journal of this A. M., was dispensed with.

The following communication was received from the council:

COUNCIL CHAMBER,
January 12th, 1866. }

MR. SPEAKER.—I have the honor to inform the honorable House of Representatives of the adoption of 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, and that Messrs. Thompson and LaBrecche have been appointed such committee; also,

Resolved, That the honorable House of Representatives be requested to fix the hour upon which the two Houses shall adjourn *sine die*.

J. R. HANSON,
Secretary.

By unanimous consent Mr. Brookings moved that a committee of three be appointed by the chair to act in conjunction with a like committee on the part of the Council, to wait upon his excellency the Governor and learn whether he has any further communication to make to this Legislative Assembly.

Which motion was agreed to.

The Speaker appointed as such committee, Messrs. Fargo, Austin and Lent.

The committee retired and after a brief absence returned and reported as follows:

MR. SPEAKER:—Your committee who were appointed to act with a like committee on part of the Council, to wait upon his

excellency the Governor to enquire whether he has any further communication to make to this Legislative Assembly, have performed that duty and beg leave to report that his excellency the Governor informs us that he has no further communications to make.

S. C. FARGO,
H. J. AUSTIN,
W. E. LENT.

Mr. Collins submitted the following preamble and resolution :

WHEREAS, The original council bill No. 34, which passed this House has been lost and cannot be transmitted to the honorable Council, therefore,

Be it resolved, That we endorse the action of the Speaker in ordering the transmission of an attested copy of the same.

Pending which,

Mr. Brookings moved the point of order that the time for submitting resolutions has passed, and consequently the resolution must lay over.

The Speaker sustained the point of order.

Mr. Kellogg moved that when this House adjourn it adjourn *sine die* at six o'clock, this P. M.

Which motion was agreed to.

On motion of Mr. Kellogg,

Ordered, That a committee of three be appointed by the chair to acquaint the Council therewith.

The chair appointed as such committee, Messrs. Kellogg, Walter and English.

The committee then retired and after a brief absence returned and reported as follows :

MR. SPEAKER:—Your committee appointed to wait upon the Council and inform them that the House will adjourn *sine die* at 6 o'clock, this P. M., have performed the duty assigned them.

GEO. W. KELLOGG, *Ch'n*,
WM. WALTER,
A. M. ENGLISH.

By unanimous consent, Mr. Brookings submitted the following resolution, and moved its adoption :

Resolved, That the promptness, impartiality and ability with which the officers of the House have discharged their duties during the present session, merit our thanks; while their uniform courtesy in their official and private intercourse has secured for them our personal regard.

The resolution was adopted.

On motion of Mr. Hampton,
The House adjourned *sine die*.

G. B. BIGELOW,
Speaker.

GEO. I. FOSTER,
Chief Clerk.

GENERAL INDEX.

ASH, H. C.

took oath of office, 4.
motions made by, 8, 79, 86, 89, 123, 139, 187, 203, 253.
nominations made by, 28.
submitted reports, 81.
offered resolutions, 111.

AUSTIN, H. J.

took oath of office, 4.
gave notice of bills, 96, 127, 199.
motions made by, 111, 120, 124, 143.
introduced bills, 138, 209.
submitted reports, 171, 189, 255.

BAKER, STEPHEN.

elected fireman, 29.
took oath of office, 40.
received vote of thanks, 256.

BIGELOW, G. B.

took oath of office, 4.
elected Speaker, 4.
introduced bills, 82.
motions made by, 39, 51, 82.
remarks made by, 6.
gave notice of bills, 82.

BROOKINGS, W. W.

took oath of office, 4.
nominations made by, 4, 10.
motions made by, 5, 6, 9, 10, 11, 12, 27, 28, 41, 44, 46, 49, 50,
52, 53, 55, 56, 58, 59, 61, 63, 65, 66, 67, 68, 69, 71, 73, 74,
80, 86, 89, 92, 93, 96, 97, 107, 108, 110, 111, 115, 121, 122,
123, 125, 126, 129, 130, 133, 134, 135, 140, 144, 173, 174, 179,
182, 183, 186, 187, 189, 190, 191, 192, 193, 194, 195, 197,
200, 201, 205, 208, 209, 211, 216, 217, 218, 220, 226, 227,
228, 229, 232, 233, 236, 237, 239, 244, 245, 249, 250, 251,
252, 253, 254, 255.
gave notice of bills, 9, 43, 57, 60, 65, 71, 88, 112.

BROOKINGS, W. W.

introduced bills, 41, 43, 44, 48, 58, 60, 88, 110, 120, 185, 233.
 submitted reports, 29, 70, 77, 88, 96, 109, 118, 131, 146, 184, 185,
 198, 207.
 offered resolutions, 8, 9, 42, 65, 66, 71, 78, 113, 120, 138, 220,
 256.
 called to chair, 29, 82, 220.
 makes objections, 44.
 appointed member of select committee on mineral and agri-
 cultural resources, 89.
 excused from attendance, 179.

BROUCH, JACOB.

took oath of office, 4.
 granted leave of absence, 9.
 excused from attendance, 89.
 motions made by, 216, 217, 222, 238.

BROWN, JONATHAN.

took oath of office, 4.
 granted leave of absence, 9, 192.
 motions made by, 177, 200.
 introduced bills, 208, 209, 232.

COLLINS, E. C.

took oath of office, 4.
 nominations made by, 5.
 motions made by, 32, 42, 45, 49, 54, 99, 115, 132, 141, 189, 222,
 229, 237, 238, 252, 253.
 introduced bills, 128.
 submitted reports, 53, 77, 79, 118, 127, 173, 185, 198, 231, 232,
 242.
 gave notice of bills, 77.
 offered resolutions, 44, 89, 132, 255.
 excused from attendance, 179.

COMMITTEE OF THE WHOLE.

committee on Governor's message, 41.
 house file No. 1.—49.
 resolution relative to striking word "white"
 out of election law, 66,
 Governor's message, 79.
 Governor's message, 92.
 council bill No. 7.—111, 134.
 house file No. 12.—125.
 house file No. 18.—126.
 house file No. 27.—182.
 council bill No. 20.—199.

COMMITTEE OF THE WHOLE.

house file No. 7.—194.

council bill No. 17.—195.

COMMITTEES APPOINTED.

select, on joint rules, 8.

select, on house rules, 8.

joint, to wait on Governor and notify him of organization, 8.

joint, to wait on Governor and notify him when joint convention will receive communication, 10.

select, to inform Council that House is prepared to meet in joint convention, and to escort members thereof to hall of the House, 11.

(in joint convention) select, to wait on Governor, 12.

standing committees, 40.

select, on portion of Governor's message relative to Pacific railroads, 42.

select, on general ferry law, 45.

select, on house file No. 1.—45.

select, to prepare a bill to prohibit the harboring of Indians within the organized counties, 48.

joint, on codes, 48.

select, to present McHenry resolution to Supreme court, 58.

select, to report on mineral and agricultural resources of Dakota, 61.

select, on house file No. 7.—68, 143,

10.—69.

11.—79.

13.—79.

Andrew Johnson resolutions, 83.

house file No. 15.—83.

16.—84.

council bill No. 3.—86.

house file No. 17.—91.

10.—92.

council resolution relative to G. C. Moody, 94.

petition of W. E. Root, 95.

to prepare Hall for address, 96.

house file No. 7.—115.

12.—125.

council bill No. 3.—133.

house file No. 25.—141.

30.—172.

council bill No. 23.—180.

house file No. 40.—196, 205.

conference, on council bill No. 17.—206.

20.—223.

21.—223.

COMMITTEES APPOINTED.

- select, on council bill No. 34.—239.
- joint, to wait upon Governor relative to adjournment, 254.
- select, to inform Council of hour of adjournment *sine die*, 255.

COOPER, CHAS.

- took oath of office, 6.
- motions made by, 200, 210.
- introduced bills, 215, 232.
- submitted reports, 29, 89, 97, 213, 218, 231, 237.
- offered resolutions, 8.
- excused from attendance, 58, 200.

(CONVENTION) JOINT, 12

COUNCIL BILLS, FIRST, SECOND AND THIRD READING OF,

- Council bill No. 4.—62, 62, laid on table, 68, passed, 74.
- 1.—67, 67, 72, passed.
- 5.—68, 68, 73, passed.
- 6.—68, 78, passed.
- 2.—86, 90, 98, passed.
- 3.—86, 86, amended 91, passed 191.
- 8.—86, 86, indefinitely postponed, 211.
- 7.—89, made special order 97, passed 135.
- 9.—89, 97, made special order 116, passed.
- 11.—90, 90, 98, passed.
- 12.—90, 90, 90, passed.
- 10.—97, 114, passed 187.
- 14.—113, 121, 128, passed.
- 18.—113, 113, laid on table 122, passed 144.
- 15.—115, 115, 122, passed.
- 19.—128.
- 16.—133, 133, 181, passed.
- 25.—133, 139, 139, passed,
- 19.—133, 133, 140, passed.
- 17.—180, 180, 195, passed, (substitute passed 223.)
- 23.—180, 180, passed 188.
- 20.—183, 183, passed 201.
- 21.—192, 193, 202, passed.
- 29.—201, 201, 211, passed.
- 31.—210, 210, 210, passed.
- 30.—210, 210, 211, passed.
- 33.—216, 216, 216, passed.
- 27.—223, 224, 224, passed.
- 35.—224, 224, 224, passed.
- 32.—224, 225, 225, passed.
- 38.—225, 225, 226, passed.

COUNCIL BILLS, FIRST, SECOND AND THIRD READING OF,

- 28.—226, 226.
 34.—227, 239, passed 245. 246.
 36.—236, rejected 236.
 37.—236, 236, 236, passed.
 20.—236, 237, 237, passed
 40.—237, 237, 237, passed.
 28.—238, 238, 238, passed.
 39.—244, 244, 244, passed.
 21.—245, 245, 245, passed.
 41.—248, 249, 249, passed.
 42.—249, 249, 249, passed.
 44.—250, 250, 250, passed.

COUNCIL, COMMUNICATIONS FROM

- relative to organization of, 7.
 relative to committee on joint rules, 7.
 requesting House to specify time of meeting in joint convention, 9.
 relative to joint committees to wait on Governor, 11.
 relative to joint committee on codes, 46.
 relative to joint convention, 51.
 announcing passage of house file No. 3.—51.
 announcing passage of council bill No. 4.—60,
 announcing passage of house files Nos. 1 and 4, and council bills Nos. 1, 5 and 6.—67.
 announcing passage of house file No. 6.—74.
 announcing passage of council bills Nos. 2, 3 and 8, and house files Nos. 2 and 5, also relative to joint caucus, 84.
 announcing passage of council bills Nos. 7, 9, 11 and 12.—87.
 relative to G. C. Moody and the Big Sioux bridge, 92, 93.
 announcing passage of council bill No. 10.—95.
 disagreeing to house amendments to council bill No. 3.—98.
 announcing passage of house file No. 19 and council bills Nos. 14 and 18.—112.
 announcing passage of council bill No. 15, and house file No. 11.—115.
 announcing passage of council bill No. 19.—127.
 announcing passage of council bills Nos. 16 and 25.—131.
 relative to council bill No. 3.—132.
 announcing passage of house file No. 16 and asking explanation of house file No. 22.—138.
 announcing appointment of joint committee on council bill No. 3.—146.
 announcing concurrence of Council in House amendments to council bill No. 18 and passage of house file No. 10, and council bills Nos. 17 and 23.—177.

COUNCIL, COMMUNICATIONS FROM.

- announcing passage of substitute council bill No. 3 and house files Nos. 17, 31, 23, 24 and 27,—179.
- announcing passage of council bill No. 20 and house file No. 26—183.
- announcing passage of council bill No. 21.—190.
- announcing passage of council bill No. 29 and house file No. 31 and concurrence in council bill No. 10.—196.
- announcing passage of council bill No. 31 and house files Nos. 30, 25, 32 and 38, and concurrence in house amendment to council bill No. 10; also, refused to concur in house amendment to council bill No. 17.—205.
- announcing passage of council bill No. 33 and house file No. 41.—215.
- announcing passage of house files Nos. 37, 33, 28, 46, 45, 47, 27 and council bills Nos. 34, 35 and 27, and requesting conference committee on council bills Nos. 20 and 21.—221.
- announcing passage of council bills Nos. 32, 17 (substitute) and house file No. 7.—222.
- announcing passage of council bills Nos. 38 and 28.—225.
- announcing passage of council bills Nos. 36 and 37 and house files Nos. 39 and 40; also, council bills Nos. 20 and 40.—230.
- announcing passage of council bill No. 21 and house file No. 48.—239.
- announcing passage of house files Nos. 50 and 43 and council bill No. 39.—240.
- announcing passage of council bills Nos. 41 and 42.—247.
- announcing passage of Council bill No. 44—250.
- requesting information relative to council bill No. 34.—252.
- announcing appointment of joint committee to wait upon Governor relative to adjournment, requesting House to fix hour of adjourning *sine die*.—254.

COUNCIL BILLS REFERRED.

- Council bill No. 4, to towns and counties, 62.
- 1, to federal relations, 67.
- 5, to federal relations, 68.
- 3, to select committee, 86.
- 8, to federal relations, 86.
- 11, to highways, bridges and ferries, 90.
- 2, to agriculture, 90.
- 18, to judiciary, 113.
- 10, to judiciary, 114.
- 15, to public lands, 115.
- 14, to towns and counties, 121.

COUNCIL BILLS REFERRED.

- 7, to judiciary, 122.
- 16, to federal relations, 133.
- 19, to towns and counties, 133.
- 17, to towns and counties, 180.
- 20, to education, 183.
- 21, to judiciary, 193.
- 29, to judiciary, 201
- 28, to ways and means, 226.

CURRY, MICHAEL.

- took oath of office, 4.
- nominations made by, 4.
- motions made by, 49, 56, 72, 116, 130, 172, 173, 196, 210, 214.
- introduced bills, 85.
- submitted reports, 176, 204.
- gave notice of bills, 71.

EDMUNDS, NEWTON, GOVERNOR, MESSAGES FROM.

- (in joint convention) annual message delivered, 13.
- announcing approval of act requiring justices of peace and constables to qualify and give bonds, 134.
- announcing approval of an act locating a Territorial road in Union county; also, an act relative to the commissioners and probate judge of Todd county; also, an act regulating the admission of attorneys; also, an act to locate and establish a territorial road from the Missouri river by way of Elk Point and Brule Creek to the north line of Union county; also, an act to provide for the printing and distribution of the laws and journals, 226.
- announcing disapproval of an act to release Georgeanna H. Young from the bonds of matrimony, 234.
- announcing approval of an act to amend chapter thirty-seven, laws of 1862; also, an act to prohibit sheep and swine from running at large; also, a bill to confer the rights of citizenship on Antoine Roy and Lewis Roy; also, an act to establish a fence law; also, an act to provide for the appointment of road supervisors and to prescribe the duties of the same; also, An act to locate a Territorial road in Clay and Union counties; also, 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, 240.
- announcing approval of A bill to regulate ferries in the organized counties of the Territory of Dakota, 248.
- announcing approval of A bill to authorize and direct the Territorial auditor to issue Territorial warrants to certain

EDMUNDS NEWTON, GOVERNOR, MESSAGES FROM.

officers ; also, An act to locate and establish a Territorial road from Yankton via Smutty Bear Bottom, Bon Homme Yankton reservation and Fort Raudall, 251.

EDUCATION, BOARD OF.

communication from, 100.
report ordered printed, 107.
report made special order, 200.

ENGLISH, A. M.

took oath of office, 4.
nominations made by, 5.
motions made by, 83, 94, 128, 173, 175, 212, 218, 222, 224, 225, 227, 229.
introduced bills, 78, 132.
submitted reports, 66, 111, 182, 190, 194, 255.
offered resolutions, 39, 172.
gave notice of bills, 71, 110.

FALKINGBERG, GEO.

elected sergeant-at-arms, 5.
took oath of office, 5.
received vote of thanks, 256.

FARGO, S. J.

took oath of office, 4.
motions made by, 48, 79, 89, 111, 141, 195, 200, 217, 233, 235, 249, 250.
gave notice of bills, 53, 71.
offered resolutions, 66, 82, 172, 216, 242.
introduced bills, 60, 78, 81.
submitted reports, 70, 120, 175, 215, 243, 255.

FOSTER, GEO. I.

called house to order, 3.
elected chief clerk, 4.
took oath of office, 5.
received vote of thanks, 256.

GLEESON, W. E.

invited to address house, 45.
communication from, 47.
delivered address, 63.

HAMPTON, A. H.

took oath of office, 4.
nominations made by, 4.

HAMPTON, A. H.

motions made by, 39, 53, 64, 75, 80, 173, 179, 191, 197, 206, 213,
222, 244, 256.
introduced bills,
submitted reports, 109, 112.
offered resolutions, 133.

HARD, GEO. H.

(in joint convention) read Governor's message.

HOUSE FILES REFERRED.

house file No. 1, to select committee, 45.
2, to military affairs, 49.
4, to federal relations, 55.
7, to select committee, 68,
recommitted, 143.
8, to judiciary, 68.
9, to ways and means, 69.
10, to select committee, 69, 92.
12, to select committee, 73.
11, to select committee, 79.
13, 79.
communication of judges, to elections, 80.
14, to public buildings, 83.
15, to select committee, 83.
17, 91.
20, to judiciary, 99.
23, to federal relations, 114.
21, to ways and means, 122, 180.
29, to federal relations, 132.
25, to select committee, 141.
27, to highways, bridges and ferries, 141.
30, to select committee, 172.
31, to federal relations, 181.
32, to highways, bridges and ferries, 181.
34, to judiciary, 181.
33, to highways, bridges and ferries, 193.
35, to federal relations, 193.
36, to select committee, 193.
40, 196, 204.

HOYT, REV. M.

elected chaplain, 10.
received vote of thanks, 256.
granted leave of absence, 65, 139.

INTRODUCTION AND FIRST READING OF HOUSE FILES AND MEMORIALS.

- house file No. 1, a memorial to the Secretary of War for the establishment of a military post at the north base of the Black Hills, 41.
- No. 2, a memorial to the Secretary of War praying that the headquarters of this military district be established at Yankton, or at Fort Randall, D. T., 43.
- No. 3, joint resolution relative to S. L. Spink, 44.
- No. 4, a memorial for the establishment of a mail route from Fort Randall to Fort Sully, D. T., 48.
- No. 5, a memorial and joint resolution relative to the appointment of an Indian Agent, 58.
- No. 6, a memorial to Congress for a mail route from Fort Sully, D. T., to Virginia city, Montana, 58.
- No. 7, an act to restrain swine from running at large, 60.
- No. 8, a bill to levy a tax on all stock of non residents within the limits of any organized county of this Territory, 60.
- No. 9, a bill for the classification of the laws of Dakota Territory, 61.
- No. 10, an act to amend section 7 of chapter 37 of the laws of 1862, 61.
- No. 11, an act relative to county officers, 65.
- No. 12, a bill for an act to create and establish a fence law, and the mode of choosing fence viewers, and their duties defined, 65.
- No. 13, a bill to levy a tax on all non-residents herding and grazing stock within the limits of any organized county of this Territory, 71.
- No. 14, a memorial to Congress asking an appropriation for the erection of a capitol building, 78.
- No. 15, a bill to increase the revenue for school purposes, 78.
- No. 16, an act prohibiting the harboring of Indians in Union, Clay and Yankton counties, 78.
- No. 19, a memorial to Congress asking for the establishment of a mail route from Sioux Falls to Ponca, Nebraska, 85.
- No. 20, a bill regulating the admission of Attorneys, 88.
- No. 21, a bill regulating the printing and distribution of the laws and journals, 110.

INTRODUCTION AND FIRST READING OF HOUSE FILES AND MEMORIALS.

- house file No. 22, joint resolution relative to President Johnson, 110.
- No. 23, a memorial to the Senate of the U. S., 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, 113.
- 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, 120.
- No. 25, a memorial to the Secretary of War, Generals Pope and Sully, asking for the erection of a military post on the Niobrara river, at or near Pine creek on the Sawyer route, 120.
- No. 26, an act locating a territorial road in Union county, 128.
- No. 27, a bill to regulate ferries in the organized counties of Dakota Territory, 128.
- No. 28, a bill to incorporate the Big Chyenne river bridge and ferry company, 132.
- No. 29, a memorial to the Post Master General requesting service on mail route No. 15,562,—132.
- No. 30, a bill for an act providing bounties for wolf scalps, 138.
- No. 31, a memorial to Congress for an appropriation to codify the laws of Dakota Territory, 172.
- No. 32, an act to locate and establish a territorial road from the Missouri river by way of Elk Point and Brule creek to the north line of Union county, 172.
- No. 33, an act to provide for the appointment of a board of supervisors and to prescribe the duties of the same, 176.
- No. 34, an act to amend chapter 71 of the laws of 1862, 176.
- No. 35, a memorial to Congress asking for the extension of the southern boundaries of the Territory of Dakota, 176.
- No. 36, an act to annex the counties of Charles Mix, Gregory and Buffalo to Bon Homme county for judicial purposes, and providing for the annexing of the military reservation of Fort Randall to Todd county for judicial purposes, and providing a term of court for said Todd county, and for other purposes, 176.

INTRODUCTION AND FIRST READING OF HOUSE FILES AND MEMORIALS.

- house file No. 37, a bill to incorporate the Black Hills mining exploring, manufacturing and transportation company, 185.
- No. 38, an act relative to the commissioners and probate judge of Todd county, 186,
- No. 39, an act to confer the right of citizenship on certain persons therein named, 186.
- 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 Big Sioux and Chyenne wagon road, 196.
- No. 41, an act to locate a territorial road in Clay and Union counties, 200.
- No. 42, a bill for an act changing the boundary lines of Yankton and Bon Homme counties, 208.
- No. 43, an act to locate and establish a territorial road from Yankton, via Smutty Bear bottom, Bon Homme, Yankton reservation and Fort Randall, 208.
- No. 44, an act to legalize the acts of the officers of Bon Homme county, 209.
- 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, 209.
- No. 46, a bill to confer the rights of citizenship on Antoine Roy and Lewis Roy, 212.
- No. 47, a memorial for the establishment of a mail route from Choteau post office to Ponca Agency, 215.
- No. 48, a bill to annex S. A. Bentley and John Andrews to the county of Bon Homme for election and judicial purposes, 232.
- No. 49, an act to confer the rights of citizenship on Robert Holery of Bon Homme county, 232.
- No. 50, a bill to authorize and direct the auditor to issue warrants to certain officers, 233.

JOINT RULES. SEE RULES.

KELLOGG, GEO. W.

took oath of office, 6.

nominations made by, 7.

KELLOGG, GEO. W.

motions made by, 32, 39, 44, 49, 51, 58, 74, 83, 86, 90, 93, 113,
 114, 115, 116, 123, 125, 126, 129, 130, 142, 172, 174, 180,
 182, 187, 190, 192, 195, 201, 202, 204, 206, 222, 223, 224,
 225, 227, 228, 229, 234, 255.
 introduced bills, 65, 176, 186, 196.
 submitted reports, 41, 95, 109, 119, 137, 178, 184, 195, 198, 208,
 235, 245, 255.
 offered resolutions, 63.
 gave notice of bills, 48.

KESSLER, S. M.

elected messenger, 5.
 took oath of office, 5.
 received vote of thanks, 256.

LEGISLATIVE ASSEMBLY, WHEN BEGUN, 3.**LENT, W. E.**

took oath of office, 41.
 appointed member of committee on enrollment, 89.
 excused from attendance, 97.
 submitted reports, 207, 214, 231, 241, 247, 249, 251, 254.

LEWIS, J. A.

took oath of office, 4.
 submitted reports, 11, 57, 70, 92, 125, 134, 136, 178, 185, 195,
 198, 199, 206.
 excused from attendance, 54, 187.
 motions made by, 78, 145, 247.
 gave notice of bills.—123.
 introduced bills, 123, 132, 186.

MCCARTHY, C. H.

took oath of office, 4.
 nominations made by, 5.
 motions made by, 6, 27, 29, 43, 45, 53, 58, 63, 64, 77, 79, 84, 86,
 96, 114, 137, 139, 180, 186, 192, 193, 200, 212, 252, 253.
 introduced bills, 61, 110, 120, 172, 176, 212.
 submitted reports, 47, 49, 81, 88, 96, 110, 131, 143, 199.
 offered resolutions, 45, 82, 83.
 gave notice of bills, 43, 66, 77, 78.
 called to chair, 50.
 excused from attendance, 72, 216, 217, 250.

McHENRY, JAMES.

took oath of office, 4.
 motions made by, 72, 80, 95, 234.

McHENRY, JAMES.

offered resolutions, 43, 82.
 submitted reports, 60.
 excused from attendance, 89, 172, 210.
 presented petitions, 95.

MOODY, G. C.

communication from, 119.
 delivered report, 218.

ORGANIZATION OF HOUSE, 4.**REYNOLDS, J. G.**

elected assistant clerk, 4.
 took oath of office, 5.
 received vote of thanks, 256.

RONNE, K. P.

elected fireman, 7.
 took oath of office, 8.
 resigned, 23.

RULES.

adopted temporarily, 5.
 joint rules, 29.
 standing rules of house, 31, 32.

RYAN, MICHAEL.

took oath of office, 4.
 gave notice of bills, 57.
 introduced bills, 61, 176.
 motions made by, 69, 97.
 submitted reports, 81.
 excused from attendance, 172.

RESOLUTIONS INTRODUCED.

chief clerk to inform Council of permanent organization, 8.
 appointment of committee on joint rules, 8.
 appointment of committee on house rules, 8.
 appointment of joint committee to wait upon Governor, 8.
 clerk to inform Council of time of joint convention, 9.
 ordering 1000 copies Governor's message printed, 27.
 tendering use of hall to Ladies Educational Society, 39.
 for a committee to draft general ferry law, 44.
 relative to Hon. W. W. Brookings, 44.
 inviting Judge Gleeson to address house, 45.
 appointment of committee to prepare a bill to prohibit the
 harboring of Indians within the organized counties, 48.
 inviting Council to seats in hall of House to hear address of
 Hon. W. E. Gleeson, 63.

RESOLUTIONS INTRODUCED.

- requesting opinion of Supreme court as to legality of the passage of bill or resolution not actually in possession of house, 65.
- tendering use of hall to Dakota Historical Society, 66.
- inviting Hon. S. L. Spink to address House, &c., 71.
- instructing committee on ways and means to report certain bills, 78.
- empowering committee on elections to send for witnesses, 82.
- requesting board of education to make report, 82.
- endorsing the policy of Andrew Johnson, 82, 83.
- requesting Judge Gleeson to furnish copy of address, 83.
- inviting Judge Kidder to address House. 89.
- tendering use of hall to Ladies Educational Aid Society, 111.
- relative to seat occupied by James McHenry, 113.
- postponing all contests for seats, 120.
- appointing conference committee on council bill No. 3.—133.
- inviting Judge Bartlett to address House, 133.
- requesting Judge Gleeson to reside in his district 139, 173.
- ordering 5000 copies agricultural, &c., report printed, 172.
- tendering use of hall to Mr. Hinman, 172.
- instructing committee on elections, 220.
- censuring George P. Waldron, 242.
- endorsing the action of the Speaker in attesting council bill No. 34.—255.
- tendering thanks to officers, 256.

SECRETARY OF THE TERRITORY, (SEE SPINK, S. L.)

SECOND AND THIRD READING OF HOUSE FILES.

- house file No. 3,—44, passed.
 - 1.—45, 49, passed, council amendment concurred in, 67.
 - 2,—49, 56, passed, council amendment concurred in, 92.
 - 4,—55, 58, passed.
 - 5,—62, 62, passed.
 - 6,—62, 63, passed.
 - 7,—68, recommitted, 115, laid on table, 173, made special order, 290, passed, 194.
 - 8,—68, laid on table, 73, indefinitely postponed, 212.
 - 9,—69.
 - 10,—69, ordered engrossed, 86, recommitted, 92, recommitted, 99, passed 124, laid on table, 179, council amendments concurred in, 205.

SECOND AND THIRD READING OF HOUSE FILES.

- house file No. 12.—73, made special order, 115, recommitted, 125, indefinitely postponed, 196.
- 11.—79, 85, passed, council amendments concurred in, 116.
- 13.—79, ordered engrossed, 85, passed, 99.
- 14.—83, indefinitely postponed, 92.
- 15.—83, made special order, 114, passed 174.
- 16.—84, 125, passed.
- 17.—91, 144, passed.
- 19.—91, 91, passed.
- 20.—99, 114, passed.
- 23.—114, 142, passed.
- 21.—122, 129, passed council amendments concurred in, 189.
- 22.—123, 123, passed.
- 18.—indefinitely postponed 126.
- 29.—132, 143, passed.
- 24.—140, 140, passed.
- 25.—141, 181, passed.
- 26.—141, 141, passed, council amendment concurred in, 187.
- 27.—141, ordered engrossed 183, passed 204.
- 28.—142, 142, passed, council amendments concurred in, 222.
- 30.—172, 182, rejected.
- 31.—181, 189, passed, council amendments concurred in, 197.
- 32.—181, 188, passed.
- 34.—181, 188, passed.
- 37.—186, 186, passed, council amendments concurred in, 222.
- 38.—186, 186, passed.
- 33.—193, 203, passed, council amendments concurred in, 222.
- 35.—193, 203, rejected.
- 36.—193, indefinitely postponed, 203.
- 40.—196, amended 211, passed 212.
- 41.—200, 200, passed.
- 39.—202, 202, passed.
- 42.—208, indefinitely postponed 208.
- 43.—208, 208, passed, council amendments concurred in 244.
- 44.—209, 209, passed.
- 45.—209, 209, passed.
- 46.—212, 212, passed.
- 47.—215, 216, passed.

SECOND AND THIRD READING OF HOUSE FILES.

- house file No. 48.—232, 232, passed.
 49.—232, 233, passed.
 50.—233, 233, passed.

SELECT COMMITTEES, REPORTS OF,

- when Governor will communicate with joint convention, 9.
 (in joint convention) when Governor will communicate 13.
 submitting joint rules, 29.
 submitting standing rules, 29.
 of the whole on Governor's message, 41.
 on house file No. 1.—47.
 on resolution relative to W. W. Brookings, 60.
 relative to harboring Indians, &c., 77.
 on house file No. 11.—81.
 13.—81.
 10.—81.
 on council bill No. 3.—88.
 on house file No. 10.—96.
 7.—109, 171.
 15.—199.
 on resolution relative to policy of Andrew Johnson, 109.
 on house file No. 16.—110.
 on house file No. 12.—112.
 joint committee on G. C. Moody, 119.
 on petition of W. E. Root, 120.
 on house file No. 17.—137.
 on house file No. 7.—137.
 on mineral and agricultural resources, 146.
 on house file No. 25.—175.
 on house file No. 30.—176.
 conference on council bill No. 3.—178.
 on council bill No. 23.—185.
 on house file No. 12.—195.
 on council bill No. 20.—198.
 on house file No. 36.—199.
 on house file No. 40.—204, 208.
 conference, on council bill No. 17.—215.
 20.—232.
 21.—235.
 select, majority on council bill No. 34.—242.
 select, on petition of W. E. Root. 243.
 select, minority on council bill No. 34.—245.
 joint, to wait upon the Governor relative to adjournment, 254.
 select, to wait upon Council relative to adjournment, 255.

SPINK, S. L., SECRETARY OF TERRITORY.

- communication from, 10.
- joint resolution relative to, 44.
- request made of, 45.
- invited to address house, 72, 82.

STANDING COMMITTEES. REPORTS OF.

- military affairs on house file No. 2.—53.
- federal relations on house file No. 4.—57.
- enrollment on house file No. 3.—62.
- towns and counties on council bill No. 4.—64.
- engrossment on house file No. 1.—70.
- judiciary on house file No. 8.—70.
- federal relations on council bill No. 1.—70.
- federal relations on council bill No. 5.—70, 71.
- enrollment on house file No. 4—72.
- judiciary on council bill No. 6.—77.
- ways and means on house file No. 9.—77.
- enrollment on house files Nos. 1 and 6.—80.
- public buildings on house file No. 14—88.
- engrossment on house file No. 10—88.
- enrollment on house file No. 5.—89.
- highways, bridges and ferries on council bill No. 11.—95.
- agriculture on council bill No. 2.—96.
- engrossment on house file No. 13.—96.
- enrollment on house file No. 2.—97.
- judiciary on house file No. 20.—109.
- judiciary on council bill No. 18—118.
- elections on house file No. 18—118.
- ways and means on house file No. 10—118.
- public lands on council bill No. 15—121.
- enrollment on house files Nos. 11 and 19.—124.
- ways and means on house file No. 21.—127.
- towns and counties on council bill No. 41.—127.
- majority judiciary on council bill No. 7.—131.
- minority judiciary on council bill No. 7.—131.
- enrollment on house file No. 11.—132.
- federal relations on house files Nos. 23 and 29.—136.
- towns and counties on council bill No. 19.—137.
- engrossment on house file No. 22.—143.
- federal relations on council bill No. 16.—178.
- highways, bridges and ferries on house file No. 27.—178.
- highways, bridges and ferries on house file No. 32.—184.
- judiciary on house file No. 34 and council bill No. 10.—184.
- federal relations on house file No. 31.—285.
- ways and means on house file No. 21.—185.
- education on council bill No. 20.—189.
- enrollment on house file No. 23—193.

STANDING COMMITTEES, REPORTS OF.

towns and counties on council bill No. 17.—194.
 highways, bridges and ferries on house file No. 33.—198.
 federal relations on house file No. 35.—198.
 judiciary on council bill No. 21.—198.
 engrossment on house file No. 29.—199.
 enrollment on house files Nos. 16, 17, 20, 21, 24, and 29.—199.
 federal relations on council bill No. 8.—206.
 enrollment on house files Nos. 16, 17, 20, and 21.—207.
 enrollment on house files Nos. 26 and 31.—207.
 judiciary on council bill No. 29.—207.
 enrollment on house files Nos. 38 and 32.—213.
 enrollment on house files Nos. 26, 10 and 25.—214.
 enrollment on house file No. 41.—218.
 enrollment on house file No. 7 —231.
 enrollment on house file No. 10.—231.
 enrollment on house files Nos. 27, 28, 46, 45 and 47.—231.
 ways and means on council bill No. 28.—231.
 enrollment on house files Nos. 41 and 45.—237.
 enrollment on house files Nos. 39, 40, 37, 48, 7, 27, 28, 33, 46.—
 241,
 enrollment on house files Nos. 37, 48, 39 and 40.—247.
 enrollment on house files Nos. 50 and 43.—251.

STEVENS, WM.

took oath of office, 4.
 nominations made by, 4.
 motions made by, 192, 217, 250, 253.
 excused from attendance, 72, 97, 187, 216.

STUTSMAN ENOS, (IN JOINT CONVENTION.)

motions made by, 12.

SUPREME COURT.

communication from judges of, 75, 76.

TAYLOR, FRANKLIN.

took oath of office, 4.
 nominations made by, 7, 28.
 motions made by, 89.
 introduced bills, 113.
 submitted reports, 62, 72, 80, 121, 124, 126, 132, 193, 199, 207,
 214, 230, 241.
 excused from attendance, 58, 172.

WATSON, THOS. C.

took oath of office, 4.
 offered resolutions, 48.

WATSON, THOS. C.

excused from serving on committee of enrollment, 49.
motions made by, 53.
submitted reports, 64, 77, 127, 137, 194.
introduced bills, 78, 172, 200.
gave notice of bills, 138.

WALTER, WM.

took oath of office, 4.
motions made by, 174, 196.
submitted reports, 255.

WHITEHORN.

took oath of office, 4.
gave notice of bill, 48.
motions made by, 54, 95, 130, 173,
introduced bills, 65.
submitted reports, 96.
excused from attendance, 250.

YANKTON LADIES EDUCATIONAL AID SOCIETY.

communication from, 61.
use of hall tendered to, 39.
use of hall tendered to, 111.