

# COUNCIL JOURNAL

-OF THE-

SIXTH SESSION

-OF THE-

LEGISLATIVE ASSEMBLY

-OF THE-

OF

DAKOTA,

BEGUN AND HELD AT YANKTON, THE CAPITAL OF SAID  
TERRITORY, ON MONDAY, DECEMBER 3rd, A. D. 1866,  
AND CONCLUDED JANUARY 11th, A. D. 1867.

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YANKTON, DAKOTA TERRITORY,  
GEO. W. KINGSBURY, PUBLIC PRINTER, UNION AND DAKOTAIAN OFFICE.  
1867.

# **Council Journal.**

# COUNCIL JOURNAL.

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## FIRST DAY.

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YANKTON, DAKOTA TERRITORY, }  
COUNCIL CHAMBER, }  
Monday; December 3rd, 1866.

This being the day fixed by law for the convening of the sixth regular session of the legislative assembly of the territory of Dakota, the members elect of the council of said assembly convened in the council chamber of the capital at Yankton, at 12 o'clock, meridian, and were called to order by the Hon. S. L. Spink, secretary of the territory.

The following are the members elect:

*First District*—Messrs. Charles LaBreeche, O. F. Stevens and D. M. Mills.—Present.

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

*Third District*—Messrs. M. K. Armstrong, G. W. Kingsbury, A. VanOsdel and A. G. Fuller.—Present.

*Fourth District*—Mr. Austin Cole.—Not present.

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

*Sixth District*—Mr. J. A. Lewis.—Present.

Messrs. Fuller, Lewis and Mills having been elected to fill vacancies, presented themselves, and the proper oath was ad-

ministered to them, by his Honor, Ara Bartlett, chief justice of the territory.

On motion of Mr. Lewis,  
Mr. Ross was elected president *pro tem*.  
On motion of Mr. VanOsdel,  
Mr. Kingsbury was elected secretary *pro tem*.

On motion of Mr. Armstrong,  
The council proceeded to a permanent organization:  
Mr. VanOsdel nominated Mr. Armstrong permanent president.

There being no other nomination,  
The roll being called, resulted as follows:  
Armstrong 11, being all the votes cast.  
Those voting for Mr. Armstrong, were  
Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel and Weeks.

Mr. Turner moved a committee of two be appointed to escort the president elect, to the chair.

The motion was adopted.

The president *pro tem*, appointed Messrs. Turner and VanOsdel, said committee.

Mr. Armstrong, on taking the chair as permanent president, made the following remarks:

GENTLEMEN OF THE COUNCIL:

It is proper that I should express to you my thanks, for so unanimously appointing me to preside over the deliberations of this branch of the legislative assembly.

I accept it, gentlemen, as an honor unsought and uncovered on my own part, fully realizing the many difficulties and embarrassments that will beset me in the discharge of the delicate and responsible duties of the office.

Relying upon your hearty co-operations and unprejudiced judgment, and hoping that our deliberations may be conducted with harmony and fairness in all matters, local and political, for the public good, I am now ready to proceed with you to the transaction of the business of the council.

Judge Bartlett then administered the proper oath to the president.

On motion of Mr. VanOsdel,

B. M. Smith was nominated as permanent secretary of the council.

No other nomination being made, and a vote being taken, resulted as follows :

Whole number of votes, 12.

Those who voted for Mr. Smith, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

Mr. Smith was declared duly elected, took the proper oath, and entered upon the duties of his office.

On motion of Mr. Lewis,

Mr. Henry Brooks was nominated assistant secretary.

Mr. Brooks having received the vote of all the members present, was declared duly elected assistant secretary, and taking the proper oath of office, entered upon his duties.

On motion of Mr. Fuller,

The council proceeded to the election of sergeant-at-arms, messenger and fireman, *pro tem*.

Mr. Fuller nominated Mr. Geo. W. Smith sergeant-at-arms.

Mr. Turner nominated Mr. Thomas Weeks.

The vote being taken, resulted as follows :

Mr. Smith received 8 votes and Mr. Weeks 4.

Those voting for Mr. Smith, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Stevens, Thompson and Mr. President.

Those voting for Mr. Weeks, were

Messrs. Ross, Turner, VanOsdel and Weeks.

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

The council then proceeded to the election of fireman.

Mr. Turner nominated Mr. Michael McGue.

Mr. Stevens nominated Mr. Patrick Brown.

The vote being taken resulted as follows :

Those voting for Mr. McGue, were

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

Those voting for Mr. Brown, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Stevens and Mr. President.

Whole number votes cast, 12.

Necessary to a choice, 7.

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

The council then proceeded to the election of messenger.

Mr. Fuller nominated Mr. McGue.

There being no other nomination made, a vote was taken, and resulted as follows :

Those voting for Mr. McGue, were

Messrs. La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

Whole number of votes cast, were 10.

Mr. McGue having received all the votes cast, was declared duly elected messenger.

The house then proceeded to the election of chaplain.

Mr. Turner nominated the Rev. M. Hoyt.

No other nomination being made, the vote being taken, resulted as follows :

Those voting for Mr. Hoyt, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

Mr. Hoyt having received all the votes cast, was declared duly elected chaplain for the council.

The oath of office was then administered by the president of the council to the sergeant-at-arms, fireman, and messenger.

Mr. Stevens then offered the following resolution, which was carried :

*Resolved*, That the rules of the last session be adopted for the temporary government of the council, until otherwise directed.

Mr. Kingsbury then offered the following resolution, which was carried :

*Resolved*, That the secretary of the council be instructed to inform the house that the council is now organized by the election of the following officers, and ready to proceed to business :

*President*—M. K. Armstrong.

*Secretary*—B. M. Smith.

*Assistant Secretary*—Henry Brooks.

*Sergeant-at-arms*—Geo. W. Smith, *pro tem*.

*Fireman*—Patrick Brown, *pro tem*.

*Messenger*—Michael McGue, *pro tem*.

*Chaplain*—Rev. M. Hoyt.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Monday, December 3d, 1866. }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house is permanently organized, by the election of the following officers, to wit :

J. B. S. Todd—*Speaker*.

F. Wixson—*Chief Clerk*.

D. P. Mowrer—*Assistant Clerk*.

John Stanage—*Sergeant-at-arms*.

Christian Lewison—*Messenger*.

Geo. Rounds—*Fireman*.

C. W. Batcheller—*Chaplain*.

F. WIXSON,  
*Chief Clerk*.

Mr. Turner offered the following resolution, which was carried :

*Resolved*, That a committee of two be appointed by the chair to wait upon his excellency, the governor, in conjunction with a like committee of the house, to inform him that the two houses were now permanently organized, and ascertain at what time he will be ready to communicate with the two houses in joint convention.

The chair appointed Messrs. Turner and Kingsbury said committee.

Mr. Kingsbury offered the following resolution, which was carried:

*Resolved*, That a committee of three be appointed by the president to draft rules for the government of the council.

The president appointed Messrs. Kingsbury, Stevens and Ross, said committee.

On motion of Mr. Turner,

The secretary of the council was directed to inform the house that a committee of two has been appointed to act with a like committee on the part of the house, to wait upon his excellency, the governor, and inform him that the two houses were now permanently organized and ready to receive any communication he may be pleased to make.

Mr. Kingsbury offered the following resolution, which was carried:

*Resolved*, That a committee of two be appointed by the chair to inform the house that this body will be ready to meet them in joint convention to hear any communication the governor may have to make, at any time the house may choose to designate.

The chair appointed Messrs. Kingsbury and Mills, said committee.

Mr. Kingsbury offered the following additional resolution, which was carried:

*Resolved*, That a committee of three be appointed by the chair to act in conjunction with a like committee on the part of the house, to draft rules for the government of this legislative assembly.

The chair appointed Messrs. Kingsbury, Thompson and Mills, said committee.

Mr. Fuller offered the following resolution, which was adopted:



*Resolved*, That, whereas, the Hon. Austin Cole, a member of this council from Bon Homme county, is prevented from attending the meetings of this body by reason of bodily injuries, that he be excused from such attendance for one week.

On motion of Mr. VanOsdel,  
The council adjourned to meet to-morrow, at 11 o'clock,  
A. M.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary,*

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## SECOND DAY.

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COUNCIL CHAMBER, }  
Tuesday, December 4th, 1866. }

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

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names:

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Weeks.

Journal of the 3d instant, read and approved.

On-motion of Mr. Turner,

The offices of fireman, messenger and sergeant-at-arms were elected as permanent officers of the council.

The committee on rules made the following report:

MR. PRESIDENT:

Your special committee appointed to draft rules for the government of the council, beg leave to report the accompanying draft, which with the exception of adding five standing committees to the list adopted at our former session, remain the same as those under which the council has heretofore been governed.

The new committees recommended by your committee are as follows:

Mines and minerals.

Enrolled bills.

Internal improvements.

Manufactures.

Public lands.

GEORGE W. KINGSBURY, *Ch'n.*

O. F. STEVENS,

N. V. ROSS.

On motion of Mr. Turner,

The rules were re-committed with instructions to strike out all that portion which permits the exercise of the motion for the previous question.

Mr. Mills offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the chair to wait upon the secretary of the territory and request him to cause the American Flag to wave over the capital during the session of the legislature now convened.

Mr. Fuller gave notice that on to-morrow, or some subsequent day, he would introduce a bill to incorporate the town of Yankton.

Mr. Van Osdel offered the following resolution, which was carried :

*Resolved*, That the use of this chamber every sabbath, during the present session, be tendered to ministers of the gospel, of all denominations, for the purpose of holding divine worship.

On motion of Mr. Turner, .

The use of the council hall was tendered for the use of the Historical society, this evening.

Mr. Lewis offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed by the president to wait upon the Hon. secretary of the territory, and ascertain what arrangements have been made for the payment of the postage, and the number of copies of newspapers he will furnish to each member during the session.

Messrs. Lewis, Ross and Stevens, were appointed said committee.

The following messages were received from the house :

HOUSE OF REPRESENTATIVES, }  
Monday, December 3rd, 1866. }

MR. PRESIDENT.—I am instructed to inform the honorable council that the house has appointed Messrs. Bramble, Wixson and Austin, to act with a like committee, on the part of the council, to report on the subject of joint resolutions.

F. WIXSON,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
Monday, December 3rd, 1866. }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house have passed the following resolution :

*Resolved*, That the chief clerk be instructed to inform the council that the house will meet that body in joint convention, to-morrow, at 2 o'clock, 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.

F. WIXSON,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
Yankton, December 3rd, 1866. }

MR. PRESIDENT.—I am instructed to inform the honorable council that the house has appointed Messrs. Ash, Gray and Fraley, to act with a like committee on the part of the council, to wait on his excellency, the governor, and inform him that the council and house of representatives are permanently organized, and that they are now ready to receive any communication he may have to make.

F. WIXSON,  
*Chief Clerk.*

The president then announced the following as the regular standing committees :

STANDING COMMITTEES OF THE COUNCIL.

- Judiciary.*—Messrs. Turner, Stevens and Kingsbury.  
*Elections.*—Messrs. Stevens, Fuller and Cole.  
*Incorporations.*—Messrs. Fuller, Ross and Thompson.  
*Finance.*—Messrs. Mills, Ross and Lewis.  
*Federal Relations.*—Messrs. Kingsbury, Stevens and Ross.  
*Military Affairs.*—Messrs. Thompson, Mills and Weeks.  
*Indian Affairs.*—Messrs. Lewis, Kingsbury and Mills.  
*Manufactures.*—Messrs. Stevens, LaBreeche and Cole.  
*Public Buildings.*—Messrs. Kingsbury, Mills and Thompson.  
*Education.*—Messrs. Turner, Fuller and Lewis.  
*Expenditures.*—Messrs. Weeks, LaBreeche and Van Osdel.  
*Territorial Affairs.*—Messrs. Van Osdel, Weeks and Cole.  
*Mines and Minerals.*—Messrs. Ross, Mills and Kingsbury.  
*Public Printing.*—Messrs. Fuller, Ross and Lewis.  
*Agriculture.*—Messrs. LaBreeche, Weeks and Van Osdel.  
*Public Lands.*—Messrs. Cole, Fuller and Turner.  
*Internal Improvements.*—Messrs. Ross, LaBreeche and Thompson.  
*Counties.*—Messrs. Mills, Turner and Kingsbury.

*Highways, Bridges and Ferries.*—Messrs. Van Osdel, Weeks and LaBreeche.

*Enrolled Bills.*—Messrs. Lewis, Mills and Kingsbury.

*Engrossed Bills.*—Messrs. Fuller, Ross and Thompson.

The committee on rules made the following report :

MR. PRESIDENT.—Your special committee to whom was re-committed the rules of the council, with instructions to strike out all that portion which permits the exercise of the motion for the previous question, beg leave to report that they have performed that duty, and now report the said draft of rules to the council, with the recommendation that they be adopted.

GEORGE W. KINGSBURY, *Ch'n.*

O. F. STEVENS,

N. V. ROSS.

The following are the rules, as adopted :

RULES OF THE COUNCIL.

*Order of Daily Business.*

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

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

*Rules.*

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

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

3. Questions shall be put in this form, viz: "As many as are of the opinion that (as the case may be) say 'aye,'" and after the affirmative voice is expressed, "as many as are of the contrary opinion, say 'no.'" If the president doubt, or a division be called for, the council shall divide—those in the affirmative of the question shall rise from their seats, and afterwards those in the negative.

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

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

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

7. When a question is under debate, no motion shall be received but—1, to adjourn; 2, to lie on the table; 3, to postpone to a day certain; 4, to commit or amend; and, 5, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to day a certain, to commit, or to postpone indefinitely,

being decided, shall be allowed on the same day, and at the same stage of the bill or proposition.

8. A motion to adjourn, and to lay on the table, shall be decided without debate.

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

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

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

12. Upon the second reading of a bill or resolution, the president shall state it as ready for commitment or engrossment, and if committed, then the question shall be, whether to select or standing committee, or a committee of the whole. If to a committee of the whole, the council shall determine on what day. But if the bill be ordered to be engrossed, the council shall appoint the day when it shall be read the third time. No bill or resolution requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

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

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

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

16. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration on the same or the following day; but when a motion to reconsider shall be laid on the table, a motion to reconsider can not be again made.

17. Before acting on executive business, the council chamber shall be cleared, by direction of the president, of all persons except members; the secretary and sergeant-at-arms to be sworn.

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

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

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

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

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

23. On questions of sustaining the chair, when his decision is appealed to the council, the president cannot vote.

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



25. There shall be appointed by the chair the following standing committees :

Judiciary,	Counties,
Education,	Territorial Affairs,
Military Affairs,	Agriculture,
Incorporations,	Expenditures,
Finance,	Federal Relations,
Elections,	Public Printing,
Public Buildings;	Engrossed Bills,
Mines and Minerals,	Highways, Bridges and Ferries,
Indian Affairs,	Enrolled Bills,
Manufactures,	Internal Improvements,
Public Lands.	

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

Mr. Kingsbury introduced council file No. 1, a joint resolution relative to the confirmation of A. J. Faulk, which was Read first and second time, and

Laid upon the table for the purpose of its being referred to the proper committee, when the regular standing committees should be announced by the chair.

Mr. Kingsbury gave notice that on to-morrow or some future day of the session, he would introduce a bill to amend the election law of Dakota territory, and also,

A bill to provide for the protection of stock from contagious diseases.

Mr. Stevens offered the following resolution :

*Resolved.* That all the federal officials, members of the house of representatives, ex-federal officers, ex-delegate to congress, be and are hereby invited to seats within the bar of the council during the session of this legislature.

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

On motion of Mr. Van Osdel,

The council took a recess until 2 o'clock p. m., this day.

AFTER RECESS.

At the hour of 2 o'clock, p. m., the president resumed the chair, and

The council was called to order.

Members present, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Mr. President.

On motion of Mr. Fuller,

The council proceeded to the election of engrossing and enrolling clerk.

Mr. Fuller nominated Mr. Lucien Case,

No other nominations being made,

The vote being taken, resulted as follows:

Mr. Case received 9 votes, being all the votes cast.

Those voting for Mr. Case, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Weeks, and Mr. President.

The committee on joint rules made the following report.

MR. PRESIDENT.—Your special committee appointed to act in conjunction with a like committee on the part of the house, to draft rules for the government of the two houses when in joint convention, and to govern other matters wherein the two houses are legitimately interested, beg leave to report that they have conferred with the house joint committee, and have agreed to report the accompanying draft, and recommend their adoption:

GEORGE W. KINGSBURY, *Ch'n.*

JOHN J. THOMPSON,

D. M. MILLS.

The following are the joint rules reported, 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

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

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

mittee 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 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 be called upon to vote in the order in which they stand arranged.

Messrs. Turner and Kingsbury, appointed a special committee by the chair, made the following report :

MR. PRESIDENT:—Your committee appointed to act in conjunction with a like committee of the house, to inform the governor, that the two houses were permanently organized and ready to receive any communication he might be pleased to make, would respectfully report that they have performed the duty assigned them, and that his excellency was pleased to say that he would communicate with them, at any time the two houses should designate.

J. W. TURNER,

*Chairman.*

On motion of Mr. Stevens,

Council file No. 1 was taken from the table and referred to the committee of federal relations.

Mr. Kingsbury offered the following resolution :

*Resolved*, That in response to the house resolution transmitted to the council this morning, naming two o'clock this day, as the hour for meeting in joint convention to hear the communication of his excellency, the governor, the council do concur with the action of the house and recommend that three o'clock, P. M. be substituted for the hour named in said resolution.

The resolution was adopted.

Mr. Kingsbury moved a committee of two be appointed by the chair, to notify the house of the adoption of the above resolution. Carried.

Messrs. Kingsbury and Turner were appointed said committee, and retired in the discharge of their duty. After a brief absence, they returned, and made the following report :

MR. PRESIDENT.—Your committee appointed to inform the house of the action of the council upon the above resolution, would respectfully report that the house will be pleased to meet the council in joint convention at 3 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 transact and other

business that may legitimately come before the joint convention.

G. W. KINGSBURY,  
*Chairman.*

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

MR. PRESIDENT:—We have been appointed a committee to inform your honorable council that the house is now prepared to meet them in joint convention, and the committee will escort the council to the representative hall.

Thereupon the council adjourned to meet the house in joint convention.

IN JOINT CONVENTION.

The Speaker of the house acted as chairman of the joint convention.

The chief clerk of the house, and secretary of the council, were instructed to act as clerks of the joint convention.

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

*Members of the house.*—Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgins, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Trumbo, Wilson, Wixson, and Mr. Speaker.

*Members of the council.*—Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

A quorum of each house being present, the chair proclaimed the joint convention fully organized, and ready for the business for which it was convened.

Whereupon, Mr. McCarthy moved a committee of two be appointed by the chair to wait upon his excellency, the governor, and inform him that the joint convention is now in session and waiting his pleasure.

Which motion prevailed, and

The chairman appointed Messrs. Turner and Gore as such committee.

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

- MR. CHAIRMAN.—Your committee appointed to inform his excellency, the governor, that the joint convention of the legislative assembly is now in session and awaiting his pleasure, have to report that we have discharged the duty assigned us, and that the governor will immediately communicate with the joint convention.

The Governor in person then made his appearance, accompanied by the federal officials, and read his first annual message, as follows :

GOVERNOR'S MESSAGE.

*Gentlemen of the Council and House of Representatives :*

The duty of delivering my first Annual Message is devolved upon me at an auspicious period. After nearly four years of war, I am able to announce an apparent, and, I trust, more than temporary, cessation of hostilities with the Indians on our northern frontiers. After a war which has sadly retarded the prosperity of Dakota, and caused a heavy expenditure of public money, the hostile bands have been humbled, Commissioners appointed by the Government have met them in Council, and treaties of peace have been effected. But time alone can prove the efficacy of these treaties in the re-establishment of friendly relations. I confess I have not a great amount of confidence in these restless, ignorant and treacherous bands, whose cruelty and perfidy we have already experienced; and who have kept our Territory in a state of continual alarms for so long a period.

It is our duty to offer up thanks to Almighty God for the return of peace, for general health, and for the abundant crops which have rewarded the toils of the husbandman. If this favorable state of things should continue for a reasonable period, we may confidently look forward to a state of prosperity unexampled in our history.

I have to announce that though the great rebellion against the authority of the Federal Government has happily been

suppressed, yet the difficult questions, arising out of the reconstruction and reconciliation of the rebellious States, are not yet disposed of; but, on the contrary, by the increasing difficulties of their solution, must fill the mind of every true patriot with anxious solicitude for the result. I cannot help expressing my sincere regret, that the stringent and even humiliating terms imposed upon the vanquished rebels, by our present wise and patriotic President, had not been approved, as a final settlement, by the Representatives of the loyal States in Congress. In that event the dangers which seem to threaten the stability of the Government, would have had no existence; and that condition of peace, for the attainment of which the nation's best blood was poured out like water, would now be an accomplished fact. Secession was a heresy for which the South was made desolate, and for which the people atoned with their blood. Exclusion is a like error of serious import, and one which cannot be maintained except at the sacrifice of the rights, dignity and equality of the States so excluded.

That the President, Congress and the people, may yet be Providentially led to a happy issue of these great national troubles, is my most profound aspiration.

It would be well if you could find time to mature and put into practical operation some such measures as in your wisdom, may be best calculated to encourage and promote the rapid settlement of our Territory. We claim to have inducements to immigration, within our own borders, not inferior to those of any other Territory. We believe that Providence has lavished upon us natural advantages, which, if carefully improved by us would, in a short period, lay the foundations of a great and flourishing commonwealth. Let us co-operate in this noble enterprise, and at an early day another star will be added to that galaxy which is now the wonder and admiration of foreign nations, and the hope of the oppressed throughout the whole earth.

Too much cannot be said in favor of the salubrity of our climate, or the fertility of our soil. With the great Missouri river, and its ever increasing trade; with numberless streams flowing through fields of wild but nutritious grasses; with the wonderful water power of the Big Sioux; it cannot be long



until these natural advantages must attract the attention of capitalists, or until our Territory is dotted over with farms, groaning with their abundant crops—a garden of fruitfulness, and the abode of a large and growing population. The improvements in farming machinery, which almost dispense with human aid, could no where be more advantageously applied than here. Here, labor, capital and skill, may safely be invested, with a fair promise of ample remuneration. And the Black Hills, with their inexhaustible forests of pine timber, and their shining auriferous deposits, will yet attract thousands of adventurers and emigrants to cast their lot among us; thus eventually building up towns and cities, where now the wild natives of the forest alone disturb the deep solitude of nature, as they seek their precarious food.

It would extend this message beyond a reasonable length, were I to dwell more minutely on the various resources of the Territory. If deemed of sufficient importance, this might possibly, with more propriety, come from some committee of the Council or House of Representatives. I would suggest, however, that strong efforts be made to secure ample military protection to emigrants, who may wish to locate around the Black Hills. The Government is already committed to the construction of the Sioux City and Big Sheyenne Wagon Road, which must necessarily be protected. And the only way to do it effectually, judging by past experience, is by establishing military posts along the route of this road; at least this portion of it now occupied by certain nomadic bands of Indians, who, it is well known, will dispute our right to occupy any portion of the country in the vicinity of the Black Hills.

It is true the effort made by the Legislature of Dakota, last year, was not successful—not having met the approbation of General Sherman, who was then in command of this military district, as will be seen by reference to his official correspondence, dated St. Louis, Jan. 13th, 1866, a copy of which is on file in the Executive office. His opposition was founded chiefly on grounds which do not operate now. One reason was, that Congress had not determined and fixed the Military Establishment; and therefore he could not know what specific troops he was to have under his command. This objection being now

removed out of the way, would it not be well to repeat the memorial, the probabilities of success having much increased since that time. Notwithstanding the General's refusal, he ventured his opinion, in the same correspondence, that the military arm of the Government "should encourage actual *bona fide* settlements, westward, as far as the land will yield corn or grasses." Now, this is all we ask. The explorations of Lieutenant G. K. Warren, Professor J. V. Hayden, and many others, have already established the proof beyond cavil, that the valleys adjacent to the Black Hills are admirably adapted, in soil and climate, to agricultural pursuits; that grass of luxuriant growth is found in abundance, and of a good quality; while pine and other timber, suitable for building materials, for lumber and fuel, together with stone and lime, abound without limit. If this be true, it meets the condition on which the military are willing to encourage the actual settlement and cultivation of the Government lands in the west, and the Military Establishment having been fixed by the last Congress, it would seem that no further obstruction is now in the way; and that we have only to renew our efforts, to obtain the object so much desired.

I am gratified to be able to inform you that the Government road, known as the Sioux City and Big Shyenne Wagon road, under the management of the present economical and energetic superintendent, will soon be completed as far as Fort Randall; beyond which an additional appropriation will be necessary, if the original project should be carried out. The chief outlay, heretofore, has been in the bridging of the Big Sioux, Vermillion and James rivers, which work is making encouraging progress. The superintendent informs me that the bridge over the Big Sioux will be completed before the close of December inst., that over the Vermillion in January, and that over the James in the early part of the ensuing spring. That portion between Yankton and Sioux City, is already completed, so far as laying out, grading and bridging, are concerned, with the exceptions I have named. The proper terminus of this road is Virginia City, in Montana; and all the information I have thus far obtained, goes to show that the country through which it is to be located is highly favorable for its construction. When this

road is once completed—having by this means shortened the route to the gold mines of Montana and Idaho some six hundred miles over the present most available route, viz: by way of Omaha, Fort Laramie and Salt Lake City—we may have every reason to expect that a rapid increase of travel, through the settled portions of our Territory, will be the result. This improvement will, in my opinion, have the effect of enlarging the avenues of trade, and encouraging the settlement of a country rich in natural resources, which only needs to be properly known, and protected from Indian depredations, to draw to that portion of the Territory actual settlers, and to induce the rapid investment of capital and labor among us.

The act of congress providing for the opening of this road, also contemplates the opening of two other roads; but, I apprehend, of secondary importance to us as a Territory. The one known as the Niobrara Road, commences at Niobrara, Nebraska Territory, thence up the valley of the Niobrara river, and through the Southern portion of this Territory, to Virginia City. Whether the almost interminable sands and other obstacles, to be encountered on this route, will not render this enterprise impracticable, must be left to future explorations and developements, to determine. The opinion of Dr. Hayden, an eminent and learned traveler, who has made repeated scientific researches in this Territory, has been very emphatically given to the citizens of Dakota against the practicability of this route.

The third route commences at the Minnesota State Line, and is designed to intersect the Niobrara road, at or near Fort Conner, on the Powder river. The location of this road is represented as highly favorable, and it is believed can be completed at a comparatively small cost. As to what condition these last two roads are now in, or how much it will require to complete them I am not able to inform you. It is to be hoped, however, that you will not lose sight of the importance of this subject, in its bearing upon the future interests of Dakota.— That we may reasonably expect great benefits from the opening of these thoroughfares through our Territory is manifest; and we cannot be too importunate in pressing the necessity of ample appropriations for their early completion.

That you will promptly provide the ways and means necessary to defray the current expenses of the territorial officers, liquidate present indebtedness, and place our internal affairs upon a footing of prosperity, I will not permit myself to entertain a doubt. Without such necessary steps as these, carried out with comprehensive wisdom, promptness and liberality, we cannot hope to lay the proper foundations on which to build up an enduring and prosperous community, or look for an admission into the federal union as a state, at an early period.

Having been informed that we are entitled to one thousand stand of arms, with the necessary fixed ammunition, from the general government, it becomes a matter of importance that you should at once provide a suitable building for their reception and safe keeping. The arms already belonging to this territory should be collected and deposited in the same place, so that in case of an emergency, arising from hostilities with the Indians, we would have at hand some more effectual means of defence than appears to exist at the present time. If this suggestion does not seem practicable, in your opinion, then it would be well to consider whether you should not, as the next best remedy, encourage, in the several organized counties, military organizations, with a view to deposit these arms with them for safe keeping. Funds must be provided, if you should decide on erecting or purchasing a building, as above suggested, and, also, to pay the immediate cost and charges for transportation.

For some time past the people of the southern or settled portions of Dakota have enjoyed the protection of a small military post, known as Fort James, located near Fire Steel creek on the James river. This, together with a similar post at Sioux Falls, known as Fort Dakota, has done much, it is believed, to create a feeling of security among the white people of the territory, and has given increased encouragement to immigration from the states. Recently, however, and at total variance, as I apprehend, with the peace, security and best interests of these infant settlements, an order has been issued removing the soldiers from Fort James to Fort Randall, a point remote from the ordinary route of hostile Indians, and west of the

Missouri river. I cannot help viewing the decision of the military authorities, in this instance, as a grave mistake, and only calculated to impair confidence in the efficiency of the protection which we have a right to expect. It is well known that raids from hostile Indians have heretofore almost invariably been made by the valleys of the James and Big Sioux, and that since the chain of posts, recently existing, (but by this latter arrangement now partially destroyed) was established, those raids have not been repeated. It is believed that the protection thus afforded not only allayed the fears of the people, but had the effect to overawe the hostile and thieving bands of Sioux Indians from the upper Missouri, and incline them to embrace the recent opportunity, afforded by the presence of the Treaty Commissioners, to secure favorable terms of peace from the Government. It is a fact, also, well understood by our citizens, that Fort Randall, located as it is on the west bank of the Missouri river, is not in a position to afford the speediest or best possible protection to either the friendly Indians, or the white settlers of the Territory. Hostile parties from the North can invade the settlements, by the valley of the James, rob and murder, and again escape with perfect impunity, before relief could be obtained from this source, owing to the distance of its location, and the known difficulty of transferring cavalry across the river. But if a small force were retained at Fort James, this protection would obviously be afforded, and security would be vouchsafed to those hardy and enterprising pioneers who have established their homesteads among us. It would be well for you to consider this subject, and take such steps as appear to you necessary to lay it fully before the General in command of the North Western Department.

The present location of the Santees, or Mississippi Sioux, on our immediate border, is also a subject which calls loudly for an energetic remonstrance on the part of the representatives of the people of Dakota. Placed, as this new Reservation now is, in immediate proximity to a portion of our most promising settlements, it cannot fail to exercise a damaging influence upon our future prospects, by discouraging the enterprise of present inhabitants, by turning from us the tide of emigra-

tion which has recently been setting in this direction, and by causing the people to look elsewhere for homes, where safety to person and property can be depended upon. It is believed that their removal, from their recent Reservation at Crow Creek, was without the authority of law, on the principle that "a power of this sort once exercised, under the law-conferring it, is exhausted and gone forever." Be this as it may, the act of Congress expressly limits the location to the "unoccupied lands, outside of any State." That the land recently set apart for them was, and is yet, occupied by white settlers, and that a large sum of money will be required to extinguish these titles, is well known. Thus we see that in removing these Indians from Crow Creek, and from their prison at Davenport, and placing them on the occupied lands in contact with our white settlements, an utter disregard of the law and the welfare of this community has been evinced; and we are compelled to anticipate a possible recurrence, in Dakota, of the horrors enacted by these savages in Minnesota in 1862. It is not too much to ask that the law, under which the Interior Department has derived its authority, shall be strictly and fairly complied with, and that these Indians be placed upon the "unoccupied lands," away from our white settlements, plenty of which lands, as good as the law contemplates, can be found north of Fort Randall and the Yankton Sioux Reservation. This subject has been clearly and ably presented to the attention of the President, and also to Congress, by our Delegate, and I have confidence that, by proper co-operation on your part, suitable action may be expected from the Government, and the evils to be dreaded, under the present state of things, may be averted before it is too late.

The Yankton and Ponca Indians continue to be the faithful friends of the Government, keeping their treaty stipulations unbroken, and deserving at our hands kind consideration and encouragement. Owing to the favorable condition of their crops, and the presence of faithful and acceptable Agents, their present condition is believed to be highly encouraging, affording grounds for hope that they will, in the future, make rapid advancement at least in the more useful arts of civilization.

The subject of throwing the public lands of this Territory into the market, at this time, might be worth your serious consideration. If once in the market, experience teaches us that much of the most desirable land would at once be absorbed by speculators and non-residents, who uniformly advance the nominal value for sordid purposes, or keep it for years from settlement or sale at any price. This result would operate oppressively upon the poor but worthy emigrant, who might desire to make a permanent settlement among us, and would have a pernicious effect upon the future growth and prosperity of the Territory. Our interests lie in the opposite direction. We should encourage, by all influence within our reach, the homestead and pre-emption laws matured by the wisdom and patriotism of Congress. We should oppose the public sale of these lands on any other terms than their permanent settlement and cultivation, and to this end should instruct our Delegate in Congress, whose influence, I trust, would not be disregarded when brought to bear on so worthy and beneficent a measure as this. We would thus, in imitation of the policy evinced by the framers of these laws, protect the actual settlers who may be willing, under the humane laws above named, to rear his humble cabin, cultivate the soil, and contribute to the strength, support, and protection of the Territory.

It might be in place to mention that, during the past summer and fall, important progress has been made in the extension of Rail Roads in this direction. The Chicago and North Western Road has already reached the town of Dennison, in Iowa, and will soon be extended to Council Bluffs, where it will connect with and form part of the great Pacific Rail Road.— A branch of this road is now projected to extend from St. Johns to Sioux City, on our south eastern border, the nearest western point, which I am informed will immediately be put under contract and rapidly prosecuted to completion. It is estimated that this road will be in running order inside of twelve months, thus bringing these improvements within about sixty-five miles of Yankton. We may expect vast and important benefits to accrue to this Territory, in various ways, by the completion of these roads, especially by a reduction of the time and expense of delivering and forwarding freights, and by

increasing the facilities of travel and communication with other parts of the United States. And we may have hopes that, at no very distant day, the increase of population and business, within our own borders, will justify the extension of this road to our capital, if no further.

Other roads are in contemplation, directly calculated to benefit us when completed, and in the success of which we cannot fail to take a lively interest. The North Pacific Rail Road is to be located through the Northern part of this Territory, opening up, by that route, a Rail Road communication with the Pacific States, and the gold mining regions of Montana and Idaho. Another route is projected from a point in Minnesota to Yankton by way of Sioux Falls. Also one from St. Paul to Sioux City. But owing to the very limited information in my possession, regarding these improvements, I can furnish no satisfactory statement of their present condition or prospects. I can only say that they may be considered as favorable indications for the future of Dakota, and that whatever encouragement can be given here, by private or official influence, or through the action of our Representative at Washington, should be rendered promptly and without hesitation, so that nothing on our part may be wanting to the complete accomplishment of enterprise bearing so directly upon the future welfare and destiny of this Territory.

Agreeably to the duty enjoined upon me by law, I have made the suggestions which have occurred to me as claiming your immediate attention. Subjects of importance have doubtless been omitted, which may readily occur to your own minds, and which I may, before your adjournment, attempt to supply.

A. J. FAULK.

YANKTON, D. T., December, 1866.

After the reading of the message,  
The chairman announced that the convention would now adjourn.



Whereupon the council returned to the council chamber, and the President resumed the chair, and

Called the council to order.

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

Messrs. Fuller, Kingsbury, LaBreeche, Lewis. Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

On motion of Mr. Turner,

The Council ordered the publication of 1500 copies of the Governor's message.

Mr. Turner moved that a committee of three be appointed, to arrange the standing rules in the form of a manual, and that the council order 100 copies published.

. Which motion prevailed, and

Messrs. Turner, Fuller and Kingsbury, were appointed by the chair, said committee.

On motion of Mr. Fuller,

The council adjourned, to meet to-morrow at 10, A. M.

M. K. ARMSTRONG,

*President.*

B. M. SMITH,

*Secretary*

## THIRD DAY.

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COUNCIL CHAMBER, }  
 Wednesday, December 5th, 1866. }

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

The president in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 4th inst., read and approved.

### NOTICE OF BILLS.

Mr. Turner gave notice, that at some early day in the session, he would ask leave to introduce a bill for the organization of the county of Pembina, giving them one representative in the legislature of Dakota Territory.

Mr. Fuller gave notice that on to-morrow, or some subsequent day, he would introduce a bill relative to counties and county officers.

Mr. Lewis gave notice that on to-morrow, or some subsequent day of the session, he would introduce a memorial to Congress, asking that the Secretary of the Territory might be authorized to use what money has been saved out of the appropriations that have been made for legislative expenses for the Territory of Dakota, for the purpose of codifying the laws of said Territory.

Mr. Kingsbury gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill relating to the authentication of statutes, records, office papers, &c.

## INTRODUCTION OF BILLS.

Leave was asked by Mr. Mills, to introduce council file No. 2, A memorial to the Senate of the United States, asking the confirmation of Geo. Stickney, as Receiver of public moneys at the United State's Land Office at Vermillion.

Leave was granted,  
The memorial was introduced, and  
Referred to the committee on federal relations.

Mr. Kingsbury introduced council file No. 3, An act to amend the election law, which was

Read first and second time, and  
Referred to the committee on elections.

Mr. Kingsbury also introduced council file No. 4, An act to provide for the protection of stock from contagious diseases.

Which was  
Read first and second time, and  
Referred to the committee on agriculture.

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

SECRETARY'S OFFICE,  
YANKTON, D. T., Dec. 4th, 1866. }

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

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

I have also to inform you that each member will be furnished'

weekly, with six copies of the UNION AND DAKOTAIAN, and each officer with three copies.

I have the honor to be,  
 Most Respectfully,  
 Your ob't servant,  
 S. L. SPINK,  
*Secretary.*

Mr. Mills made the following report :

MR. PRESIDENT.—Your special committee appointed to wait upon the honorable secretary of the Territory, and request him to cause the American flag to wave over the capitol during the session of the legislature now convened, beg leave to report that they have performed that duty, and herewith submit the following communication from the Secretary :

SECRETARY'S OFFICE,  
 YANKTON, D. T., Dec. 4th, 1866. }

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

GENTLEMEN :—In reply to your committee who have solicited on your behalf, that the United States flag be erected over the capitol, I have the honor to state that your request shall be complied with without delay.

I have the honor to be,  
 Most Respectfully,  
 Your ob't servant,  
 S. L. SPINK,  
*Secretary.*

As required by law, the territorial auditor presented his annual report, which was received by the council, and laid upon the table for future consideration.

Mr. Kingsbury, from the committee on federal relations, made the following report :

MR. PRESIDENT.—Your committee to whom was referred council file No. 1, Joint resolution requesting the confirmation, by the Senate of the United States, of the appointment of A. J. Faulk, as Governor of Dakota Territory, have had the same

under consideration, and beg leave to report the same back to the council with the recommendation that it do pass.

GEORGE W. KINGSBURY, *Ch'n.*

O. F. STEVENS,

N. V. ROSS.

On motion of Mr. Fuller, the number "ten" was substituted in first line of the standing rules for the government of the council, in place of "eleven," thus fixing the hour of convening of the council daily at ten o'clock, instead of eleven.

Council file No. 1, A joint resolution relative to A. J. Faulk, Was then taken up, and

There being no amendments proposed, it was

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?" it was decided in the affirmative.

Yeas 12; nays none, as follows :

Those who voted in the affirmative, were

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr President.

Mr. Case now presented himself and qualified as enrolling and engrossing clerk.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Wednesday, December 5th, 1866. }

MR. PRESIDENT.—I am instructed to inform the honorable council that the following resolution has been adopted, with Messrs. Bramble, McCarthy and Curry as said committee. :

*Resolved*, That a select committee of three be appointed to act with a like committee from the council, to devise some means of advancing our railroad and wagon road interests.

F. WIXSON,

*Chief Clerk.*

On motion of Mr. Thompson,  
The council adjourned.

M. K. ARMSTRONG,

*President.*

B. M. SMITH,

*Secretary.*

## FOURTH DAY.

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COUNCIL CHAMBER,  
Thursday, December 6th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of yesterday read and approved.

Mr. Turner offered the following :

MR. PRESIDENT.—I would ask leave to bring in a printed bill, for a code of civil procedure and practice, applicable to the civil code of New York as adopted by the last legislative assembly of Dakota, and now embodied in our laws.

Leave granted.

### NOTICES OF BILLS.

Mr. Mills gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to amend section (52) fifty-two, of chapter (31) thirty-one of the session laws of 1865 and 1866.

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

An act to amend chapter (23) twenty-three of session laws of 1863 and 1864; also,

An act to provide for the organization of the militia of Dakota territory.

Mr. LaBreeche gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill for the purpose of organizing a territorial agricultural society.

#### BILLS INTRODUCED.

Mr. Kingsbury introduced council file No. 5, An act relating to the authentication of statutes, records, office papers, &c.

#### REPORTS OF COMMITTEES.

Mr. Kingsbury, from the committee on federal relations, submitted the following report :

MR. PRESIDENT.—Your committee on federal relations, to whom was referred council file No. 2, entitled a memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to Geo. Stickney, have had the same under consideration and beg leave to report the same back with the recommendation that the same do pass.

G. W. KINGSBURY, *Ch'n*,  
O. F. STEVENS,  
N. V. ROSS.

#### COMMUNICATIONS.

The following communication was received from the Rev. M. Hoyt, president of the Dakota historical society :

YANKTON, D. T. }  
December 6th, 1866. }

The Hon. members and officers of the council of the legislative assembly of Dakota, are respectfully invited to attend the course of lectures to be delivered before the Dakota historical association.

First lecture to be given on Thursday evening.

MELANCTHON HOYT,  
*President.*

## BILLS ON THEIR FIRST AND SECOND READING.

Council file No. 5, An act relative to the authentication of statutes, records, office papers, &c.

Was then taken up, and

Referred to the judiciary committee.

## BILLS ON THIRD READING.

Council file No. 2, a joint resolution relative to Geo. Stickney,

Was then taken up for the third reading, but

On motion of Mr. Turner,

It was made the special order for to-morrow after the council had passed the regular order of business.

On motion of Mr. VanOsdel,

The council adjourned.

M. K. ARMSTRONG,

*President.*

E. M. SMITH,

*Secretary.*

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FIFTH DAY.

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COUNCIL CHAMBER, }  
Friday, December 7th, 1866. }

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

President in the chair.

Prayer by the chaplain.



Roll called.

The following members answered to their names :

Messrs. Fuller, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Weeks, and Mr. President.

Messrs. Kingsbury and VanOsdel soon came in, after the calling of the roll.

Journal of yesterday read and approved.

#### INTRODUCTION OF BILLS.

Mr. Mills introduced council file No. 6, an act to amend section fifty-two, chapter thirty-one of the session laws of 1865-6.

Mr. LaBreeche introduced council file No. 7, an act to organize a territorial agricultural society.

#### REPORTS OF COMMITTEES.

Mr. LaBreeche made the following report :

MR. PRESIDENT.—A majority of your committee on agriculture, to whom was referred council file No. 4, an act to provide for the protection of stock from contagious diseases ; have had the same under consideration and would beg leave to report the same back without amendment and recommend its passage.

CHARLES LABREECHE,

*Chairman.*

#### FIRST READING OF BILLS.

Council file No. 6, an act to amend section fifty-two (52) of chapter thirty-one (31,) of the session laws of 1865-6,

Was taken up, and

Read first and second time, and

Referred to the judiciary committee.

Council file No. 7, an act to organize a territorial agricultural society ;

Was then taken up, and

Read first and second time, and

Referred to the committee on agriculture.

A message was then received from the house, which was as follows:

HOUSE OF REPRESENTATIVES, }  
December 7th, 1866. }

MR. PRESIDENT.—The house has passed council file No. 1, a joint resolution requesting the confirmation, by the senate of the United States, of the appointment of A. J. Faulk, as governor of Dakota territory, which is herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

THIRD READING OF BILLS.

Council file No. 4, an act to provide for the protection of stock from contagious diseases;

Was then taken up for the third reading, but

On motion of Mr. VanOsdel, was

Referred to the committee of the whole, to be acted upon on to-morrow at 11 o'clock, A. M.

Council file No. 2, was then taken up, it being the bill which was made the special order, entitled a joint resolution relative to Geo. Stickney, upon which Messrs. Turner, Kingsbury and Mills made remarks. After a lengthy consideration, it was

Read the third time, and

Put upon its passage, resulting as follows:

Yeas 9; nays 2;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, VanOsdel and Mr. President.

Those voting in the negative were,

Messrs. Turner and Weeks.

Bill passed, and

Title agreed to.

On motion of Mr. Weeks,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## SIXTH DAY.

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COUNCIL CHAMBER,  
Saturday, Dec. 8th, 1866. }

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

President in chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Fuller, LaBreeche, Lewis, Mills, Ross, Stevens,  
Turner, Weeks, and Mr. President.

Messrs. Kingsbury and Van Osdel appeared in their seats  
soon after the calling of the roll.

The journal of the 7th inst. was then read and approved.

### INTRODUCTION OF BILLS.

Mr. Fuller introduced the following bill:

Council file No. 8, an act in relation to counties and county  
officers.

Mr. Lewis introduced the following memorial:

Council file No. 9, a memorial to congress asking that the  
secretary of the territory might be authorized to use what  
money has been saved out of the appropriations that have been  
made for legislative expenses for the territory of Dakota, for  
the purpose of codifying the laws of said territory.

### REPORT OF COMMITTEES.

Mr. Turner offered the following:

MR. PRESIDENT.—The committee to whom was referred

council file No. 5, a bill for an act relating to the authentication of statutes, records, office papers, &c., have had the same under consideration, and have agreed to report the same back to the Council, recommending that it do pass.

JOHN W. TURNER, *Ch'n.*

O. F. STEVENS,

G. W. KINGSBURY.

#### FIRST AND SECOND READING OF BILLS.

Council file No. 8, an act in relation to counties and county officers.

Read first and second time, and  
Referred to committee on counties.

Council file No. 9, a memorial to congress asking that the secretary of the territory might be authorized to use what money has been saved out of the appropriations that have been made for legislative expenses for the territory of Dakota, for the purpose of codifying the laws of said territory;

Read first and second time and  
Referred to the judiciary committee.

#### THIRD READING OF BILLS.

Council file No. 5, an act relating to the authentication of statutes, records, office papers, &c.

Was then taken up, and  
Read the third time.

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

It was decided in the affirmative.

Yeas 11; Nays none; as follows:

Those voting in the affirmative were  
Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel, Weeks and Mr. President.

None voting in the negative.

So the bill was passed, and

Its title agreed to.

*Ordered,* That the secretary request the concurrence of the house in the action of the council.

On motion of Mr. Fuller,

A select committee of three was appointed on part of the council to act with a like committee on the part of the house, to take into consideration the subject of railroads and wagon roads in this territory.

Messrs. Fuller, Mills and Lewis were appointed said committee.

On motion of Mr. Van Osdel,

Messrs. Turner, Mills and Kingsbury were appointed a committee to arrange the governor's message under suitable sub-heads to be the more readily referred to appropriate committees.

On motion of Mr. Stevens,

The council took a recess of 15 minutes.

AFTER RECESS.

Roll called, and resulted as follows :

Members present, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel, Weeks and Mr. President.

There being a quorum present, the council proceeded to business.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
December 8th, 1866. }

MR. PRESIDENT.—I am instructed by the house, to inform the honorable council, that the house has adopted the following resolution, and that Messrs. Ash, Collamer, Hoyt, Kellogg, Austin and McCarthy, have been appointed as a committee thereon :

*Resolved*, That a select committee, of six members of the house, be appointed to act with a like committee from the council, to investigate the revenue law of our territory, and the transactions under said law, in and for the county of Yankton, and that said committee be invested with power to examine the books and papers of said county.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Turner,

A committee of three was appointed on the part of the

council to act with a like committee of six appointed on the part of the house, to investigate the revenue law of our territory and the transactions under said law, in and for the county of Yankton; also, that the said committee be empowered to examine the books and papers of said county.

Mr. Turner requested that the president, in making the appointment of said committee, would not be governed by parliamentary rules, as members from Yankton county are more interested than he, in the subject to be investigated.

Messrs. Fuller, Stevens and Van Osdel were appointed said committee.

#### SPECIAL ORDER.

Council file No. 4, an act for the protection of stock from contagious diseases,

Was then taken up in committee of the whole, and considered at length.

After which Mr. Ross, chairman of the committee, made the following report:

MR. PRESIDENT.—The council, in committee of the whole, have had under consideration council file No. 4, a bill for an act to provide for the protection of stock from contagious diseases and have directed their chairman to report the same back with the recommendation that it be referred to the committee on agriculture.

On motion of Mr. Kingsbury,

The report of the committee was received, and the recommendation was disagreed to.

On motion of Mr. Van Osdel,

The said bill was then referred to a select committee of three.

The chair appointed as said committee,

Messrs. Van Osdel, LaBreeche and Ross.

#### REPORT OF SPECIAL COMMITTEES.

Mr. Turner, chairman of committee, made the following report:

MR. PRESIDENT.—Your special committee, appointed to arrange the governor's message under suitable heads for reference to committees, have performed that duty, and beg leave to report the following recommendations :

That the 1st paragraph of the message be referred to the committee on military affairs.

That the 2nd paragraph be referred to the committee of the whole whenever the council shall deem it expedient.

That all that portion relative to national matters, included in the 3rd and 4th paragraphs, be referred to the committee on federal relations.

That all that portion on pages 4 and 5, (printed message,) in the 5th and 6th paragraphs, be referred to the committee on territorial affairs.

That all that portion on pages 5, 6, 7 and 8, (printed message) in the 7th, 8th, 9th and 10th paragraphs, be referred to the committee on highways, bridges and ferries.

That all that portion on page 8 included in the 11th paragraph, be referred to the committee of expenditures.

That all that portion in the 12th paragraph, on pages 8 and 9, (printed message,) be referred to the committee on military affairs.

That all that portion in the 13th, 14th and 15th paragraphs on pages 9, 10, and 11, (printed message,) be referred to the committee on Indian affairs.

That all that portion relative to disposing of public lands, commencing on page 11 printed message, paragraph 16, and ending on page 12, be referred to the committee on public lands.

That all that portion included between the 17th paragraph on page 12 printed message, and the conclusion of the message, be referred to the committee on internal improvements.

JOHN W. TURNER,

*Chairman of special committee.*

The report was concurred in, and such portions of the governor's message as recommended in the report was referred to the appropriate committees.

The committee on enrollment made the following report:

MR. PRESIDENT.—Your committee on enrollment have examined council file No. 1, a memorial relative to A. J. Faulk; and report the same as correctly enrolled.

A. J. LEWIS, *Ch'n.*

D. M. MILLS.

G. W. KINGSBURY.

On motion of Mr. VanOsdel,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## EIGHTH DAY.

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COUNCIL CHAMBER,  
Monday, December 10th, 1865. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, VanOsdel, Weeks and Mr President.

Journal of the 8th inst., read, corrected and approved.



## NOTICE OF BILLS.

Mr. VanOsdel gave the following notice:

MR. PRESIDENT.—I hereby give notice that I will on tomorrow or some subsequent day of the session, introduce a bill to amend an act entitled an act to provide for the appointment of road supervisors and to prescribe the duties of the same.

A. VAN OSDEL.

## INTRODUCTION OF BILLS.

Mr. Fuller introduced the following bill:

Council file No. 10, an act to incorporate the city of Yankton.

## REPORTS OF COMMITTEES.

Mr. Stevens, chairman of committee on elections, made the following report:

MR. PRESIDENT.—Your committee to whom was referred council file No. 3, an act to amend an act providing for elections and to prescribe the canvass and return of the same; approved January 6th, 1866, have according to order had the same under consideration and have directed me to report the same back without amendment, recommending its passage.

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

A. G. FULLER.

AUSTIN COLE.

On motion of Mr. Turner,

Mr. Austin Cole was excused from the further attendance in the council until he should recover from the injuries he is at present suffering from.

## FIRST AND SECOND READING OF BILLS.

Council file No. 10, an act to incorporate the city of Yankton;

Read first and second time, and

Referred to committee on incorporations.

## THIRD READING OF BILLS.

Council file No. 3, an act to amend an act entitled an act providing for elections and to prescribe the canvass and return of the same ; approved January 6th, 1866, was

Read a third time, and

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

Yeas 11; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, VanOsdel, Weeks and Mr. President.

So the bill passed, and

Title agreed to.

*Ordered*, That the secretary request the concurrence of the house in the action of the council.

On motion of Mr. Turner,

The council took a recess of ten minutes.

## AFTER RECESS.

The president called the council to order.

Roll called and the following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, VanOsdel, Weeks and Mr. President.

Mr. Kingsbury moved that the chair appoint a committee for the purpose of devising some means to prevent the annual visitation of prairie fires to the settlements in this territory. Said committee to report by bill or otherwise.

The motion was carried.

Messrs. Kingsbury, Ross and Mills, were appointed said committee.

On motion of Mr. Lewis,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## NINTH DAY.

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COUNCIL CHAMBER,  
Tuesday, December, 11, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 10th inst., read and approved.

### REPORTS OF REGULAR STANDING COMMITTEES.

Mr. La Breeche made the following report :

MR. PRESIDENT:—Your committee on agriculture to whom was referred council file No. 7, An act to organize a territorial agricultural society; have had the same under consideration and report it back recommending its passage.

CHARLES LABREECHE.

*Chairman.*

Mr. Turner made the following report :

MR. PRESIDENT:—Your committee to whom was referred council file No. 9, A memorial to congress asking that the secretary of the Territory be authorized to use what money has been saved out of the appropriations made for legislative ex-

penses of the Territory of Dakota, for the purpose of codifying the laws; would respectfully report that they have examined the same and recommend that it do pass.

J. W. TURNER, *Ch'n.*

O. F. STEVENS,

GEO. W. KINGSBURY.

#### REPORTS OF SPECIAL COMMITTEES.

Mr. Mills from the special committee, made the following report which was accepted and ordered to be placed under the head of unfinished business, to be acted upon:

MR. PRESIDENT:—Your committee of three appointed to act in conjunction with a committee of six on the part of the house to investigate the revenue laws of our territory and the transactions under said law in and for Yankton county; would report that they have met and organized, and that they now ask to be invested with authority to send for persons and papers.

D. M. MILLS.

#### THIRD READING OF BILLS.

Council file No. 7, An act to organize a Territorial Agricultural society; was then taken up for its third reading, but

On motion of Mr. Turner,

It was laid aside to be considered in committee of the whole after the regular orders of business had been disposed of.

Council file No. 9, A memorial to Congress relative to applying moneys appropriated for legislative purposes to the codifying of the laws;

Was then taken up, and there being no amendments proposed, was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?" it was decided in the affirmative.

Yeas 12; nays none; as follows;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, [Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill passed, and its

Title agreed to.

*Ordered*, That the secretary request the concurrence of the house.

#### UNFINISHED BUSINESS.

Mr. Turner offered the following resolution :

*Resolved by the council*, (the house concurring,) That the select committee appointed by the council and by the house of representatives to investigate the revenue law of our territory and the transactions under said law in and for the county of Yankton, be clothed with authority to send for persons and papers.

JOHN W. TURNER.

The resolution was adopted, and

The secretary was instructed to so inform the house and request a concurrence.

#### ORDER OF THE DAY.

The time having arrived for the consideration of the special order

The president announced council file No 7, in committee of the whole.

After some time spent therein the committee arose,

Whereupon the chairman made the following report :

MR. PRESIDENT:—The committee of the whole to whom was referred council file No. 7, An act to incorporate a territorial agricultural society ; have had the same under consideration and have instructed me to report the same back without recommendation.

O. F. STEVENS.

On motion of Mr. Mills,

Council file No. 7, was referred to a select committee of three with instructions to report a new bill, whereupon,

The chair appointed Messrs. Mills, Weeks and Van Osdel as such committee.

On motion of Mr. Turner,  
Mr. La Breeche was added to the committee.  
On motion of Mr. Van Osdel,  
Mr. Turner was added to the committee.

By general consent Mr. Ross introduced the following notice :

I hereby give notice that I will on to-morrow or some subsequent day of the session introduce a bill to amend the incorporate act of the historical society of Dakota, so as to fix the annual meeting thereof on the first Tuesday of January in each year.

N. V. ROSS.

On motion of Mr. Ross,  
The council adjourned.

M. K. ARMSTRONG,  
*President,*

B. M. SMITH,  
*Secretary.*

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## TENTH DAY.

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COUNCIL CHAMBER, }  
Wednesday, Decemer 12th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, LaBreeche, Mills, Ross, Stevens, Thompson,  
Turner, Van Osdel, Weeks and Mr. President.

Journal of the 11th instant, read and approved.

The following messages were received from the house :

HOUSE OF REPRESENTATIVES, }  
Yankton, December 12th, 1866. }

MR. PRESIDENT.—I have the honor to inform your honorable body that the house has passed the following resolution, and respectfully ask the concurrence of the council therein :

*Resolved, by the House of Representatives, (the Council concurring therein.)* That No. 8, of the joint rules of this legislative assembly be so amended as to read, after the word council, in sixth line, printed form, as follows: "and be transmitted to the governor, for his approval, who after signing the same, shall return them to the house in which they originated."

F. WIXSON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
December 12th, 1866. }

MR. PRESIDENT.—I have the honor to inform your honorable body that the house has passed council file No. 9, a memorial to congress asking that the secretary of the territory be authorized to use what has been saved out of the appropriations made for legislative expenses of the territory of Dakota, for the purpose of codifying the laws; which I herewith transmit.

F. WIXSON,  
Chief Clerk.

#### INTRODUCTION OF BILLS.

Mr. Ross introduced council file No. 11, an act to amend an act entitled an act to incorporate the historical society of Dakota; approved Dec. 24th, 1863.

#### REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report :

MR. PRESIDENT.—The judiciary committee, to whom was referred council file No. 6, an act to amend chapter 31 of the session laws of 1865 and 66; have had the same under consideration and herewith report it back to the council with the accompanying amendment and recommend its passage.

J. W. TURNER,

O. F. STEVENS.

The following is the accompanying amendment proposed, and recommended to be inserted after the word "schools" in seventh (7) line of printed bill, making a new section, number three, viz: "and for the purpose of apportioning the money raised as above, when there shall have been districts laid out and not organized, it shall be the duty of the county superintendent to ascertain the number of children between the ages of five and twenty-one years; and apportion to, and deposit with the county treasurer, such amounts as said unorganized districts would have been entitled to if duly organized, which may be drawn on the order of the district board when said district shall have been duly organized if within one year from the time said money is deposited with the county treasury; and if not organized as above, the county superintendent may apportion the money so deposited among the organized districts of said county in his next annual apportionment."

#### FIRST AND SECOND READING OF BILLS.

Council file No. 11 was taken up, and  
Read first and second time, and  
Referred to committee on education.

#### COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The communication from the House relative to the amendment of the joint rules,  
Was then taken up, and  
On motion of Mr. Kingsbury, it was  
• Referred to a select committee of three, consisting of  
Messrs. Kingsbury, Stevens and Turner.



REPORTS IN POSSESSION OF COUNCIL WHICH OFFER  
 GROUNDS FOR A BILL.

The report of the judiciary committee,  
 On motion of Mr. Van Osdel,  
 Was then taken up.

Mr. Weeks moved the following amendment to the amend-  
 ment, viz: Strike out the words "one year" and insert the  
 words "three years," in lieu thereof.

On motion of Mr. Weeks,  
 The bill with amendments was referred to the committee on  
 elections.

On motion of Mr. Turner,  
 The council adjourned.

M K ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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ELEVENTH DAY.

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COUNCIL CHAMBER,  
 Thursday, December 13th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, VanOsdel, Weeks and Mr. President.

Journal of the 12th inst., read, corrected and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the house.

HOUSE OF REPRESENTATIVES, }  
Thursday, December 13th, 1866. }

MR. PRESIDENT.—I have the honor to inform your honorable body, that the house has passed council file No. 2, a memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to George Stickney; with attached amendments, which memorial I herewith transmit.

F. WIXSON,  
*Chief Clerk.*

The following are the amendments accompanying council file No. 2, viz :

After the word territory in the fifth line of the preamble, insert the words “ and whereas said Stickney was appointed to fill a vacancy made by the appointment of John W. Boyle, late receiver in said land office, to the office of associate justice of the supreme court of Dakota territory ;” also after the words “ pray,” in the last line of the memorial add the words,

*Resolved*, That a copy of the above memorial be forwarded to our delegate in congress, the honorable Walter A. Burleigh.

HOUSE OF REPRESENTATIVES, }  
Thursday, December 13th, 1866. }

MR. PRESIDENT.—The house has adopted the following resolution, with Messrs. Kellogg, Taylor, Bramble, Fraley and McCarthy as a committee thereon on the part of the house, and respectfully request the concurrence of the council therein:

*Resolved*, That a committee of five members be appointed on the part of the house to act with a similar committee on the part of the council, whose duty it shall be to prepare and make a full report of the mineral and agricultural resources of Da-

kota territory, as early in the session as may be found convenient.

F. WIXSON,  
*Chief Clerk.*

NOTICE OF BILLS.

Mr. Kingsbury gave notice that on to-morrow or some future day of the session he would introduce a bill providing for an act for the relief of the poor; also

Mr. Kingsbury gave notice that on to-morrow or some subsequent day of the session he would introduce a memorial to congress asking for an appropriation to erect a capital building at Yankton the capitol of Dakota.

Mr. Lewis gave notice that he would on to-morrow or some subsequent day of the session, introduce a memorial to the secretary of war asking that a geological survey of the Black Hills region be made during the coming season under the military protection of the United States.

INTRODUCTION OF RESOLUTIONS.

Mr. Kingsbury offered the following resolution :

*Resolved*, That a committee of three be appointed by the president to act in conjunction with the house special committee, to prepare and submit a report upon the mining and agricultural resources of this territory.

G. W. KINGSBURY.

The above resolution was adopted, and

Messrs. Kingsbury, Mills and Ross, were appointed such committee in accordance with it.

REPORTS OF COMMITTEES.

Mr. Lewis, chairman of committee on enrollment, reported council file No. 9, a memorial to congress relative to applying moneys for legislative purposes to the codifying of the laws of Dakota; correctly enrolled.

## REPORTS OF SPECIAL COMMITTEES.

Mr. Mills, chairman of special committee made the following report:

MR. PRESIDENT.—Your special committee to whom was referred council file No. 7, with the request that they report a substitute or otherwise, have had the same under consideration and have agreed to report herewith a substitute, entitled an act to organize county agricultural societies.

D. M. MILLS.

J. W. TURNER.

CANUTE WEEKS.

CHARLES LABREECHE.

A. VAN OSDEL.

The report was accepted, and substitute laid on the table and ordered printed.

Mr. VanOsdel, chairman of select committee, made the following report:

MR. PRESIDENT.—Your special committee to whom was referred council file No. 4, an act for the protection of stock from contagious diseases, have had the same under consideration and report the bill back with an accompanying substitute and recommend that the substitute do pass.

A. VAN OSDEL.

CHARLES LABREECHE.

N. V. ROSS.

The report was accepted, and substitute bill laid on table and ordered printed.

## GENERAL FILE AND OTHER PAPERS.

Mr Turner moved that council file No. 2, joint resolution relative to George Stickney, and house amendment thereto be referred to its appropriate committee.

Lost.

On motion of Mr. Fuller,

The bill as amended was laid on the table and ordered printed.

Mr. Lewis, chairman of committee on enrollment made the following report :

MR. PRESIDENT.—Your committee on enrolled bills have the honor to report that they presented to his excellency, the governor, for his approval, this day at eleven o'clock, a. m., council file No. 9, a memorial to congress relative to the codifying of the laws of Dakota.

J. A. LEWIS,  
*Chairman.*

On motion of Mr. Kingsbury,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## TWELFTH DAY.

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COUNCIL CHAMBER,  
Friday, December 14, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, La Brecche, Lewis, Ross, Stevens, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 13th read and approved.

The following communication was received from the house :

HOUSE OF REPRESENTATIVES, }  
Friday, December 14th, 1866.

MR. PRESIDENT:—I have the honor to inform the council that the house has concurred in the following resolution, transmitted from your honorable body on the 12th inst:—

*Resolved, by the council, (the house concurring.)* That the select committee appointed by the council and by the house of representatives, to investigate the revenue law of our territory, and the transactions under said law in and for the county of Yankton; be clothed with authority to send for persons and papers.

F. WIXSON,  
*Chief Clerk.*

#### NOTICE OF BILLS.

Mr. Fuller offered the following notice:—

MR. PRESIDENT:—I herewith give notice that on to-morrow or some subsequent day of the session I will introduce a bill entitled an act to preserve the purity of elections.

A. G. FULLER.

#### REPORTS OF COMMITTEES.

Mr. Turner, chairman of the committee on education, offered the following report :

MR. PRESIDENT:—The committee on education to whom was referred an act to amend section fifty-two of chapter thirty-one, of the session laws of 1865-66; have had the same under consideration, and amended it as directed by the council, which amendments are attached thereto and recommend that it do pass. All of which is respectfully submitted.

JOHN W. TURNER,  
J. A. LEWIS,  
A. G. FULLER. •

Mr. Turner, chairman of the committee on education, also made the following report :

MR. PRESIDENT:—The committee on education, to whom

was referred an act to amend an act to incorporate the historical society of Dakota, approved Dec. 24th, 1863; have had the same under consideration and herewith report it back to the council with the recommendation that it pass.

JOHN W. TURNER,  
A. G. FULLER,  
J. A. LEWIS.

### THIRD READING OF BILLS.

Council file No. 6, An act to amend section fifty-two chapter thirty-one of the session laws of 1865-66;

Was then taken up for consideration, and

On motion of Mr. Fuller,

It was referred to the committee on public printing.

Council file No. 11, An act to incorporate the historical society of Dakota, approved Dec. 24th, 1863;

Was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?" it was decided in the affirmative:

Yeas 10; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Fuller, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel, Weeks and Mr. President.

So the bill passed, and its

Title was agreed to.

*Ordered*, That the secretary request the concurrence of the house.

On motion of Mr. Turner,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## THIRTEENTH DAY.

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COUNCIL CHAMBER, }  
 Saturday, December 15th, 1866.

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

President in the chair.

Prayer by the chaplain,

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
 Stevens, Turner, Van Osdel and Mr. President.

Journal of the 14th instant, read and approved.

### INTRODUCTION OF BILLS.

Mr. Fuller introduce council file No. 12, an act to preserve  
 the purity of elections.

### REPORTS OF COMMITTEES.

Mr. Fuller, chairman of committee on incorporations, made  
 the following report :

MR. PRESIDENT.—The committee on incorporations, to whom  
 was referred council file No. 10, entitled an act to incorporate  
 the city of Yankton ; have had the same under consideration  
 and report the same back with the recommendation that it  
 pass.

A. G. FULLER,  
 N. V. ROSS.



Mr. Fuller, chairman of the committee on public printing, made the following report :

MR. PRESIDENT.—The committee on public printing to whom was referred council file No. 6, entitled an act to amend section 52 of chapter 31 of the session laws of 1865 and 66; would report the same printed; also, council file No. 2, a memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to Geo. Stickney; also, council file No. 4, an act to provide for the protection of stock from contagious diseases; with substitute; also, council file No. 7, an act to organize a territorial agricultural society; with substitute; also, council file No. 10, an act to incorporate the city of Yankton; printed and laid on the members' table.

A. G. FULLER.

Council file No. 2, joint resolution relative to Geo. Stickney; Was then taken up for consideration.

Mr. Turner moved the bill and house amendments be referred to its appropriate committee.

Lost.

Mr. Mills moved that the council agree to the amendments proposed by the house, and

The question being put, it was decided in the affirmative.

Yeas 9; nays 2; as follows:

Those voting for the bill as amended, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Van Osdel and Mr. President.

Those voting in the negative, were

Messrs. Turner and Weeks.

So the amendment of the house was agreed to.

Council file No. 7, an act to organize a territorial agricultural society;

On motion of Mr. Fuller,

Was taken from the table for consideration.

On motion of Mr. Mills,

The substitute bill was adopted in lieu of the original.

The substitute council file No. 7, was then read the third time.

The question then being on its passage, and it being put, "shall the bill pass?" it was decided in the affirmative.

Yeas 11; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Turner, Van Osdel, Weeks and Mr. President.

So the bill passed.

On motion of Mr. Turner,

The title was amended to read as follows:

An act to organize county agricultural societies and a territorial agricultural society.

On motion of Mr. Fuller,

Council file No. 4, an act for the protection of stock from contagious diseases;

Was taken from the table.

On motion of Mr. Kingsbury,

The bill was referred to a select committee.

The chair appointed as said committee, Messrs. Kingsbury, LaBreeche and Van Osdel.

Council file No. 6; an act to amend section fifty-two, chapter thirty-one of the session laws of 1865 and 6;

Was then taken up for consideration.

On motion of Mr. Fuller,

The bill with reports and amendments were recommitted to the committee on education.

#### REPORTS OF SPECIAL COMMITTEES.

Mr. Kingsbury, chairman of select committee, made the following report, which was adopted:

MR. PRESIDENT.—Your special committee on house resolution to amend joint rule No. 8, would report the following substitute for joint rule 8, and would recommend that the amendment proposed by the house be laid upon the table.

G. W. KINGSBURY,

O. F. STEVENS,

J. W. TURNER.

**RULE 8.** All joint resolutions and memorials to congress, to the president of the United States, heads of departments, army officers, 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 and president of the council, and attested by the clerk of the house and secretary of the council, and shall then be presented by the enrolling committee of the house in which the memorial and joint resolution originated, to the governor for his approval, and the governor shall return the same to the house in which originated with or without his approval, within two days thereafter, when so many copies of the memorial shall be made by the enrolling committee as is called for in said bill; the original bill to be presented to the secretary of the territory for safe keeping, and the remainder transmitted to the parties for whom they are intended, by the presiding officer of the house in which they originated.

The secretary was ordered to notify the house of the adoption of the above.

**FIRST AND SECOND READING OF BILLS.**

Council file No. 12, an act to preserve the purity of elections;

Was then taken up,  
Read first and second time, and  
Referred to committee on elections.

Council file No. 10, an act to incorporate the city of Yankton;

Was then taken up,  
Read first and second time, and  
On motion of Mr. Fuller, it  
Was ordered to be engrossed for a third reading, on Monday at 11 o'clock, a. m.

On motion of Mr. Turner,  
The council adjourned.

**M K ARMSTRONG,**  
*President.*

**B. M. SMITH,**  
*Secretary.*

## FIFTEENTH DAY.

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COUNCIL CHAMBER,  
Monday, December 17th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 15th inst., read and approved.

### NOTICE OF BILLS.

Mr. Kingsbury gave notice that on to-morrow or some subsequent day of the session he would introduce a bill for an act regulating actions against boats.

### REPORTS OF COMMITTEES.

Mr. Fuller, chairman of committee on engrossment, reported council file No. 10, An act to incorporate the city of Yankton; back to the council correctly engrossed.

A. G. FULLER.

Mr. Lewis, chairman of committee on enrolled bills, reported back council file No. 2, A memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to George Stickney; as correctly enrolled.

Mr. Turner, chairman of committee on education, made the following report:

MR. PRESIDENT:—The committee on education to whom was referred council file No. 6, report the same back with the recommendation that it be referred to a joint committee of the two houses.

JOHN W. TURNER,  
A. G. FULLER.

On motion of Mr. Kingsbury,

The territorial treasurer's report was taken up for consideration, and all that portion referring to Yankton county was referred to the joint select committee, and

On motion of Mr. Turner,

All the remaining portion was referred to the finance committee.

On motion of Mr. Turner,

Council file No. 6, An act to amend section 52, of chapter 31, of the session laws of 1865-66; was

Recommitted to committee on education.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Monday, December 17th, 1867. }

MR. PRESIDENT:—I have the honor to inform your honorable body, that the house has passed house file No. 4, A memorial to the Senate and House of Representatives, praying for the establishment of a military road from Elk Point, in Union county, to Sioux Falls, in Minnehaha county, Dakota Territory; which I herewith transmit, and respectfully request the concurrence of the Council therein.

F. WIXSON,  
*Chief Clerk.*

#### FIRST AND SECOND READING OF BILLS.

House file No. 4, A memorial to the Senate and House of Representatives praying for the establishment of a military road from Elk Point, in Union county, to Sioux Falls, in Minnehaha county, Dakota Territory; was

Read first and second time, and  
Referred to committee on military affairs.

On motion of Mr. Fuller,  
Council file No. 10, An act to incorporate the city of Yank-  
ton; was taken up for the third reading.

On motion of Mr. Fuller,  
Action on the bill was deferred until to-morrow, to be con-  
sidered in committee of the whole, at eleven o'clock, a. m.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Monday, December 17th, 1866. }

MR. PRESIDENT:—I am instructed to inform the council  
that the house has indefinitely postponed council file No. 5, An  
act relating to the authentication of statutes, records, office pa-  
pers, &c.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Kingsbury,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## SIXTEENTH DAY.

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COUNCIL CHAMBER, }  
Tuesday, December 18th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, VanOsdel, Weeks and Mr President.

Journal of the 17th inst., read and approved.

#### NOTICE OF BILLS.

Mr. Fuller gave the following notice :

MR. PRESIDENT.—I give notice that on to morrow or some subsequent day of the session, I will introduce a bill to repeal chapter sixty-seven of the session laws of 1863-64, entitled an act to incorporate the Minnesota and Dakota rail road company.

Mr. VanOsdel gave the following notice :

MR. PRESIDENT.—I hereby give notice that I will on to-morrow or some subsequent day of the session, introduce a bill to amend the election law so as to fix the time of the general election in each year on the first Monday of November.

#### INTRODUCTION OF BILLS.

Mr. Lewis introduced the following bill:

Council file No. 13, a memorial to congress relative to a geological survey of the Black Hills.

On leave granted, Mr. Weeks introduced the following bill, of which no previous notice had been given:

Council file No. 14, a bill for an act to lay out and establish a territorial road in Clay county.

#### INTRODUCTION OF RESOLUTIONS.

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

*Resolved*, That a committee of three be appointed by the chair to take into consideration the recommendation of his excellency, the governor, in regard to a territorial armory, and also, to recommend some plan for raising means for erecting a jail for the safe keeping of evil doers, and for a strict enforcement of such laws as we have adopted.

And that the secretary of the council be, and hereby is directed to communicate to the house the passage of the above resolution, and respectfully request that a like committee of the house be appointed to act in conjunction with such committee as is contemplated in the foregoing resolution.

JOHN W. TURNER.

Messrs. Turner, Fuller and Stevens, were appointed said committee.

#### REPORTS OF COMMITTEES.

Mr. Stevens, chairman of committee on elections, offered the following report:

MR. PRESIDENT.—Your committee on elections to whom was referred council file No. 12, entitled an act to provide for the purity of elections; have had the same under consideration and report the same back recommending its passage.

O. F. STEVENS.

A. G. FULLER.

Mr. Fuller, from the committee on education, made the following report:

MR. PRESIDENT.—Your committee on education to whom was referred council file No. 6, entitled an act to amend section fifty-two of chapter 31 of the session laws of 1865-66; report that they have had the same under consideration and beg leave to report a substitute bill and recommend that the substitute bill do pass.

J. W. TURNER.

A. G. FULLER.

J. A. LEWIS.

On motion of Mr. Van Osdel,

The substitute bill was adopted in place of the original bill.

On motion of Mr. Fuller,

The substitute council file No. 6 was laid upon the table and ordered printed.



## FIRST AND SECOND READING OF BILLS.

Council file No. 13, a memorial to congress relative to a geological survey of the Black Hills;

Was then taken up, and

Read first and second time, and

Referred to the committee on mines and minerals.

Council file No. 14, a bill for an act to lay out and establish a territorial road in Clay county;

Was taken up, and

Read first and second time, and

On motion of Mr. Weeks, it

Was referred to a committee consisting of the Clay county delegation, viz: Messrs. Turner, Weeks and Ross.

## THIRD READING OF BILLS.

Council file No. 12, an act to preserve the purity of elections;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken, resulted as follows:

Yeas 12; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

On motion of Mr. Van Osdel,

Mr. Thompson was excused for non attendance with the council for the last few days on account of sickness.

## SPECIAL ORDER.

The time having arrived for the special order,

The council resolved itself into committee of the whole to consider council file No. 10, an act to incorporate the city of Yankton;

Mr. Stevens in the chair.

After spending some time therein,

The committee arose, and through their chairman reported the bill back to the council and recommended that it be considered again in committee of the whole at 11 o'clock, a. m., to-morrow.

Report was adopted.

Mr. Kingsbury asked leave to introduce council file No. 15, an act for the relief of the poor.

Leave granted and the bill was,

Read first and second time, and

Referred to committee on public buildings.

Mr. Lewis, chairman of committee on enrolled bills, made the following report:

MR. PRESIDENT.—Your committee on enrolled bills beg leave to report that council file No. 2, joint resolution relative to George Stickney; was this day at 11 o'clock, a. m., delivered to his excellency, the governor, for his approval.

J. A. LEWIS,  
*Chairman.*

On motion of Mr. Lewis,

The council took a recess of ten minutes.

#### AFTER RECESS.

The council was called to order by the President in the chair.

Roll called.

The following members answered to their names:

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

On motion of Mr. Stevens,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## SEVENTEENTH DAY.

COUNCIL CHAMBER,  
Wednesday, December 19, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 18th inst., read and approved.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Wednesday, December 19th, 1867. }

MR. PRESIDENT:—I have the pleasure to inform your honorable body that the house has passed house file No. 10, Joint resolution to repeal council file No. 9, A memorial to Congress asking that the secretary of Dakota Territory be authorized to use what has been saved out of the appropriations made for legislative expenses of the Territory of Dakota, for the purpose of codifying the laws, approved December 13th, 1866; which resolution I herewith transmit and respectfully request the concurrence of the council therein.

F. WIXSON,  
*Chief Clerk.*

## REPORTS OF COMMITTEES.

Mr. Thompson, chairman of committee on military affairs, made the following report :

MR. PRESIDENT :—Your committee to whom was referred house file No. 4, have had the same under consideration, and report the same back with the recommendation that the bill do pass.

The annual report of the territorial superintendent of public schools was then taken up :

## SCHOOL REPORT.

OFFICE BOARD OF EDUCATION, }  
Yankton, D. T., Dec. 10, 1866. }

*To the Hon. the Legislative Assembly of the Territory of Dakota :*

Agreeable to your resolution of December 5th, I have the honor to submit the third annual report of the Superintendent of Public Instruction for the Territory of Dakota :

The past year has been one of unexampled prosperity to the Territory, unexampled not only in the number of thriving industrious settlers who have come to dwell among us, but in the extent of valuable and permanent improvements. These improvements are to be seen not only in the thriving towns springing up on our thoroughfares, with increasing facilities for manufactures and trade, but in the substantial agricultural improvements that dot our beautiful prairies with "Happy Cottage Homes," generally surrounded with extensive and well cultivated fields which by the blessing of Providence have this year yielded a bountiful harvest. So rapid has been the influx of emigration during the past season that in some instances in sections where there was not a single house in April of this year there are now flourishing settlements, with valuable and permanent improvements, with School Districts organized, suitable school houses erected and furnished with all the necessary fixtures for a good common school.

We are admonished by our rapidly increasing population, by a lively and growing interest in the subject of schools, and by

the earnest appeals of citizens from all sections of the territory for a school district organization, that the time will soon come when the benefits of our public schools will be extended to every neighborhood in this Territory.

Within the past year the number of organized school districts in the Territory has been more than quadrupled, and the number of children of school age has increased in nearly the same proportion. In most of the districts schools have been maintained for a portion of the past year ranging from three to nine months. The schools have mostly been taught by competent instructors, and in some instances paid by money received from the county treasurers, (the proceeds of the *per capita* tax,) and in other districts by money raised by tax on real estate and personal property in the school districts, or by subscription.

It is to be presumed that few if any of the districts are so perfectly organized as to reap the full benefit of our present generally acceptable school law.

It will require some little time for the machinery of our school law to get into operation so that the full amount of money to which the public schools are by law entitled will be faithfully collected and judiciously expended.

On one occasion when the crown commissioners inquired of one of the Governors of Connecticut relative to the condition of the common schools of the colony, the Governor replied that "one fourth of the revenue of the colony is laid out in maintaining free schools for the education of our children." If the people of this Territory will adopt as liberal a plan as that adopted by Connecticut in her early history, we shall not be wanting in school houses to educate our children in, nor in funds to pay the wages of the teachers in our public schools.

The following table exhibits the amount of money raised for school purposes, the sources from which it came, and the manner in which it was expended, together with such other information as could be gleaned from the meagre reports of county superintendents:

Name of County.	No. Organized Districts,					No. Teachers.	No. of children between the ages of 5 and 20	Amount raised for educational purposes.				Amount expended for educational purposes.				
	Males.	Females.	Males.	Females.	Total.			Raised by Tax	By Subscription.	Received from County Treasury.	Total amount.	Teacher's wages.	New Buildings	Repairs and Insurance.	Maps, charts, globes.	Total amount expended.
Bon Homme,	1	1	15	10	25			\$ 11 00	\$ 25 00	\$ 36 00	\$ 36 00			36 00		
Clay,	5	1	4 110	90	200			500 00	80 00	580 00	380 00	\$ 150 00	\$ 50 00	580 00	\$ 500 00	
Todd,*																
Charles Mix*	10	3	2 169	167	336	\$214 84	391 32			606 19	606 19			606 19	1 000 00	
Union,	2	2	1 100	98	198		2 220 00			2 220 00	495 00	1 700 00		2 220 00	1 700 00	
Yankton,													25 00			
<b>Total,</b>	<b>18</b>	<b>6</b>	<b>8 394</b>	<b>365</b>	<b>759</b>	<b>\$214 84</b>	<b>\$3 122 32</b>	<b>\$105 00</b>	<b>\$3 442 19</b>	<b>\$1 517 19</b>	<b>\$1 850 00</b>	<b>\$ 50 00</b>	<b>\$ 25 00</b>	<b>\$3 442 19</b>	<b>\$3 200 00</b>	

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\*No Report.

I have thus briefly presented the condition of the schools in this Territory. We have now to consider what can be done to extend their benefits and increase their usefulness.

It is desirable that our school law should be made plain and practicable, and that there should be as little machinery as possible, to accomplish the desirable result.

Our school law provides for a Territorial "Board of Education," which offices would be of doubtful utility, even if filled with competent and self-sacrificing men. No objection to that portion of the school law providing for a board of education, can be made on the ground that their duties conflict with the duty of any other school officers, so much as in the fact that there does not seem to exist any necessity for the creation of such board. The only duty devolving upon the Board of Education which is not *now* performed entirely by the Superintendent of Public Instruction is the appointment of said Superintendent of Public Instruction, who could as well be appointed in some other maner. The Legislative Asssembly of 1865-6 appointed a competent Board of Education, but not one of the officers so appointed ever qualified, and the consequence is we have no Board of Education, to submit a report to the Legislature as required by law. At the last general election held in October last, a new Board was elected, only one of whom is eligible, the other two having been members of the Legislature that passed the law creating the office.

These, it is true, are circumstances that may never occur again. But it can hardly be expected that a person will take interest enough in school matters to perform faithfully the duties of an office so unimportant as that of a member of the board of education, especially when the the expenses of qualifying into office would nearly equal his *per diem* for a year, and when the acceptance of such office would require a pilgrimage of many miles in an unpleasant season of the year to attend the annual meeting of the board. Believing the board of education to be a useless appendage of our school law, I would respectfully recommend that the school law be so amended as to dispense with the services of these officers, and the duties heretofore performed by them could be required of the superintendent of public instruction. I would further recommend that in

case of the abolition of the board, that the legislative assembly appoint a superintendent of public instruction, who shall hold his office until the first of January succeeding the next delegate election, and that provision be made by law for the election of a territorial superintendent of public instruction at the next and every subsequent delegate election, who shall hold his office for the term of two years.

It is an admitted fact that in order to become a skillful practitioner in any profession, constant study and practice is required, as well as a mutual interchange of ideas. To this end, lawyers, physicians and clergymen have their societies and associations, each calculated to aid its members in their particular profession. The same is true of farmers and all classes of mechanics. Of all occupations, that of teaching requires a mutual interchange of ideas in order to develop the faculties. To become a successful teacher, requires not only a good perceptive faculty and ability to comprehend an idea, but it requires an aptness to teach, and to impart to others in a pleasing and interesting manner whatever idea we may wish to convey. This is sometimes a natural gift, but most generally it is an acquired faculty, and in no way can it be more easily acquired than by attendance on teachers institutes. Previous to the year 1825, no "Normal schools" or teachers institutes were organized. But so popular have these institutions become of late that every state boasts at least one, and some as many as four normal schools. In addition to these state institutes, most states establish by law, county institutes for the drill of their own teachers, and all teachers in the county are required to be present at these training schools. These county institutes hold sessions varying from two to six weeks. The usual school hours are spent in thoroughly reviewing the studies usually taught in common schools, and in the discussion of subjects pertaining to school government, and the evenings are occupied by lectures from competent persons whose addresses are not only pleasing but highly instructive. If we expect to keep pace with the progressive methods of instruction of the present age, our teachers must continually study. Teachers institutes can be conducted by the county superintendent and superintendent of public instruction, with-



out any extra expense, and would be of incalculable value to our teachers.

In order that our teachers may be furnished with a school of training, easily accessible and within the reach of every teacher in the territory, I would recommend that the school law be so amended as to require of the superintendent of public instruction, with the assistance of the county superintendents, to hold annually at the county seats of Union, Clay and Yankton counties alternately, a teachers institute to commence on the first Monday of November, and to continue for two weeks—which institute or training school shall be free to all teachers of the territory, and all persons preparing for teachers.

#### SCHOOL FUNDS.

In most counties the *per capita* tax has been collected, and will be distributed to the several districts in April next. A considerable sum would accrue to the school fund in each county from fines and forfeitures, and other sources if they were collected. I would recommend that county superintendents be made the guardians of the school funds in their respective counties, and that they be authorized to call to their counsel and assistance the county attorney, if they shall deem it necessary in the collection of such fines and forfeitures as may be due to the school fund in any county in this territory.

#### CONVOCATIONS OF SCHOOLS.

It was the intention of the board of education and superintendent of public instruction, to hold a convocation of schools in each county at the county seat thereof, early last spring. But circumstances over which the school officers have no control, prevented these friendly and social gatherings. I would here renew the suggestion to hold in each county, in the early part of the summer, a convocation of all the schools in said county. If county superintendents will act in conjunction with the territorial school officers in this matter, I doubt not that much good can be accomplished in this way; it would probably awaken an interest in the subject of schools in the several counties.

## APPEALS.

There is now no method of appeal from the decision of the district board, except to a legal tribunal. I would suggest the propriety of providing a law of appeal, so that when a person feels himself aggrieved by the action of the district board, an appeal may be taken within a specified time, and in the manner prescribed by law, to the county superintendent and from his decision to that of the proper officer.

## COUNTY SUPERINTENDENTS.

I can express myself no better than in the language used in the school report of last year, in regard to these officers. It is true that 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 may make inoperative an excellent school system, or by their diligence, energy and perseverance they may make very useful an indifferent one. County superintendents should always be active in the discharge of duty; always ready to assist in the organization of new districts, and to encourage those who are inclined to look on the dark side of things in school matters, and willing to assist teachers in trying to elevate the standard of education in our common schools. 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 water, which will return after many days."

## ORGANIZATION OF SCHOOL DISTRICTS.

The school law is so plain that no comment is necessary, but presuming that some may wish to assist in the organization of school districts who have not a copy of the school law, I will note the steps necessary to be taken:

1st. County superintendents to set off and describe the boundaries of the proposed district, and file such description with the register of deeds of the county.

2nd. County superintendents to post notices of school meeting to elect district officers. .

3rd. For powers of a district meeting see laws of 1865-66, page 520.

4th. Annual school meetings must be held on the last Saturday in September.

5th. District clerks to report to county superintendents between the 1st and 15th of September in each year.

6th. District treasurer to call on county treasurer for public money in April of each year.

#### TEACHERS.

It is unfortunate for the educational interests of the territory that the larger schools cannot be supplied with permanent teachers. Transient teachers have not half the incentive to study and improve that permanent teachers have. The standard of qualification for teachers is low enough at best, and every facility should be extended to teachers that can aid them in acquiring a more perfect knowledge of the art of teaching. I would suggest to teachers the propriety of subscribing for and perusing carefully some educational journal. Teachers should be exemplary in life; always kind and courteous to their pupils as well as to "children of a larger growth." It is a responsible position to occupy, that of a *teacher of youth*, and he who esteems it lightly, or has no love for the work, is not worthy the name of teacher.

#### TO THE PATRONS OF SCHOOLS.

It is with pleasure that we witness an increasing interest in the subject of schools. We are called upon by every interest dear to us to support *good* and sufficient schools for the education of our children in every school district. It is far cheaper and better to maintain a good school in our own district than to send our children to a distant school to be educated by strangers. Let us remember that every dollar invested in schools pays a better interest than a dollar invested in any other way except for bread, and that it is as much the duty of every parent to look after the education of their children, intellectually, morally and physically, as it is to provide them with food to eat or clothing to wear. Gov. Berkley, of Vir-

ginia, once said "I thank God there are no *free schools* nor printing, and I hope we shall not have these hundred years." I rejoice that we hear no such sentiments uttered now. I prefer that other sentiment, spoken by a later governor of the "Old Dominion," "give your children a good common school education, and the faithful instructions of the Sabbath school, and if after that you are compelled to send them out into the world to shift for themselves, you need not have any fears concerning them." A good common school education is the motive power, and well developed moral faculties, the compass, that will guide their possessors to honorable stations in society, which many a wealthy, but uneducated man, might well covet.

All of which is respectfully submitted,

JAMES S. FOSTER,

*Superintendent Public Instruction.*

On motion, the report was referred to the committee on education.

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

House file No. 10, A joint resolution to repeal council file No. 9, A memorial to Congress asking that the secretary of Dakota Territory be authorized to use what has been saved out of the appropriations made for legislative expenses of the the Territory of Dakota, for codifying the laws; approved Dec. 13th 1866,

Was then taken up for first and second reading.

On motion of Mr. Kingsbury,

It was postponed until the fourth day of July next, by the following vote:

The yeas and nays being called,

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Thompson and Mr. President.

Those voting in the negative, were

Messrs. Ross, Turner and Van Osdel.

The whole number of votes cast were eleven, of which eight were in the affirmative and three in the negative, and

So the bill was postponed.

## THIRD READING OF BILLS.

House file No. 4, A memorial to the Senate and House of Representatives praying for the establishment of a military road from Elk Point, in Union county, to Sioux Falls, in Minnehaha county, Dakota Territory;

Was then taken up for a third reading.

On motion of Mr. Stevens,

It was recommitted to a select committee of three, consisting of the Union county delegation; Messrs. LaBreeche, Stevens and Mills.

## SPECIAL ORDER.

The time having arrived for the special order,

The council resolved itself into committee of the whole to consider council file No. 10, An act to incorporate the city of Yankton.

Mr. Thompson in the chair.

After some time spent therein the committee arose, and

Through their chairman reported the bill back to the council with the recommendation that it be referred to the Yankton county delegation.

The report was adopted, and

The bill was so referred.

On motion of Mr. Kingsbury,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## EIGHTEENTH DAY.

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COUNCIL CHAMBER,  
Thursday, Decemer 20th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
President.

Journal of the 19th instant; read and approved.

### NOTICE OF BILLS.

Mr. Fuller introduced the following notice :

MR. PRESIDENT.—I would give notice on the part of the  
joint committee to investigate the revenue laws of Dakota ter-  
ritory, &c., that I will on to-morrow or some subsequent day of  
the session introduce a bill requiring the county commissioners  
of Yankton county, to readjust the assessment rolls of 1865  
and 1866 and to equalize the taxes levied thereon.

### INTRODUCTION OF BILLS.

Mr. Kingsbury introduced the following bill :

Council file No. 16, an act regulating actions against  
boats.

Mr. Van Osdel introduced the following bill:

Council file No. 17, an act to amend an act entitled an act to provide for the appointment of road supervisors, and to prescribe the duties of the same.

#### REPORTS OF COMMITTEES.

Mr. Ross, chairman of committee on mines and minerals, made the following report:

MR. PRESIDENT.—The committee on mines and minerals to whom was referred council file No 13, a memorial to congress asking an appropriation for a geological survey of the Black Hills would respectfully report, that they have duly considered the same and herewith report it back to the council with the recommendation that it do pass.

N. V. ROSS,  
D. M. MILLS,  
G. W. KINGSBURY.

#### FIRST AND SECOND READING OF BILLS.

Council file No. 16, an act regulating actions against boats,

Was then taken up,  
Read first and second time, and  
Referred to committee on incorporations.

Council file No. 17, an act to amend an act entitled an act to provide for the appointment of road supervisors, and to prescribe the duties of the same,

Was then taken up,  
Read first and second time, and  
On motion of Mr. Fuller, it  
Was referred to the committee on counties.

#### BILLS ON THIRD READING.

Council file No. 13, a memorial to congress relative to a geological survey of the Black Hills country, was then taken up for the third reading.

There being no amendments proposed, it was  
Read a third time and put upon its final passage.

The question then being "shall the bill pass?" it was decided in the affirmative.

Yeas 11; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Mr. President.

So the bill passed, and

Title was agreed to.

*Ordered*, That the secretary request the concurrence of the house.

On motion of Mr. Turner,

Mr. Weeks was excused from further attendance on the meetings of the council until Saturday next on account of sickness in family.

#### MESSAGES FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Thursday, December 20th, 1866. }

MR. PRESIDENT.—I have the honor to inform the council that the house has concurred in the resolution transmitted from the council on the 18th inst., relative to a territorial armory and jail; and that Messrs. McCarthy, Stevens (Union,) and Austin have been appointed as a committee on the part of the house, as contemplated in the resolution.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Kingsbury,

The council took a short recess.

#### AFTER RECESS.

The council was called to order by the President in the chair.

Roll called.

The following members answered to their names:



Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, Van Osdel and Mr. President.

On motion of Mr. Van Osdel,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## NINETEENTH DAY.

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COUNCIL CHAMBER,  
Friday, December 21st, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, VanOsdel and Mr. President.

Journal of the 20th inst., read and approved.

## MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Friday, December 21st, 1866. }

MR. PRESIDENT.—I am instructed to inform the honorable council that the house has passed council file No. 11, an act to amend an act entitled “an act to incorporate the historical society of Dakota,” approved December 24th, 1865; which is herewith transmitted; also

House file No. 1, an act to amend chapter 27 of the laws of 1865–66; which I herewith transmit for the concurrence of the council therein.

F. WIXSON,  
*Chief Clerk.*

## INTRODUCTION OF RESOLUTIONS.

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

*Resolved,* That this hall be tendered to the Sunday school society next Monday evening, December 24th, for the purpose of holding a festival.

## REPORTS OF COMMITTEES.

Mr. Fuller, chairman of joint committee, made the following report:

The joint committee to investigate the revenue law of Dakota territory, and the transactions under said law in Yankton county, direct me to make the following report:

In the discharge of the duties incumbent on said committee, they found it necessary to examine the books, assessment rolls, &c., in the possession of Charles F. Rossteuscher, register of deeds in and for said Yankton county, and had served on him the accompanying notice. But the said Rossteuscher refused to obey the requirements of said notice, thereby treating with contempt the authority of this legislative assembly. Your committee would therefore respectfully ask that the president of the council and the speaker of the house, issue their warrant

directing the sergeant-at-arms of the council and the sergeant-at-arms of the house, to arrest the said Charles F. Rossteuscher, that he may be dealt with as said houses may think best.

A. G. FULLER,

*Chairman council committee.*

The following is the said accompanying notice :

*To Charles F. Rossteuscher, register of deeds for Yankton county :*

You are hereby required to appear before the above named committee at the council chamber, on Thursday, December 20th, 1866, at 2 o'clock in the afternoon, to answer such questions as may be asked you by said committee, relative to such revenue matters as said committee are directed to investigate, by the legislative assembly of Dakota territory, and have with you then and there, all books, assessment rolls, memorandums and papers of every kind and description, relating to the finances of this territory or Yankton county, in your possession or belonging to the office of register of deeds, for the examination of said committee.

A. G. FULLER,

*Chairman council committee.*

Yankton, D. T.,

December 18th, 1866.

Mr. Stevens, chairman of the committee consisting of the Union county delegation, made the following report, which was adopted :

MR. PRESIDENT.—Your committee consisting of the Union county delegation to whom was referred house file No. 4, a memorial to the senate and house of representatives praying for a military road to be established from Elk Point, in Union county, to Sioux Falls, in Minnehaha county, Dakota territory ; a majority of said committee have had the same under consideration and report back the bill with the following amendment, recommending its passage, to wit: strike out the words "Elk Point," wherever it occurs in said bill and insert the words "14 mile house," in lieu thereof.

O. F. STEVENS,

CHARLES LABREECHE.

## INTRODUCTION OF BILLS.

Mr. Fuller introduced the following :

Council file No. 18, a joint resolution relative to the compelling the attendance of witnesses before either house of the legislative assembly of Dakota.

## FIRST AND SECOND READING OF BILLS.

Council file No. 18, a joint resolution relative to the compelling the attendance of witnesses before either house of the legislative assembly of Dakota ;

Was then taken up,

Read first and second time, and

Referred to a select committee of three consisting of Messrs. Kingsbury, Lewis and Fuller.

House file No. 1, an act to amend chapter 27, of the laws of 1865-66 ;

Was then taken up,

Read first and second time, and

On motion of Mr. Mills, it

Was referred to the Union county delegation.

## THIRD READING OF BILLS.

House file No. 4, a memorial to the senate and house of representatives praying for the establishment of a military road from Elk Point in Union county, to Sioux Falls in Minnehaha county, Dakota ;

Was then taken up, and the amendment proposed being adopted, it was

Read a third time and put upon its final passage,

The vote resulting as follows :

Yeas 9 ; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Stevens, Thompson, Turner, VanOsdel and Mr. President.

Mr. Mills was excused from voting.

So the bill was passed, and

Its title agreed to.

On motion of Mr. Van Osdel,  
The council took a recess of ten minutes.

AFTER RECESS.

The council was called to order by the  
President in the chair.

Roll called.

The following members answered to their names:  
Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, VanOsdel and Mr. President.

On motion of Mr. Fuller,  
Substitute council file No. 6, an act to amend chapter 31 of  
the session laws of 1865-66, printed bill,  
Was taken from the table for consideration.

Mr. Mills offered the following amendment:

MR. PRESIDENT.--I move to strike out the words "probate  
judge" wherever they occur in said bill and insert in lieu  
thereof the words "county treasurer."

Adopted.

Mr. Kingsbury moved that the blank in section 92 be filled  
with the figure "7," so that it will read 1867.

Carried.

There being no other amendments the bill was  
Read a third time, and put upon its final passage.

The vote resulting as follows:

Yeas 11; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, VanOsdel and Mr President.

So the bill passed and its

Title agreed to.

Mr. Kingsbury moved the council adjourn.

Lost.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Friday, December 21st, 1866. }

MR. PRESIDENT.—I am directed to inform your honorable body that the house has adopted the report of the council committee appointed to investigate the revenue law of Dakota, and the transactions under said law in Yankton county, and have concurred therein; and ask a meeting of the two houses in joint convention, to carry into effect said report, at such time as may suit the pleasure of the council.

F. WIXSON,  
*Chief Clerk.*

On the receipt of the above message,  
On motion of Mr. Mills,

The council directed the secretary to inform the house that the council would be ready to meet them in joint convention at once, to take into consideration the subject matter of the report of the joint investigating committee relative to the non-attendance of witnesses before said committee.

In accordance with the instructions from the council communicated by the secretary, a committee of three from the house appeared to conduct the council to the representative hall.

Whereupon the council adjourned to meet the house in joint convention.

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IN JOINT CONVENTION.

The president of the council took the chair as chairman of the joint convention, and  
Called the convention to order.

The secretary of the council and chief clerk of the house were instructed to act as clerks of the joint convention.

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

*Members of the council.* Messrs. Fuller, Kingsbury, La-Breeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van-Osdel and Mr. President.

*Members of the house.* Messrs. Ash, Austin, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.

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, which the chair stated was for the purpose of taking the necessary steps to compel the attendance of Mr. Charles F. Rossteuscher as a witness in the matter pending before the legislative assembly of the territory.

Whereupon the following writ was issued directed to the sergeants-at arms of the two houses commanding them to bring forthwith the said Rossteuscher before the two houses in joint convention :

UNITED STATES OF AMERICA, }  
Territory of Dakota. }

*In Legislative Assembly Convened.*

*To the sergeants-at-arms of the house and council of Dakota Territory :*

In the name of the United States, and by the authority of the legislature of Dakota, you are each of you, hereby commanded to bring Charles F. Rossteuscher, register of deeds of Yankton county, D. T., before the bar of the legislature forthwith, to give reasons if he have any, why he should not be punished for contempt of this legislative assembly for failing to appear before a joint investigating committee in obedience to a summons issued by said committee, and regularly served by the sergeant-at-arms of the council.

Hereof fail not and make due return of this writ without delay.

Given under our hands and seals this 21st day of December,  
A. D. 1866.

M. K. ARMSTRONG,  
*President of Council.*

{ L. S. }

J. B. S. TODD,  
*Speaker House of Representatives.*

{ L. S. }

B. M. SMITH,  
*Secretary.*

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Johnson,  
The convention took a recess of 15 minutes.

AFTER RECESS.

The convention was called to order by the chairman.

Roll being called

A quorum was found present.

Mr. Rossteuscher then made his apperance before the joint convention in the custody of the sergeants-at-arms.

Whereupon the chair announced to Mr. Rossteuscher that he was before the legislature to show cause, if he had any, why he should not be punished for contempt in refusing to obey the orders of the legislative assembly, by not appearing before the joint investigating committee of the two houses, when summoned to do so as a witness to testify in the matter pending before the legislature, and

Upon the prisoner's giving a satisfactory explanation and a promise of complying with all further requirements of the committee,

On motion of Mr. VanOsdel,

Mr. Rossteuscher was excused for his failure to appear before the committee, and the sergeants-at-arms was directed to release Mr. Rossteuscher in readiaess for the call of the committee.

There being no other business before the convention,



On motion of Mr. Turner,  
The convention adjourned.

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Whereupon the council returned to the council chamber, and  
The president resumed the chair, and  
Called the council to order.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Thompson, Turner, VanOsdel and Mr. President.

No business being before the council,  
On motion of Mr. Van Osdel,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## TWENTIETH DAY.

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COUNCIL CHAMBER,  
Saturday, December 22, 1866. }

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

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

Journal of the 21st inst., read and approved.

#### MESSAGES FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Saturday, December 22d, 1866. }

MR. PRESIDENT:—I have the honor to inform your honorable body, that the house has passed house file No. 6, An act to establish a fence law in Union county; also,

House file No. 12, An act to repeal chapter two (2,) of the special and private laws of 1865-66; both of which are herewith transmitted, with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

#### NOTICE OF BILLS.

Mr. Mills offered the following notice:

MR. PRESIDENT:—I give notice that on to-morrow or some future day of the session I will introduce a bill the title of which shall be, an act defining lands subject to taxation.

D. M. MILLS.

#### INTRODUCTION OF BILLS.

Mr. Van Osdel introduced the following; council file No. 19, An act to amend section 2 of chapter 14, of session laws of 1865-66.

#### REPORTS OF COMMITTEES.

Mr. Mills, chairman of committee on counties, made the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 8, have had the same under consideration, and

now report the same back with the recommendation that it do pass.

D. M. MILLS,  
GEO. W. KINGSBURY.

Mr. Lewis, chairman of committee on enrolled bills, made the following report:

MR. PRESIDENT:—Your committee to whom was referred council file No. 11, An act to amend an act entitled an act to incorporate the historical society of Dakota, approved Dec. 24th, 1863; have examined the same and find it correctly enrolled.

J. A. LEWIS.

Mr. Turner, chairman of committee consisting of the Clay county delegation, made the following report:

MR. PRESIDENT:—Your special committee, the Clay county delegation, to whom was referred council file No. 14, A bill for an act to lay out and establish territorial roads in Clay county, would respectfully report that they have duly considered the same, and herewith report the bill back to the council with the recommendation that it do pass.

JOHN W. TURNER,  
N. V. ROSS.

Mr. Stevens, chairman of the committee consisting of the Union county delegation, made the following report:

MR. PRESIDENT:—Your committee consisting of the Union county delegation, to whom was referred house file No. 1, An act to amend chapter 27 of the laws of 1865-66; have according to order had the same under consideration and beg leave to report the same back without amendment, recommending its passage.

O. F. STEVENS,  
D. M. MILLS,  
CHARLES LABREECHE.

#### FIRST AND SECOND READING OF BILLS.

House file No. 6, An act to establish a fence law in Union county;

Was then taken up,  
 Read a first and second time, and  
 On motion of Mr. LaBreeche,  
 The bill was referred to the Union county delegation.

House file No. 12, An act to repeal chapter 2, of the special  
 and private laws of 1865-66;

Was then taken up,  
 Read a first and second time, and  
 Referred to the committee on highways, bridges and ferries.

Council file No. 19, An to amend section 2 of chapter 14 of  
 session laws of 1865-66;

Was then taken up,  
 Read first and second time, and  
 Referred to committee on elections.

#### THIRD READING OF BILLS.

Council file No. 14, a bill for an act to lay out and establish  
 a territorial road in Clay county,

Was then taken up for the third reading.  
 On motion of Mr. Turner,  
 It was referred to the engrossing committee.

House file No 1, an act to amend chapter 27, of the laws of  
 1865-66;

Was then taken up for the third reading.  
 There being no amendments proposed, it was  
 Read a third time and put upon its final passage.

The vote resulting as follows :

Yeas 10; nays none; as follows :

Those who voted in the affirmative, were  
 Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
 Stevens, Turner, Van Osdel and Mr. President.

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

On leave, the committee on engrossed bills made the following  
 report :

**MR. PRESIDENT:**—Your committee on engrossed bills report as correctly engrossed, council file No. 14, a bill for an act to lay out and establish a territorial road in Clay county.

Which bill was then read a third time and put upon its final passage.

The vote resulting as follows :

Yeas 10 ; nays none ; as follows ;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

So the bill was passed, and its

Title agreed to.

Council file No. 8, an act in relation to counties and county officers,

Was then taken up,

Read the third time and put upon its final passage.

The vote resulting as follows :

Yeas 9 ; nays one ;

Those voting in the affirmative were,

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Van Osdel and Mr. President.

Mr. Turner voting in the negative,

So the bill was passed, and its

Title agreed to.

On motion of Mr. Lewis,

The council adjourned.

**M. K. ARMSTRONG,**  
*President.*

**B. M. SMITH,**  
*Secretary.*

## TWENTY-SECOND DAY.

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COUNCIL CHAMBER,  
Monday, December 24th, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

Journal of the 22nd instant, read and approved.

### NOTICE OF BILLS.

Mr. Mills offered the following notice :

MR. PRESIDENT.—I give notice that on to-morrow or some subsequent day of the session, I will introduce a bill the title of which is, “an act to organize a system of township government in and for Union county.”

### INTRODUCTION OF BILLS.

Mr. Mills introduced council file No. 21, an act defining lands subject to taxation.

### REPORTS OF SPECIAL COMMITTEES.

Mr. Fuller reported back council file No. 10, an act to incorporate the city of Yankton, with substitute.

On motion of Mr. Fuller,

The substitute council file No. 10 was adopted in place of the original bill.

On motion of Mr. Fuller,

Substitute council file No. 10, an act to amend chapter twenty-five of the private laws of 1862; was ordered to be engrossed for the third reading to-morrow.

FIRST AND SECOND READING OF BILLS.

Council file No. 21, an act defining lands subject to taxation,  
Was taken up,  
Read first and second time, and  
Referred to committee on public lands.

MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Monday, December 24th, 1866. }

MR. PRESIDENT.—I have the honor to inform your honorable body that the house has passed council file No. 7, (substitute,) an act to organize county agricultural societies and territorial agricultural society; which is herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Lewis,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## TWENTY-THIRD DAY.

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COUNCIL CHAMBER,  
Tuesday, December 25, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Mr. President.

Journal of the 24th inst., read and approved.

### INTRODUCTION OF BILLS.

Mr. Mills introduced the following :

Council file No. 22, an act to organize a system of township government in Union County.

### RESOLUTIONS.

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

*Be it resolved by the council,* (the house of representatives concurring therein,) That a committee of three be appointed to co-operate with a like committee on the part of the house, to prepare and submit to the two houses in joint convention, a full, complete and concise report on the Black Hills of Dakota, considered in a geological, mineralogical and topographical point of view, for the purpose of enabling the legislature to memorialize the departments at Washington for the extinguishment of the Indian title thereto by treaty or otherwise.



The chair appointed Messrs. Turner, Fuller and Lewis said committee.

Mr. Stevens offered the following resolution :

*Resolved*, That Edward M. Walters be invited to a seat within the bar of the council.

Adopted.

#### REPORTS OF COMMITTEES.

Mr. Van Osdel, chairman of committee on highways, bridges and ferries, made the the following report :

MR. PRESIDENT:—Your committee to whom was referred house file No. 12, an act to repeal chapter two of special and private laws of 1865-66 ; have had the same under consideration and report the bill back recommending its passage.

A. VAN OSDEL.

Mr. Fuller, chairman of the committee on engrossed bills, made the following report :

MR. PRESIDENT:—The committee on engrossed bills to whom was referred substitute council file No. 10, an act to amend chapter twenty-five, of the private laws of 1862 ; report the same correctly engrossed.

A. G. FULLER.

Mr. Lewis, chairman of committee on enrolled bills, made the following report :

MR. PRESIDENT:—The committee on enrolled bills have the honor to report that they have presented to his excellency, the governor, yesterday at five o'clock, council file No. 11, an act to amend an act to incorporate the historical society of Dakota.

J. A. LEWIS.

#### FIRST AND SECOND READING OF BILLS.

Council file No. 22, an act to organize a system of township government in Union county,

Was then taken up, and

Read a first and second time, and

Referred to committee on counties.

## THIRD READING OF BILLS.

House file No. 12, an act to repeal chapter two of the special and private laws of 1865-66,

Was then taken up for the third reading.

Pending the consideration of which.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Tuesday, December 25th, 1866. }

MR. PRESIDENT :—I have the honor to inform your honorable body that the house has passed house file No. 8, an act to amend chapter 39, of the laws of 1862, entitled “an act exempting property from execution,” approved May 5th, 1862; which is herewith transmitted with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Röss,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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**TWENTY-FOURTH DAY.**

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COUNCIL CHAMBER, }  
Wednesday, December 26th, 1866. }

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

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President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Mr. President.

Journal of the 25th instant, read and approved.

#### BILL ON THIRD READING.

House file No. 12, an act to repeal chapter two of the special and private laws of 1865 and 1866, which was under consideration at the time of the adjournment yesterday,

Was then taken up, and there being no amendments proposed, was

Read a third time and put upon its final passage ;

And it being put "shall the bill pass?" was decided in the affirmative.

Yeas 7 ; nays 3 ; as follows :

Those who voted in the affirmative, were

Messrs. Kingsbury, LaBreeche, Lewis, Stevens, Thompson, Van Osdel and Mr. President.

Those voting in the negative, were

Messrs. Fuller, Mills and Turner.

So the bill was passed, and

Its title agreed to.

Substitute council file No. 10, an act to amend chapter 25 of the private laws of 1862,

Was then taken up for third reading.

On motion of Mr. Fuller, it was

Referred to the committee on incorporations.

#### NOTICE OF BILLS.

Mr. Thompson offered the following notice :

MR. PRESIDENT.—I give notice that on to-morrow or some subsequent day of the session, I will offer a bill for the organization of the territorial militia and for other purposes.

JOHN J. THOMPSON.

## REPORTS OF COMMITTEES.

Mr. Stevens made the following report :

MR. PRESIDENT.—Your committee on elections to whom was referred council file No. 19, entitled an act to amend section two of the laws of 1865 and 1866, have had the same under consideration, and beg leave to report the same back to the council recommending it to be referred to committee of the whole this day at 11 o'clock, a. m.

O. F. STEVENS.

The report of the committee was concurred in.

Mr. Mills, chairman of committee on counties, made the following report :

MR. PRESIDENT.—Your committee to whom was referred council file No. 22, an act to organize a system of township government for Union county, have had the same under consideration and report the same back with the recommendation that it do pass.

D. M. MILLS,  
GEO. W. KINGSBURY.  
J. W. TURNER.

## BILLS ON FIRST AND SECOND READING.

House file No. 8, an act to amend chapter 39 of the session laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862; was

Read first and second time, and

Referred to the judiciary committee.

## BILLS ON THIRD READING.

Council file No. 22, an act to organize a system of township government in Union county,

Was then taken up for third reading.

Mr. Kingsbury offered the following amendment, viz: amend section 4, line thirty-one, of original bill by inserting after the word "United," the word "States."

The amendment was adopted.

## MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES, }  
 Wednesday, December 26th, 1866. }

MR. PRESIDENT.—I am instructed to return to the council council file No. 6, substitute, an act to amend chapter 31 of the session laws of 1865 and 1866, which is herewith transmitted for the reason that the same did not come before the house in an official manner.

F. WIXSON,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
 December 26th, 1866. }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house has refused to concur in the council amendment to house file No. 4, which bill is herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Kingsbury,  
 The bill under consideration was ordered engrossed.

## SPECIAL ORDER.

The hour having arrived for the special order,

The council resolved itself into a committee of the whole to take into consideration council file No. 19, entitled an act to amend section two of the laws of 1865 and '66.

Mr. Turner was called to the chair.

After some time spent in consideration of the bill,

The committee rose and through their chairman made the following report :

MR. PRESIDENT.—The council in committee of the whole have had under consideration council file No. 19, entitled an act to amend section two, chapter 13, of the session laws of 1865-6; and having considered the same have directed their chairman to report it back to the council with the recommendation that the enacting clause be stricken out.

J. W. TURNER.

On motion of Mr. Kingsbury,  
The report was adopted as the action of the council.

## UNFINISHED BUSINESS.

On leave, house file No. 4, a memorial to the senate and house of representatives praying for the establishment of a military road from Elk Point in Union county, to Sioux Falls in Minnehaha county, Dakota Territory;

Was then taken up, and

On motion of Mr. Mills,

The council receded from their amendment, and concurred in the original bill.

On motion of Mr. Van Osdel,

Mr. Turner was elected as President *pro tempore* to act in all cases when the President is absent.

On motion of Mr. Van Osdel,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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TWENTY-FIFTH DAY.

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COUNCIL CHAMBER,  
Thursday, December, 27, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Fuller, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel and Mr. President.

On motion of Mr. Kingsbury,

The reading of the journal was dispensed with for the present.

#### INTRODUCTION OF BILLS.

Mr. Fuller asked leave to introduce council file No. 23, an act directing the county commissioners of Yankton county to readjust the assessment roll of 1865-66 and equalize the taxes levied thereon; of which no previous notice had been given.

Leave granted.

#### REPORTS OF COMMITTEES.

Mr. Fuller, chairman of the committee on engrossed bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed bills, ask leave to report council file No. 22, an act to organize a system of township government in Union county; as correctly engrossed.

A. G. FULLER.

Mr. Lewis, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on enrolled bills, have examined council file No. 7, relative to organizing county and territorial agricultural societies; and find the same correctly enrolled.

J. A. LEWIS.

#### REPORT OF SELECT COMMITTEE.

Mr. Stevens made the following report:

MR. PRESIDENT:—Your committee consisting of the Union county delegation to whom was referred house file No. 6, an

- act to establish a fence law in Union county ; have according to order had the same under consideration and beg leave to report the same back with attached amendments recommending its passage.

O. F. STEVENS,  
CHARLES LABREECHE,  
D. M. MILLS.

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

House file No. 6, an act to establish a fence law in Union county ;

Was then taken up with amendment, and

On motion of Mr. Fuller,

The amendment was adopted, and

The bill laid on the table and amendment ordered printed.

Council file No. 23, an act directing the county commissioners of Yankton county to readjust the assessment rolls of 1865-66 and equalize the taxes levied thereon ;

Was then taken up, and

Read first and second time, and

Referred to committee consisting of the Yankton county delegation.

There being no objections, Mr. Kingsbury introduced the following :

Council file No. 24, a memorial to Congress asking an appropriation to erect a capital building at Yankton, Dakota Territory ; which was

Read first and second time, and

Referred to committee on public buildings.

#### THIRD READING OF BILLS.

Council file No. 22, an act to organize a system of township government in Union county ;

Was then taken up for consideration, and

On motion of Mr. Stevens,

It was recommitted to the committee on counties.



The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Thursday, December 27th, 1866. }

MR. PRESIDENT:— I have the honor to inform your honorable body that the house has passed house file No. 7, an act limiting the time for collection of debts; which is herewith transmitted, with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

There being no objections, Mr. Fuller made the following report :

MR. PRESIDENT:—Your committee on incorporations to whom was referred council file No. 10, have had the same under consideration and report the same back without amendment, recommending its passage.

A. G. FULLER.

The report was adopted, and

The bill was taken up for the third reading.

It was read a third time and put upon its final passage.

The question being "shall the bill pass?"

The vote being taken resulted as follows :

Yeas 10; nays one; as follows :

Those who voted in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Van Osdel and Mr. President.

Mr. Turner voting in the negative,

So the bill was passed, and its

Title agreed to.

House file No. 7, an act limiting the time for the collection of debts; having been received in the council since the regular order of business was passed,

Was taken up,

Read first and second time, and

Referred to the judiciary committee.

UNFINISHED BUSINESS.

Journal of the 27th inst., read and approved.

On motion of Mr. Stevens,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## TWENTY-SIXTH DAY.

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COUNCIL CHAMBER, }  
Friday, December 28th, 1866. }

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

President *pro tem* in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel and Mr. President.

Journal of the 27th inst., read and approved.

On motion of Mr. Kingsbury,

Mr. Jolley of Vermillion, was invited to a seat within the bar of the council.

### INTRODUCTION OF BILLS.

Mr. Turner introduced the following bill:

Council file No. 20, an act to simplify and abridge the

practice, pleadings and proceedings of the courts of this territory.

Mr. Stevens introduced the following bill :

Council file No. 25, an act to amend chapter 23 of the session laws of 1863-64.

#### REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report :

MR. PRESIDENT.—The judiciary committee to whom was referred house file No. 8, an act to amend chapter thirty-nine of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862; have duly considered the same and herewith report it back to the council with the recommendation that it do pass.

JOHN W. TURNER,  
*Chairman.*

Mr. Turner, chairman of the judiciary committee, also made the following report :

MR. PRESIDENT.—The judiciary committee to whom was referred house file No. 7, an act limiting the time for the collection of debts; have duly considered the same and herewith report it back to the council and recommend that it do pass, with the following amendments, viz :

In section 1, 10th line strike out "issue from" and insert therein "be rendered in."

In section 2, 5th line strike out the word "two" and insert the word "three" in lieu thereof.

Also, in last line in section 2, strike out "five" and insert "six."

JOHN W. TURNER,  
*Chairman.*

Mr. Fuller from the committee on public lands, made the following report :

MR. PRESIDENT.—Your committee on public lands to whom was referred council file No. 21, an act defining lands subject

to taxation; have had the same under consideration and report the same back with amendment and recommend it do pass with the amendment.

A. G. FULLER.

JOHN W. TURNER.

Mr. Mills, chairman of committee on counties, made the following report:

MR. PRESIDENT.—Your committee on counties to whom was referred council file No. 22, an act to organize a system of township government in Union county; have had the same under consideration and report the same back with amendments and recommend it do pass with the amendments.

D. M. MILLS,

*Chairman.*

#### FIRST AND SECOND READING OF BILLS.

Council file No. 25, an act to amend chapter 23 of the session laws of 1863-64;

Was then taken up,

Read first and second time, and

On motion of Mr. Kingsbury, it was

Referred to the judiciary committee.

Council file No. 20, an act to simplify and abridge the practice, pleadings and proceedings of the courts of this territory; was

Read first and second time, and

Referred to the judiciary committee.

On motion of Mr. Turner,

Mr. Weeks was excused from attendance on the council until next Saturday, on account of sickness.

#### THIRD READING OF BILLS.

House file No. 8, an act to amend chapter thirty-nine of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862;

Was then taken up for the third reading, but

On motion of Mr. Kingsbury, it

Was re-committed to the judiciary committee.

Council file No. 22, with amendments was then taken up for consideration.

On motion of Mr. Turner,

The first amendment proposed by the committee was adopted, which was as follows, viz :

After the words "and qualified" in section two, add the following: "and the said commissioners when so elected shall constitute the board of county commissioners, and when qualified shall supercede the present incumbents in office, and shall proceed to the transaction of business as prescribed by law."

On motion of Mr. Mills,

The second amendment was adopted, which is as follows :

Strike out the words "time and" after the words "shall order the" in section three (3.)

On motion of Mr. Mills,

The third amendment was adopted, which is as follows :

Add the words "which officers shall be elected of [in] their respective townships" after the word "thereof" at the end of section six.

On motion of Mr. Kingsbury,

The fourth amendment was adopted, which is as follows, viz :

Strike out sections nine and ten (9 and 10.)

On motion of Mr. Fuller,

The fifth amendment was adopted, which is as follows :

Add for section nine: "all persons possessing the qualifications of electors for territorial and county officers, who shall have resided within the township twenty days prior to any election, shall be entitled to vote at such election within their respective townships."

On motion of Mr. Mills,

The sixth amendment was adopted, which is,

Add as section 10, the following :

The provisions of this act shall not be construed to interfere with the duties of any county officer as now defined by law ;

*Provided however*, That the sheriff shall be no longer county assessor, but the duties of the same shall devolve upon the township assessors of the respective townships.

On motion of Mr. Mills,

The seventh amendment was adopted, which is,

Add as section 11, the following :

This act shall not be construed to apply to any other county in the territory than the county of Union.

On motion of Mr. Van Osdel,

The eighth amendment was adopted, which is,

Add as section 12, the following :

All provisions of acts in conflict with this act are hereby repealed.

On motion of Mr. Van Osdel,

The ninth amendment was adopted, which is,

Add as section 13, the following :

This act shall take effect from and after its passage and approval.

On motion of Mr. Fuller,

The bill was laid on table and ordered printed as amended.

Council file No. 21, an act defining lands subject to taxation ; with amendment,

Was then taken up, and

The amendment proposed by the committee was adopted, which is as follows :

Add to section one, " but no tax shall be levied for the year in which said land is entered."

On motion of Mr. Fuller,

The bill was ordered engrossed for the third reading on tomorrow.

House file No. 7, an act limiting the time for the collection of debts ; with amendments

Was then taken up.

On motion of Mr. Van Osdel,

The first amendment was adopted, which is to strike out the

words "issue from" after the words "judgment shall not," in section 1, and insert the words "be rendered in," in lieu thereof.

On motion of Mr. Fuller,  
The second amendment was laid on the table.

On motion of Mr. Van Osdel,  
The third amendment was adopted, which is to change the word "five" in last line of section 2, to "six."

Mr. Fuller moved that the words "six years" be stricken out, and the words "four years" inserted in lieu thereof.

On motion of Mr. Ross,  
Mr. Fuller's motion was laid on the table.

On motion of Mr. Ross,  
The bill was ordered to be engrossed for the third reading on to-morrow.

On motion of Mr. Lewis,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## TWENTY-SEVENTH DAY.

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COUNCIL CHAMBER,  
Saturday, December 29th, 1866. }

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

President *pro tem.* in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

Journal of the 28th instant read and approved.

#### NOTICE OF BILLS.

Mr. Stevens offered the following notice :

MR. PRESIDENT.—I will give notice that on Monday next I will introduce a bill to provide for the location of the county seat of Union county.

O. F. STEVENS.

#### REPORTS OF COMMITTEES.

Mr. Turner chairman of judiciary committee made the following report :

MR. PRESIDENT.—Your committee on judiciary to whom was referred house file No. 8, an act to amend chapter 39 of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862; have had the same under consideration, and herewith report it back, with a substitute which they recommend do pass.

JOHN W. TURNER.

O. F. STEVENS.

Mr. Fuller, chairman of committee on incorporations made the following report :

MR. PRESIDENT.—Your committee on incorporations, to whom was referred council file No. 16, entitled an act regulating actions against boats; have had the same under consideration and report the same back with the recommendation that it pass.

A. G. FULLER.

Mr. Fuller, chairman of committee on incorporations, also made the following report :

MR. PRESIDENT.—Your committee on incorporations to-



whom was referred that portion of the governor's message relating to rail roads, have had the same under consideration and ask leave to report by printed bill.

A. G. FULLER.

On motion of Mr. Ross,  
The request was granted.

Mr. Fuller, chairman of committee on engrossed bills, made the following report:

MR. PRESIDENT.—The committee on engrossed bills, to whom was referred house file No. 7, an act limiting the time for the collection of debts; report the same back with the presumption that it was not the intention of the council to order a house file engrossed.

A. G. FULLER.

Mr. Fuller, chairman of committee on engrossed bills, made the following report:

MR. PRESIDENT.—The committee on engrossed bills to whom was referred council file No. 21, an act defining lands subject to taxation; report the same back correctly engrossed.

A. G. FULLER.

Mr. Fuller, chairman of committee on public printing, made the following report:

MR. PRESIDENT.—The committee on public printing report that the amendment to house file No. 6, an act to establish a fence law in Union county; printed and on the members' tables.

A. G. FULLER.

Mr. Fuller, chairman of select committee, made the following report:

MR. PRESIDENT.—The select committee to whom was referred council file No. 23, entitled an act directing the county commissioners of Yankton county to readjust the assessment rolls of 1865 and 1866, and equalize the taxes levied thereon; have had the same under consideration, and report the same back with amendments and recommend that it do pass.

A. G. FULLER.

Mr. Fuller, chairman of committee on engrossed bills, made the following report :

MR. PRESIDENT :—

Your committee on engrossed bills report council file No. 23, an act directing the county commissioners of Yankton county to readjust the assessment rolls of 1865 and 1866; report the same correctly engrossed.

A. G. FULLER.

#### BILLS WITH AMENDMENTS AND SUBSTITUTE.

House file No. 8, an act to amend chapter thirty-nine of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862;

Was taken up for consideration.

On motion of Mr. Van Osdel,

The substitute bill was adopted in place of the original.

Council file No. 23, an act directing the county commissioners of Yankton county to readjust the assessment rolls of 1865 and 1866, an equalize the taxes levied thereon;

Was then taken up, and

On motion of Mr. Van Osdel,

The amendment proposed by the committee was adopted.

The following is the amendment :

Add to section 5 the following : “and for that purpose are directed to meet on the first day of January, 1867, to qualify and enter upon the discharge of their duties.”

On motion of Mr. Turner,

It was ordered engrossed for the third reading.

#### BILLS ON THIRD READING.

Council file No. 21, an act defining land subject to taxation,

Was then taken up, and

On motion of Mr. Ross,

It was amended by inserting the word “States” after “United,” in 4th line;

After which it was read third time, and put upon its final passage.

The vote being taken resulted as follows :

Yeas 10; nays none; as follows:

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Turner, Van Osdel and Mr. President.

So the bill passed, and

Title was agreed to.

Council file No. 16, an act regulating actions against boats ;

Was then taken up, and

On motion of Mr. Kingsbury, it

Was laid on the table until Monday.

House file No. 7, an act limiting the time for the collection  
of debts;

Was then taken up, and

Read a third time and put upon its final passage.

The vote being taken resulted as follows:

Yeas 10; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Turner, Van Osdel and Mr. President.

So the bill was passed, and its

Title agreed to.

Council file No. 22, an act to organize a system of township  
government in the county of Union;

Was then taken up,

Read third time, and put upon its final passage.

The vote being taken resulted as follows:

Yeas 10; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Turner, Van Osdel and Mr. President.

So the bill was passed, and

Title agreed to.

Council file No. 23, an act directing the county commission-  
ers of Yankton county to readjust the assessment rolls of 1865  
and 1866, and equalize the taxes levied thereon;

Was then taken up,

Read third time, and put upon its final passa

The vote being take resulted as follows :

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross,  
Stevens, Turner, Van Osdel and Mr. President.

So the bill was passed, and its

Title agreed to.

House file No. 6, an act to establish a fence law in Union  
county ;

Was then taken up, and

On motion of Mr. Turner,

It was re-committed to committee consisting of the Union  
county delegation.

#### MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Saturday, December 29th, 1866. }

MR. PRESIDENT.—I am instructed to inform your honora-  
ble body that the house has appointed Messrs. Hoyt, Johnson  
and Wixson to co-operate with the committee from the council,  
to prepare and submit to the two houses in joint convention, a  
full and complete report on the Black Hills of Dakota, consider-  
ed in a geological, mineralogical and topographical point of  
view.

WIXSON,  
*Chief Clerk*

On motion of Mr. Ross,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## TWENTY-NINTH DAY.

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COUNCIL CHAMBER,  
Monday, December 31, 1866. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members were present:

Messrs. Fuller, Kingsbury, La Breeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

### REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, reported by bill, council file No. 26, a bill for an act to amend section 517, of article 3, chapter 4, of the civil code, approved January 12th, 1866.

Mr. Kingsbury, chairman of the committee on public buildings, made the following report:

MR. PRESIDENT:—Your committee on public buildings, to whom was referred council file No. 24, a memorial to Congress asking an appropriation to erect a capital building at Yankton, D. T.; have had the same under consideration, and now report the same back with the recommendation that it do pass.

GEO. W. KINGSBURY,  
D. M. MILLS.

Mr. Mills, from the committee consisting of the Union county delegation, made the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 6, have had the same under consideration and will now report the same back with the following amendments.

D. M. MILLS,  
O. F. STEVENS.

On motion of Mr. Stevens,

The first amendment was adopted, which is as follows:

Amend section 1 so as to read as follows:

Section 1. That a fence constructed by placing the ends of posts firmly in the ground, not to exceed twelve feet apart for rails or poles, and not to exceed eight feet for boards, and by firmly securing thereto, rails, poles or boards, either by morticing the posts and inserting the ends of the rails, poles, or boards therein, or by sufficiently nailing, spiking or pinning them to said posts; *Provided*, That the spaces between each rail, pole or board shall be as equal as possible, and there shall not be less than four rails, poles, or three boards in number, of suitable size to each joint or length of fence; *And provided further*, That the bottom tier of such rails, poles or boards shall not exceed twenty inches above the average surface of the ground, and that the top of said fence shall not be less than four and one-half feet above the average surface of the ground along each joint or length of fence, or a fence constructed by placing crotches or timbers of suitable size in the ground, and by placing thereon, rails or poles of suitable size, the bottom tier shall not exceed twenty inches above the average surface of the ground, and the top tier shall not be less than four and one-half feet above the average surface of the ground, and shall rest securely in stakes set in the ground at the end of each joint or length of fence, or any fence constructed in any other manner, of rails, walls or embankments or a combination thereof, and all brooks, creeks, ditches, rivers and hedges that shall be considered equivalent to the fence described in this section, shall be deemed a lawful fence when in good repair.

On motion of Mr. Stevens,

The second amendment was then read and adopted, which is, to insert as section 11, the following :

“ All acts and parts of acts conflicting with the provisions of this act are hereby repealed.”

The amendment was then read as follows :

“ All acts and parts of acts conflicting with the provisions of this act are hereby repealed.”

Mr. Turner offered the following amendment to the amendment, which was adopted :

“ But no act or part of act now in force shall be considered repealed by this section only so far as the same shall apply to Union county, D. T.

On motion of Mr. Turner,

The section was then adopted as amended.

On motion of Mr. Stevens,

The third amendment was adopted, which is as follows :

Insert as section 12 ; “ The provisions of this act shall apply only to the county of Union, D. T.”

#### FIRST AND SECOND READING OF BILLS.

Council file No. 26, a bill for an act to amend section 517, of article 3, chapter 4, of the civil code, approved January 12th, 1866 ;

Was then taken up, and

Read a first and second time, and

Referred to the judiciary committee.

#### THIRD READING OF BILLS.

House file No. 6, An act to establish a fence law in Union county ;

Was then taken up for consideration.

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 9 ; nays none ;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Turner, Van Osdel and Mr. President.

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

Council file No. 24, a memorial to Congress asking an appropriation to erect a capital building at Yankton, Dakota Territory ;

Was then taken up for consideration.

It was read the third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 10 ; nays none ;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Turner, Van Osdel and Mr. President.

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

Council file No. 16, an act regulating actions against boats ;

Was then taken up, and

On motion of Mr. Turner,

The bill was laid upon the table.

On motion of Mr Van Osdel.

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*



## THIRTIETH DAY.

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COUNCIL CHAMBER,  
Tuesday, January 1st, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Turner, Van Osdel and Mr. President.

Journal of the 31st ult., was then read and approved.

On motion of Mr. Turner,

Mr. Ross was excused from attendance on the council this date on account of indisposition.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Tuesday, January 1st, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house has passed house file No. 3, an act concerning divorce and alimony;

Also, house file No. 9, joint resolution relative to the organic act of Dakota territory; which bills are herewith transmitted, with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

## FIRST AND SECOND READING OF BILLS.

House file No. 9, joint resolution relative to the organic act of Dakota territory ;

Was then taken up,  
Read first and second time, and  
Referred to committee on elections.

House file No. 3, an act concerning divorce and alimony ;

Was then taken up,  
Read first and second time, and  
Referred to the judiciary committee.

On motion of Mr. Van Osdel,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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 THIRTY-FIRST DAY.
 

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COUNCIL CHAMBER,  
Wednesday, January 2nd, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Fuller, Kingsbury, LaBreeche, Lewis,  
Mills, Stevens, Turner, Van Osdel and Mr. President.

Journal of the 1st instant, read and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Turner offered the following resolution:

WHEREAS, Well authenticated reports of the massacre of some ninety soldiers and officers of the United States army, stationed at Fort Phil Kearney, within the limits of Dakota territory, and

WHEREAS, Other reliable reports of the unfriendly feeling of the Indians of the upper Missouri; therefore,

*Resolved*, That the committee on military affairs be instructed to prepare a memorial to the honorable secretary of war asking an additional force of troops to protect the citizens of our territory from another massacre.

J. W. TURNER.

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

REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report:

MR. PRESIDENT.—Your committee on the judiciary to whom was referred council file No. 26, a bill for an act to amend an act defining by whom acknowledgments may be taken in this territory; would respectfully report that they have duly considered the same and herewith report it back to the council with the recommendation that it pass.

J. W. TURNER,  
*Chairman.*

Mr. Cole, chairman of the committee on public lands, stated that he was preparing a report which would soon be forthcoming.

Mr. Turner, chairman of the judiciary committee, reported council file No. 25 back without any recommendation.

THIRD READING OF BILLS.

Council file No. 26, a bill for an act to amend section 517 of article 3, chapter 4, of the civil code, approved January 3d, 1866; was

Read a third time and put upon its final passage,

The vote being taken, resulted as follows :

Yeas 12; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Ross, Stevens, Thompson, Turner, VanOsdel and Mr President.

So the bill passed and its

Title agreed to.

Council file No. 25, an act to amend chapter 23 of the ses-  
sion laws of 1863-64;

Was then taken up, and

On motion of Mr. Kingsbury,

The council resolved itself into the committee of the whole  
to consider the bill.

Mr. Kingsbury was called to the chair.

After some time spent therein,

The committee arose and through their chairman made the  
following report :

MR. PRESIDENT.—The committee of the whole to whom was  
referred council file No. 25, an act to amend chapter 23 of the  
session laws of 1864-65; have had the same under considera-  
tion, and have instructed me to report the same back with the  
recommendation that the bill be laid upon the table.

G. W. KINGSBURY.

On motion of Mr. Kingsbury,

The report was laid upon the table.

On motion of Mr. Fuller,

The bill was taken up for consideration.

On motion of Mr. Kingsbury,

The bill was referred to a committee consisting of one from  
each county represented.

The following are the committee :

Messrs. LaBreeche, Turner, Fuller, Cole, Lewis and Thomp-  
son.

On motion of Mr. Cole,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## THIRTY-SECOND DAY.

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COUNCIL CHAMBER,  
Thursday, January 3rd, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Members present, were—Messrs. Cole, Fuller, Kingsbury,  
LaBreeche, Mills, Ross, Stevens, Thompson, Turner, Lewis,  
Van Osdel and Mr. President.

Journal of the 2nd instant, read and approved.

### INTRODUCTION OF BILLS.

Mr. Fuller introduced council file No. 27, an act to repeal  
chapter 67 of the session laws of 1863 and 1864.

Mr. Thompson introduced council file No. 28, an act to or-  
ganize and discipline the militia and for other purposes.

## REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report :

MR. PRESIDENT.—The committee on judiciary, to whom was referred council file No. 20, the code of procedure of the territory of Dakota, an act to simplify and abridge the practice, pleadings and proceedings of the courts of this territory ; have so far as time would allow considered the same, and herewith report it back with amendments, as follows : chapter three—strike out in first line of section 43, wheresoever it occurs, the word “twenty-one,” insert in lieu thereof the word “six.”

In section 44, strike out in second line the words “excepting those mentioned in section 43.”

JOHN W. TURNER,  
O. F. STEVENS,  
GEO. W. KINGSBURY.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Thursday, January 3rd, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform your honorable body that the house has passed council file No. 6, (substitute,) an act to amend chapter 31 of the session laws of 1865 and 1866, with attached amendments, which bill is herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

Mr. Stevens, chairman of committee on elections, made the following report :

MR. PRESIDENT.—Your committee on elections, to whom was referred house file No. 9, a joint resolution relative to the organic act of Dakota territory, have had the same under consideration and report the same back with a recommendation that it be referred to the committee of the whole, on Friday, the eleventh instant, at five o'clock, p. m.

O. F. STEVENS,  
A. G. FULLER,  
AUSTIN COLE.

Council file No. 20, an act to simplify and abridge the practice, pleadings and proceedings of the courts of this territory;

Was taken then up, and amendments proposed by the judiciary committee adopted.

Council file No. 6, (substitute,) an act to amend chapter 31 of the laws of 1865 and 1866,

Was then taken up with amendments, and

Referred to a select committee of three.

The chair appointed as said committee Messrs Fuller, Turner and Weeks.

#### FIRST AND SECOND READING OF BILLS.

Council file No. 27, an act to repeal chapter 67, of the session laws of 1863 and 1864.

Read first and second time, and

Referred to committee on incorporations.

Council file No 28, an act to organize and discipline the militia and for other purposes;

Read first and second time, and

Referred to committee on military affairs.

House file No. 9, joint resolution relative to the organic act of Dakota territory;

Was then taken up.

Mr. Fuller moved the report be adopted.

Lost.

On motion of Mr. Fuller,

The bill was referred to the committee on Indian affairs.

#### BILLS ON THIRD READING.

Council file No. 20, an act to simplify and abridge the practice, pleadings and proceedings;

Was then taken up, and

Read a third time and put upon its final passage.

The vote being taken resulted as follows:

Yeas 9; nays 2.

Those voting in the affirmative, were  
Messrs. Kingsbury, LaBreeche, Lewis, Ross, Stevens,  
Thompson, Turner, Van Osdel, Weeks and Mr. President.

Those voting in the negative, were  
Messrs. Fuller and Mills.

On motion of Mr. Van Osdel,  
The council took a recess of 15 minutes.

AFTER RECESS.

The roll being called,  
Present—Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis,  
Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and  
Mr. President.

Mr. Fuller introduced council No. 29; an act to incorporate  
the Minnesota and Missouri river rail road company ;

Read first and second time, and  
Referred to committee on incorporations.

On leave, Mr. Fuller introduced council file No. 30, an act  
to incorporate the Big Horn bridge and ferry company ; which  
was

Read first and second time, and  
Referred to committee on highways, bridges and ferries.

On motion of Mr. Ross,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*



## THIRTY-THIRD DAY.

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COUNCIL CHAMBER,  
Friday, January 4th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Members present—Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 3d inst., read and approved.

### NOTICE OF BILLS.

Mr. Mills gave the following notice:

MR. PRESIDENT:—I hereby give notice of my intention to introduce a bill to provide for the location of county seats in the various counties of this territory, by a majority vote of the people.

D. M. MILLS.

Mr. Van Osdel gave the following notice:

MR. PRESIDENT:—I hereby give notice that I will on tomorrow or some subsequent day of the session introduce a bill to change the time of the regular annual session of the legislative assembly.

A. VAN OSDEL.

## REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report:

MR. PRESIDENT:—The judiciary committee to whom was referred house file No 3, an act concerning divorce and allimony; have had the same under consideration, and would most respectfully report that the bill herewith returned to the council is in manuscript, with amendments attached, erasures and interlineations, and is so obliterated that the committee are unable to report intelligently upon the same.

JOHN W. TURNER,  
O. F. STEVENS.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
Friday, January 4th, 1867. }

MR. PRESIDENT:—I have the pleasure to inform your honorable body that the house has passed council file No. 22, an act to organize a system of township government in Union county; with amendments, (noted at the foot of page 3;) also

Council file No. 23, an act directing the county commissioners of Yankton county to readjust the assessment rolls of 1865-66 and equalize the taxes levied thereon; with amendments, (noted at the foot of the bill;) also

Council substitute for house file No. 8, an act to amend chapter 39, of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862, which bills are herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

Mr. Fuller, chairman of the committee on incorporations, made the following report:

MR. PRESIDENT:—Your committee on incorporations to whom was referred council file No. 27, an act to repeal chapter 67 of the session laws of 1863-64; have had the same under consideration and report the same back and recommend that it do pass.

A. G. FULLER,  
N. V. ROSS,  
J. J. THOMPSON.

Mr. Fuller, chairman of committee on incorporations, made the following report:

MR. PRESIDENT:—The committee on incorporations, to whom was referred council file No. 29, an act to incorporate the Minnesota and Missouri river railroad company; have had the same under consideration, and recommend that it do pass.

A. G. FULLER,  
N. V. ROSS,  
J. J. THOMPSON.

Mr. Lewis, chairman of committee on enrollment, made the following report:

MR. PRESIDENT:—Your committee on enrollment have the honor to report that they presented to his excellency, the governor, for his approval, this day at 10 o'clock, council file No. 7, relative to the organization of county and territorial agricultural societies.

J. A. LEWIS.

#### REPORT OF SELECT COMMITTEE.

Mr. Fuller, chairman of select committee, made the following report:

MR. PRESIDENT:—The committee to whom was referred council file No. 6, with house amendments, have had the same under consideration, and recommend that the council do concur in the house amendments, with the following amendments:

Section 12, line 1, strike out "judge of probate," and insert "county treasurer."

Section 49, line 2, strike out the word "white."

A. G. FULLER,  
D. M. MILLS.

#### REPORTS OF COMMITTEES.

House file No. 3, an act concerning divorce and alimony;

Was then taken up for consideration, and

On motion of Mr. Turner,

The secretary was instructed to return it to the house with the statement that the amendments attached, erasures and in-

terlineations, so much obliterated the bill that the council were unable to act upon it intelligently.

Council file No. 5, an act to amend section 52, chapter 31, of the session laws of 1865-66 ;

Was then taken up for consideration with amendments proposed by the house.

Mr. Fuller offered the following amendments as chairman of the select committee :

In section 12, line 1, strike out "judge of probate," and insert "county treasurer."

In section 49, line 2, strike out the word "white."

Mr. Kingsbury raised the point of order that the amendments proposed, offered to amend the original bill, instead of the house amendments.

The chair decided that the amendments proposed were not strictly in order, for the reason that they offered to amend by adding more matter to the original bill, whereupon

On motion of Mr. Fuller,

The council concurred in the amendments made by the house, which are as follows :

Section 19, line 2, strike out "register of deeds," and insert "county clerk ;" line 4, strike out "register of deeds" and insert "county clerk."

Section 21, line 16, strike out the words "one-half of one per cent.," and insert "one per cent."

Section 22, line 2, strike out the words "the act organizing this territory," and

Section 52, amendment to section :

*Provided* ; If any scholars of any organized district shall attend the district school of any other district, there being no school in the district to which they belong, the superintendent shall apportion them *pro rata* to the district to which they attend school.

Section 60, first line, strike out "register of deeds," and insert "county clerk."

Section 91, line 1, strike out "upon the subject of common schools which are inconsistent with this act," and insert in lieu

thereof the words "upon to chapter 31 of the session laws of 1865-66 relating to common schools."

Amend section 8, adding to said section the words "and district to county and territorial officers, and others not exceeding four hundred copies in each year."

Amend section 9, by striking out "register of deeds," in the 6th line, and "his," and insert "county commissioners," in lieu of "register of deeds," and "county clerks office" in place of "his office."

In line 4, strike out the words, "of the register of deeds," and insert between the words "the" and "office" the words "county clerk's."

Section 11, in third line, strike out "register of deeds" and insert "county commissioners."

Fourth line, same section, strike out "register of deeds" and insert "county clerk's office."

In the 8th and 9th lines, strike out "register of deeds" and insert the "county clerk's office."

Section 14, line 8, strike out "register of deeds" and insert "county commissioners."

Amendment to section 17.

At the end of said section, amend by inserting, "that a majority of the voters in any school district being dissatisfied with the formation of any school district, shall have the right to appeal from the superintendent to the board of county commissioners, and from the board of county commissioners to the superintendent of public instruction."

Council file No.22, an act to organize a system of township government in the county of Union; with amendments proposed by the house,

Was then taken up, and

On motion of Mr. Kingsbury,

The council concurred in the amendment as proposed by the house.

The following are the said house amendments :

Section 12 is amended by the house so as to read, after the

word "repeal," in said section "so far as they apply to the county of Union."

Council file No. 23, an act directing the county commissioners of Yankton county to re-adjust the assessment rolls of 1865 and 1866, and equalize the taxes levied thereon; with amendment proposed by the house,

Was then taken up, and

On motion of Mr. Fuller,

The said house amendment was concurred in.

The following is the amendment adopted:

Council file No. 23 is amended by the house, by striking out all after the word "act," in section 5.

#### BILLS ON THIRD READING.

Council file No. 27, an act to repeal chapter 67 of the session laws of 1863 and 1864,

Was then taken up,

Read third time, and put upon its final passage.

The vote being taken resulted as follows:

Yeas 13; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Mills, Lewis, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Title agreed to.

Council file No. 29, an act to incorporate the Minnesota and Missouri river rail road company;

Was then taken up for consideration.

On motion of Mr. Kingsbury,

The name of Austin Cole was added to the list of incorporators.

The bill was then put upon its final passage.

The vote being taken resulted as follows:

Yeas 13; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,

Ross, Stevens, Thompson, Turner, Van Osdel, Weeks, and Mr. President.

None voting in the negative.

So the bill was passed, and

Title agreed to.

BILLS ON FIRST, SECOND AND THIRD READING.

Leave being granted, Mr. Cole introduced council file No. 31, a petition to the commissioner of the general land office; which was

Read first and second time, and

Referred to the committee on public lands.

Leave being granted, Mr. Thompson introduced council file No. 32, a memorial to the honorable the secretary of war, asking further protection from Indian invasions on the settlements and military posts in Dakota; which was

Read first and second time, and

On motion of Mr. Turner,

The rules were suspended, and

The bill was read third time, and put upon its final passage.

The vote being taken resulted as follows:

Yeas 13; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

On leave, Mr. Thompson introduced council file No. 33, a memorial to the secretary of war, praying that all that portion of the Fort-Randall military reserve north of the Missouri river and west of the Yankton Sioux Indian reservation may be vacated and opened for settlement; which was

Read first and second time, and

Referred to the committee on Indian affairs.

On motion of Mr. Van Osdel,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## THIRTY-FOURTH DAY.

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COUNCIL CHAMBER, }  
Saturday, January 5th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr. President.

Journal of the 4th inst., read and approved.

### NOTICE OF BILLS.

Mr. Kingsbury gave notice that he would on Monday or some subsequent day of the session, introduce a bill providing that no distinction on account of color shall be made in the admission of pupils to the public schools of this territory.

Mr. Kingsbury also gave notice that he would introduce a



bill providing a general incorporation law for the territory of Dakota, at some future day of the session.

Mr. Kingsbury also gave notice that he would introduce a memorial praying for an appropriation for the purpose of surveying the lands bordering the rivers in Dakota Territory.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Saturday, January 5th, 1867. }

MR. PRESIDENT.—I have the pleasure to inform your honorable body, that the house has passed council file No. 26, a bill for an act to amend section 517 of article 3, chapter 4, of the civil code, approved January 12th, 1866; also

Council file No. 3, an act to amend an act entitled “an act providing for elections and to prescribe the canvass and returns of the same, approved January 6th, 1866; with attached amendments, also

Council file No. 24, a memorial to congress asking an appropriation to erect a capital building at Yankton, Dakota territory; with title amended so as to read in lieu of the original, as follows :

“A memorial to congress asking an appropriation to erect a capital building at the seat of government in Dakota territory;” also

House file No. 15, an act to regulate the practice of medicine in the territory of Dakota: with the request that the council concur therein.

All of which bills are herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

MESSAGE FROM THE GOVERNOR.

The following message was received from his excellency, the governor :

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 5th, 1867. }

HON. M. K. ARMSTRONG,  
*President of the Council.*

SIR.—I herewith enclose council bill No.—, entitled “an

act to organize county agricultural societies, and territorial agricultural societies;" which I have approved and signed.

I have also approved and signed an act to amend an act, entitled "an act to incorporate the historical society of Dakota."

I have the honor to be,  
Your ob't serv't,  
A. J. FAULK,  
*Governor.*

#### INTRODUCTION OF BILLS.

Mr. Fuller, on leave, introduced the following bills, of which no previous notice had been given :

Council file No. 34, a memorial to the President of the United States relative to the removal of the Santee bands of Sioux Indians; also

Council file No. 35, an act authorizing the assessment of a tax in school district No. 1, for the purpose of completing the schoolhouse in said district; also

Council file No. 36, an act supplementary to act entitled "an act to amend chapter 31 of the session laws of 1865-66."

Mr. Cole, on leave, introduced the following bill :

Council file No. 37, a memorial to the commissioner of the general land office praying for the extension of the public land surveys up the White river valley to the Pine Lands of the Black Hills.

Mr. Van Osdel introduced the following bill :

Council file No. 38, an act to fix the time for the regular annual session of the legislative assembly.

#### REPORTS OF COMMITTEES.

Mr. Thompson, chairman of committee on military affairs, made the following report:

MR. PRESIDENT.—Your committee on military affairs, to whom was referred council file No. 33, praying for the vacation of a portion of the Fort Randall military reserve; have had

the same under consideration and would report the same back recommending that the bill do pass.

J. J. THOMPSON.

D. M. MILLS.

CANUTE WEEKS.

Mr. Cole, chairman of committee on public lands, reported back council file No. 31 with favorable recommendation.

Mr. Van Osdel, chairman of committee on highways bridges and ferries, made the following report:

MR. PRESIDENT.—Your committee to whom was referred council file No. 30, an act incorporating the Big Horn river bridge and ferry company, have had the same under consideration and report the bill back with accompanying amendments, recommending its passage as amended.

A. VAN OSDEL,

*Chairman.*

On motion of Mr. Fuller,

Mr. Dewitt was invited to a seat within the bar of this house.

#### BILLS WITH AMENDMENTS.

Council file No. 30, an act to incorporate the Big Horn river bridge and ferry company;

Was then taken up for consideration with amendments.

Mr. Turner moved the first amendment be adopted, which is as follows:

In section 2, line four, printed bill, strike out the word "ten" and insert "five" in lieu thereof.

On motion of Mr. Kingsbury,

The motion to adopt the first amendment was laid on the table.

On motion of Mr. Turner,

The second amendment was adopted, which is as follows:

In section 3, line two, after the word "boats," add the words "within one year from the first day of May, 1867."

On motion of Mr. Turner,

The third amendment was laid on the table.

On motion of Mr. Turner,  
The section as amended was adopted.

Council file No. 3, an act to amend an act entitled "an act providing for elections and to prescribe the canvass and return of the same, approved January 6th, 1866, with house amendments,

Was then taken up, and  
On motion of Mr. Kingsbury, was  
Referred to a special committee consisting of Messrs. Kingsbury, Turner and Mills.

Council file No. 24, a memorial to congress, asking an appropriation to erect a capital building at Yankton, Dakota territory ;

Was then taken up, and  
On motion of Mr. Turner,  
The amendment of the house was adopted, which is as follows :

Insert in place of "Yankton," in title of original bill, "the seat of government," so that it will read: "A memorial to congress, asking an appropriation to erect a capital building at the seat of government, in Dakota territory."

On motion of Mr. Kingsbury,

The committee on enrollment were instructed to present the bill to the governor for his approval.

#### FIRST AND SECOND READING OF BILLS.

Council file No. 34, a memorial to the president of the United States, relative to the removal of the Santee bands of Sioux Indians,

Was then taken up,  
Read first and second time, and  
Referred to committee on Indian affairs.

Council file No. 35, an act authorizing the assessment of a tax in school district No. 1, for the purpose of completing the school house in said district ;

Was read first and second time, and  
 On motion of Mr. Kingsbury,  
 Was referred to a committee consisting of Messrs. Kingsbury,  
 Fuller and Van Osdel.

Council file No. 36, an act supplementary to an act entitled  
 an act to amend chapter 31 of the session laws of 1865 and  
 1866 ;

Was then taken up,  
 Read first and second time, and  
 Referred to committee on education.

Council file No. 37, a memorial to the commissioner of the  
 general land office praying for the extension of the public land  
 surveys up the White river valley to the pine lands of the  
 Black Hills ; was

Read first and second time, and  
 On motion of Mr. Kingsbury,  
 The rules were suspended and it was read a third time, and  
 put upon its final passage.

The vote being taken, resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
 Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
 President.

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

Council file No. 38, an act to fix the time for the regular an-  
 nual session of the legislative assembly ; was

Read first and second time, and  
 Referred to the committee on territorial affairs.

#### BILLS ON THIRD READING.

Council file No. 30, an act to incorporate the Big Horn river  
 bridge and ferry company ;

Was then taken up,  
 Read a third time and put upon its final passage ;

The vote being taken, resulted as follows :

Yeas 10 ; nays 2 ;

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Stevens, Thompson, Van Osdel and Mr. President.

Those voting in the negative, were

Messrs. Turner and Weeks.

So the bill was passed, and

Its title agreed to.

Council file No. 31, a petition to the commissioner of the  
general land office ;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were.

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
President.

So the bill was passed, and its

Title agreed to.

Council file No. 32, a memorial to the honorable the secre-  
tary of war, asking further protection from Indian invasions  
on our settlements and military posts in Dakota ;

Was taken up,

Read a third time and put upon its final passage.

The vote being taken, resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Mills, Lewis,  
Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
President.

So the bill was passed, and

Title agreed to.

Council file No. 33, a memorial to the secretary of war pray-  
ing that all that portion of the Fort Randall military reserve

north of the Missouri river and west of the Yankton Sioux Indian reserve may be vacated and opened for settlement ;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none :

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

#### FIRST AND SECOND READING OF BILLS.

House file No. 15, an act to regulate the practice of medicine in the Territory of Dakota ;

Was then taken up, and

On motion was read first and second time, and

On motion of Mr. Kingsbury,

Referred to a committee consisting of Messrs. Stevens, Turner, Van Osdel, Cole, Thompson and Lewis.

On motion of Mr. Van Osdel,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

## THIRTY-SIXTH DAY.

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COUNCIL CHAMBER,  
Monday, January 7th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

### MESSAGES FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
Monday, January 7th, 1867. }

MR. PRESIDENT:—I have the honor to inform the council that the house has passed council file No. 13, a memorial relative to a geological survey of the Black Hills country; which is herewith transmitted;

Also, that the house has passed the following house files, which are herewith transmitted, with the request that the council concur therein:

House file No. 17, an act to organize the county of Pembina, and for other purposes;

House file No. 18, a memorial to Congress praying for an appropriation to erect a penitentiary at Bon Homme, in Dakota Territory;

House file No. 19, an act to create and establish the county of Laramie;



House file No. 23, an act to repeal certain sections of chapter eighteen, of the session laws of 1864-65, approved January 2d, 1865, and for other purposes; and

House file No. 27, a memorial to the secretary of war requesting that the military reservation of Fort Randall, D. T., on the north side of the Missouri river, be reduced.

F. WIXSON,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

Mr. Mills introduced council file No. 39, an act to provide for the removal of county seats by a majority vote of the people.

#### REPORTS OF COMMITTEES.

Mr. Lewis, chairman of committee on Indian affairs, made the following reports:

MR. PRESIDENT:—Your committee on Indian affairs have had house File No. 9, relative to the organic act of Dakota Territory; under consideration, and report the same back recommending its passage.

J. A. LEWIS,  
GEO. W. KINGSBURY,  
D. M. MILLS.

MR. PRESIDENT:—Your committee on Indian affairs have had council file No. 34, relative to the removal of the Santee Indians; under consideration, and report the same back recommending its passage.

J. A. LEWIS,  
GEO. W. KINGSBURY,  
D. M. MILLS.

Mr. Turner, chairman of committee on education, made the following report:

MR. PRESIDENT:—Your committee on education, to whom was referred council file No 36, an act supplementary to an act to amend chapter 31, of the laws of 1865-66; have duly con-

sidered the same and herewith report it back to the council without recommending its rejection.

JOHN W. TURNER,  
D. M. MILLS.

Mr. Van Osdel, chairman of committee on territorial affairs, made the following report:

MR. PRESIDENT:—Your committee on territorial affairs to whom was referred council file No. 38, entitled an act to fix the time for the regular annual session of the legislative assembly have had the same under consideration, and have instructed me to report the same back with the recommendation that the bill do pass as amended.

A. VAN OSDEL.

Mr. Thompson, chairman of the committee on military affairs, made the following report:

MR. PRESIDENT:—Your committee on military affairs to whom was referred that portion of the governor's message relating to military matters, have had the same under consideration and would respectfully report that the accompanying bill in the opinion of your committee points out the most practicable method by which the wise suggestions of the governor may be carried out and we are also constrained to recommend the passage of this bill on account of the prevailing apprehensions, which exist in the minds of our people, that another outbreak among the hostile Indians of the northwest is imminent, and we believe our citizens should organize and obtain arms, and be ready to protect their homes from the invasions and desolation threatened; we therefore recommend the passage of council bill No. 28, an act to organize and discipline the militia, and for other purposes.

J. J. THOMPSON.  
D. M. MILLS.

Mr. Fuller, chairman of special committee, made the following report:

MR. PRESIDENT.—The special committee to whom was referred council file No. 35, entitled an act authorizing an assessment of a tax in school district No. 1 of Yankton county; have

had the same under consideration and report the same back with attached amendments and recommend it do pass as amended.

A. G. FULLER.  
A. VAN OSDEL.  
G. W. KINGSBURY.

MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES, }  
Monday, January 7th, 1867. }

MR. PRESIDENT.—I have the honor to retransmit to the honorable council, house file No. 3, an act in relation to divorce and alimony; which was returned to the house by the council because of the obliterated condition in which it was received in the council.

F. WIXSON,  
*Chief Clerk.*

Mr. Kingsbury, on leave, introduced council file No. 40, an act to provide for the admission of children of color into the public schools of this territory.

BILLS WITH AMENDMENTS.

Council file No. 35, an act authorizing the assessment of a tax in school district No. 1, for the purpose of completing the school house in said district;

Was then taken up with the amendment proposed by the special committee, which is as follows:

In section 1, strike out "as originally organized" and insert in lieu thereof "comprising the corporate limits of the town of Yankton."

On motion of Mr. Fuller,  
The amendment was adopted.

Council file No. 38, an act to fix the time for the regular annual session of the legislative assembly;

Was then taken up with an amendment proposed by the committee on territorial affairs, which is,

In section 1, line two, of written bill, strike out the word "first," and insert in lieu thereof the word "second."

On motion of Mr. Fuller,

The amendment was adopted.

On motion of Mr. VanOsdel,

The bill was recommitted to a special committee of three, consisting of Messrs. Van Osdel, Cole and Thompson.

FIRST, SECOND AND THIRD READING OF BILLS.

House file No. 17, an act to organize the county of Pembina and for other purposes ;

Was then taken up,

Read first and second time, and

On motion of Mr. Turner,

The rules were suspended and the bill was,

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

The vote being taken resulted as follows:

Yeas 12 ; nays 1.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Weeks and Mr. President.

Mr. Van Osdel voted in the negative.

So the bill was passed, and

Its title agreed to.

House file No. 19, an act to create and establish the county of Laramie ;

Was then taken up,

Read first and second time, and

On motion of Mr. Fuller,

The rules were suspended and the bill was,

Read a third time and put upon its final passage.

The vote being taken, resulted as follows :

Yeas 10 ; nays 3.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Ross, Stevens, Thompson, Turner and Weeks.

Those voting in the negative, were

Messrs. Mills, VanOsdel and Mr. President.

So the bill passed and its  
Title agreed to.

On motion of Mr. Kingsbury,  
Maj. J. R. Hanson was invited to a seat within the bar of the  
council.

## FIRST AND SECOND READING OF BILLS.

House file No. 18, a memorial to Congress praying for an  
appropriation to erect a penitentiary at Bon Homme in Dakota  
Territory;

Was then taken up,  
Read first and second time, and  
Referred to committee on territorial affairs.

House file No. 27, a memorial to the secretary of war re-  
questing that the military reservation of Fort Randall, D. T.,  
on the north side of the Missouri river, be reduced;

Was then taken up,  
Read first and second time, and  
On motion of Mr. Turner,  
Referred to the committee on military affairs.

House file No. 23, an act to repeal certain sections of chap-  
ter eighteen of the session laws of 1864-5, approved January  
2d, 1865, and for other purposes;

Was then taken up, and  
On motion of Mr. Van Osdel, was  
Referred to the committee on Indian affairs.

Council file No. 39, an act to provide for the location of  
county seats by a majority vote of the people;

Was then taken up,  
Read first and second time, and  
Referred to the committee on counties.

Council file No. 40, an act to provide for the admission of  
children of color into the public schools of this territory;

Was then taken up,  
Read first and second time, and  
Referred to committee on education.

## THIRD READING OF BILLS.

Council file No. 28, an act to organize and discipline the militia, and for other purposes ;-

Was then taken up,

Read a third time and put upon its final passage,

The vote being taken resulted as follows :

Yeas 12 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

House file No. 9, joint resolution relative to the organic act of Dakota territory ;

Was then taken up,

Read third time, and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

Council file No. 34, a memorial to the President of the United States relative to the removal of the Santee bands of the Sioux Indians ;-

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

Council file No. 35, an act authorizing an assessment of a tax in school district No. 1, for the purpose of completing the school house in said district :

Was then taken up, as amended, and put upon its final passage.

The vote being taken, resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill passed, and its

Title agreed to.

Council file No. 36, an act supplementary to an act entitled an amend chapter 31 of session laws of 1865 and 1866 :

Was then taken up for the third reading, and

On motion of Mr. Turner,

It was laid on the table.

#### REPORTS OF COMMITTEES.

Mr. Lewis, chairman of committee on enrolled bills, made the following report :

MR. PRESIDENT.—The committee on enrolled bills have examined council file No. 26, a bill for an act to amend section 517 of article 3, chapter 4, of the civil code, approved January 13th, 1863 ; and find it correctly enrolled.

J. A. LEWIS.

MR. PRESIDENT.—Your committee on enrolled bills have examined council file No. 8, substitute to house file No. 8, an act to amend chapter thirty-nine of the laws of 1862, entitled an act exempting property from execution, approved May 5th, 1862 ; and find it correctly enrolled.

J. A. LEWIS.

#### FIRST AND SECOND READING OF BILLS.

On leave, Mr. Turner introduced council file No. 41, an act

to amend chapter 26 of the laws of 1865 and 1866; which was

Read a first and second time.

Mr. Weeks moved the bill be read a third time, and put upon its final passage,

Upon which the yeas and nays were called, which resulted as follows :

Yeas 6; nays 7.

Those voting in the affirmative, were

Messrs. Cole, Ross, Stevens, Thompson, Turner and Weeks.

Those voting in the negative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Van Osdel and Mr. President.

So the motion was lost.

On motion of Mr. Fuller,

The bill was referred to a select committee of three.

The chair appointed Messrs. Fuller, Turner and Stevens said committee.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
January 7th, 1867. }

MR. PRESIDENT.—I have the pleasure to inform your honorable body that the house has passed house file No. 22, an act to incorporate the Dakota manufacturing and mining company, which is herewith transmitted, with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

#### FIRST AND SECOND READING OF BILLS.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company ;

Was then taken up, and

Read a first and second time, and

On motion of Mr. Kingsbury, it was

Referred to the committee on incorporations.



On motion of Mr. Cole,  
The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## THIRTY-SEVENTH DAY.

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COUNCIL CHAMBER,  
Tuesday, January 8th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis,  
Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks  
and Mr. President.

Reading of the journal dispensed with temporarily.

On motion of Mr. Van Osdel,  
The council took a short recess

### AFTER RECESS.

Roll called, and the following members answered to their  
names :

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Ross, Stevens, Thompson, Turner, VanOsdel, Weeks and Mr.  
President.

## MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Tuesday, January 8th, 1867. }

MR. PRESIDENT.—In accordance with instructions I have the pleasure herewith to transmit to your honorable body, the following house files, with the request that the council concur therein :

House file No. 30, a memorial to the honorable Alexander Randall, postmaster general, U. S., praying that the mail service on route No. 13801, from Sioux city, Iowa, to Fort Randall, D. T., be increased.

House file No. 32, an act to amend an act entitled “an act to provide for the printing and distribution of the laws and journals;” and

House file No. 34, an act to incorporate the Big Horn and Powder river bridge and ferry company.

F. WIXSON,  
*Chief Clerk.*

## INTRODUCTION OF BILLS.

On leave, Mr. Van Osdel introduced council file No. 42, an act in relation to the fees of register of deeds.

Mr. Cole, on leave, introduced council file No. 44; a memorial to U. S. Grant, relative to Indian matters in the north west.

## REPORTS OF COMMITTEES.

Mr. Turner, chairman of the judiciary committee, made the following report :

MR. PRESIDENT.—The committee of the judiciary to whom was referred house file No. 3, an act concerning divorce and alimony; would respectfully report that they now find the bill as returned from the house corrected by re-writing, &c., and as corrected recommend that it do pass.

J. W. TURNER,  
*Chairman.*

MR. PRESIDENT.—The committee on education to whom was referred council file No. 40, an act to provide for the admission of children of color into the public schools of this territory; herewith report it back to the council with amendments which accompany the bill.

J. W. TURNER.

D. M. MILLS.

A. G. FULLER.

Mr. Van Osdel, chairman of committee on territorial affairs, made the following report in the form of a joint resolution recommending that it should pass, viz :

• Council file No. 45, a joint resolution relative to the history of Dakota territory.

Mr. Lewis, chairman of committee on enrolled bills, made the following reports :

MR. PRESIDENT.—Your committee on enrolled bills have examined council file No. 22, relative to organizing a system of townships in Union county; find the same correctly enrolled.

J. A. LEWIS,

*Chairman.*

MR. PRESIDENT.—Your committee on enrolled bills have the honor to report that they have this day at 10 o'clock a. m., presented to his excellency, the governor, council file No. 26, relative to the amendment of section 517, of article 3, chapter 4, of the civil code, approved January 12, 1866; for his approval, also

Council file No. 8, relative to the amendment of chapter 39, of the laws of 1862.

J. A. LEWIS,

*Chairman.*

Mr. Mills, chairman of committee on counties, made the following report :

MR. PRESIDENT.—Your committee to whom was referred council file No. 39, have had the same under consideration and herewith submit the following report :

*Mr. President and gentlemen of the council:*

That a majority shall rule is an expression so common with us, that we have been led to believe that it is a fixed principle; but cases often arise where it is necessary as an act of justice to the minority to depart in a measure from that rule. As a principle of general application it is correct; but its unrestricted application to all questions which may come before a people, will at times be fruitful of gross injustice and irreparable wrong. That certain specific majorities over one-half should be required in certain cases, must be evident to all. Such specific majorities are to act as a check upon a turbulent, factious and misguided majority. More experienced and wiser legislative bodies than this have found it to be an absolute necessity to place certain guards and restrictions over the exercise of this bare majority right in order to secure justice to the minority.

For instance, where the people of a county have by their own vote located their county seat, built good and substantial buildings, justice and right would require that something more than a mere majority vote should be necessary to remove the county seat to some other place.

Herein we see the justice of designating some specific majority which in all cases shall be required in order to remove the county seat of any county after it has been once located by the people.

Legislative bodies have differed as to what majorities should be required. Some have required a two-thirds vote; none, I believe, have been contented with so small a majority as one-sixth. The state of Iowa requires a two-thirds vote; Nebraska the same; Michigan the same. In fact, I think it is required by most of the states. But there are other reasons why specific majorities should in all cases be insisted on. It is a well known fact that where a county seat is an object of traffic and trade—an article of merchandise, substantial improvements are seldom made, the government of the county is at all times inefficient, capital seeks other places of investment, and those natural resources which the God of nature intended as blessings are turned into curses.

In conclusion the committee would say that in their opinion

the one sixth majority in the bill on which this is a report, is less than would be acceptable to many. In fact, the committee have been urged to report adversely to the bill from the fact that the majority required in the bill was too small.

Now, therefore, we the committee, in consideration of the reasons as above set forth, and believing the bill to possess wholesome and just provisions, that should recommend itself to all parts and sections of our Territory; and for the purpose of giving to each and every county in this Territory, a just and wholesome law which will enable them to locate their county seats without asking for special legislation in their behalf, and as a means of securing public tranquility and the best interests of the people, do recommend that it do pass.

D. M. MILLS, *Ch'n*,  
GEO. W. KINGSBURY.

On leave Mr. Mills introduced council file No. 43, an act granting to preston H. Hotchkiss and Amos Dexter, a charter to erect and maintain a mill dam and mill across the Big Sioux.

#### REPORTS WITH AMENDMENTS.

Council file No. 40, an act to provide for the admission of children of color into the public schools of this Territory;

Was then taken up with amendments proposed by the committee on education.

The following are the amendments proposed:

Amend in section one, between the word "manners" in 22d line, and "word" and in 23d line, add the word "dress."

Add after the word "life," in last line of said section the words "and who shall then speak the English language."

On motion of Mr. Turner,

The amendments proposed by the committee were adopted; also

On motion of Mr. Turner,

The section as amended was adopted.

## FIRST AND SECOND READING OF BILLS.

Council file No. 42, an act in relation to the fees of register of deeds ;

Was then taken up,

Read first and second time, and

On motion of Mr. Van Osdel,

The rules were suspended, and the bill was

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none :

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

Council file No. 43, an act granting to Preston H. Hotchkiss and Amos Dexter a charter to erect and maintain a mill dam and mill across the Big Sioux river ;

Was then taken up,

Read first and second time, and

On motion of Mr. Van Osdel,

The bill was referred to the Union county delegation.

Council file No. 44, a memorial to Gen. U. S. Grant, relating to Indian matters in the northwest ;

Was then taken up, and

Read a first and second time, and

On motion of Mr. Turner,

The rules were suspended, and it was

Read the third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none ;

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

House file No. 30, a memorial to the Hon. Alex. Randall, Postmaster General U. S., praying that the mail service on route No. 13801, from Sioux City, Iowa, to Fort Randall, D. T., be increased;

Was then taken up, and

On motion of Mr. Kingsbury,

The rules were suspended, and it was

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none ;

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

House file No. 32, an act to amend an act entitled an act to provide for the printing and distribution of the laws and journals ;

Was then taken up,

Read a first and second time, and

Referred to a select committee consisting of Messrs. Kingsbury, Turner and Lewis.

House file No. 34, an act to incorporate the Big Horn and Powder river bridge and ferry company ;

Was then taken up,

Read first and second time, and

On motion of Mr. Fuller,

It was referred to a select committee consisting of Messrs. Fuller, Ross and Cole.

Council file No. 45, a joint resolution relating to the history of Dakota Territory ;

Was then taken up,

Read first and second time, and

On motion of Mr. Turner,

The rules were suspended, and the bill was  
Read a third time and put upon its final passage  
The vote being taken resulted as follows :

Yeas 12; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Ross, Stevens, Thompson, Turner, Van Osdel and Weeks

So the bill was passed, and

Its title agreed to.

House file No. 3, an act concerning divorce and alimony;  
was

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 6; nays 3;

Those voting in the affirmative, were

Messrs. Kingsbury, LaBreeche, Stevens, Turner, Van Osdel  
and Mr. President.

Those voting in the negative, were

Messrs. Lewis, Ross and Weeks.

So the bill was passed, and its

Title agreed to.

On leave, the chairman of the committee consisting of the  
Union county delegation, made the following report:

MR. PRESIDENT:—Your committee to whom was referred  
council file No. 43, have had the same under consideration and  
do report the same back with the following amendments :

In line five, section one, after the word "river" insert the  
words "eight feet high," and do recommend that it do pass with  
the amendments.

D. M. MILLS.

CHARLES LABREECHE,

O. F. STEVENS.

On motion of Mr. Fuller,  
The council adjourned.

M. K. ARMSTRONG,

*President.*

B. M. SMITH,  
*Secretary.*



## THIRTY-EIGHTH DAY.

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COUNCIL CHAMBER, }  
Wednesday, January 9th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Journal of the 7th inst., was then read and approved.

The reading of the journal of the 8th inst., was temporarily postponed.

### INTRODUCTION OF BILLS.

Mr. Kingsbury introduced council file No. 46, an act to enable societies, companies and other institutions to become bodies corporate.

Mr. Fuller introduced council file No. 47, a memorial to Maj. General Terry, asking for the re-occupancy of Fort James, in Dakota Territory.

## MESSAGE FROM THE GOVERNOR.

The following messages were received from his excellency the governor:

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January, 9th, 1867.

HON. M. K. ARMSTRONG,

*President of the Council:*

SIR: I herewith enclose council bill No. —, entitled “an act to organize a system of township government in the county of Union;” which I have approved and signed.

I have the honor to be,

Your ob't servant,

A. J. FAULK,

*Governor.*

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 9th, 1867.

HON. M. K. ARMSTRONG:

*President of the Council:*

SIR: I herewith enclose council bill No. —, entitled “an act to amend chapter 39, of the laws 1862.”

Also, council bill No. —, entitled “a bill for an act to amend an act defining by whom acknowledgments may be taken, in this territory.”

Both of which I have approved and signed.

I have the honor to be,

Your ob't servant,

A. J. FAULK.

*Governor.*

## RESOLUTIONS.

Mr. Kingsbury introduced the following resolution:

WHEREAS, A bill is now pending in the house of representatives of this legislative assembly, providing for a change of the location of the capital of this territory; be it therefore,

*Resolved, by the council,* That we are opposed to any change in the location of the seat of government of this territory, believing that Yankton, is the most central, desirable and convenient point that can be selected.

Mr. Turner raised the point of order, that the resolution proposed a debate, and under the rules should lay over.

The chair decided otherwise.

On the question of the adoption of the resolution,  
The yeas and nays were called, which resulted as follows :  
Those voting in the affirmative, were  
Messrs. Fuller, Kingsbury, Lewis, Mills, Stevens, Thompson,  
Van Osdel and Mr. President.

Those voting in the negative, were  
Messrs. Cole, LaBreeche, Ross, Turner and Weeks.  
So the resolution was carried.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
Wednesday, January 9th, 1867. }

MR. PRESIDENT:—

I have the pleasure to inform your honorable body that the house has passed council file No. 32, a memorial to the Hon. the secretary of war, asking further protection from Indian invasions on our settlements and military posts in Dakota.

Council file No. 34, a memorial to the president of the United States, relative to the removal of the Santee band of Sioux Indians; which are herewith transmitted, together with the following house files, for the concurrence of the council.

House file No. 20, an act to amend an act entitled "an act in relation to territorial and county revenue," approved January 12th, 1867; and

House file No. 33, a memorial to the honorable secretary of the Interior praying that the location of the Sioux City and Fort Randall wagon road may be changed.

F. WIXSON,  
*Chief Clerk.*

#### REPORTS OF COMMITTEES.

Mr. Fuller, chairman of committee on incorporations, made the following report:

MR. PRESIDENT.—The committee on incorporations to whom was referred house file No. 22, entitled an act to incorporate the Dakota manufacturing and mining company have had

the same under consideration, and report the same back with amendments and recommend its passage as amended.

A. G. FULLER,  
N. V. ROSS,  
J. J. THOMPSON.

Mr. Thompson, chairman of committee on military affairs, made the following report :

MR. PRESIDENT.—Your committee to whom was referred house file No. 27, have had the same under consideration and report the same back with the following amendment, and recommend its passage.

J. J. THOMPSON.

Mr. Lewis, chairman of committee on Indian affairs, made the following report :

MR. PRESIDENT :—Your committee on Indian affairs have had under consideration house file No. 23, relative to appointing guardians of persons of mixed blood ; and recommend that it do pass.

J. A. LEWIS,  
GEO. W. KINGSBURY,  
D. M. MILLS.

Mr. Van Osdel, chairman of committee on territorial affairs, made the following report :

MR. PRESIDENT :—Your committee on territorial affairs, to whom was referred house file No. 18, a memorial to Congress praying for an appropriation to erect a penitentiary at Bon Homme, have had the same under consideration, and report the same back recommending its passage.

A. VAN OSDEL.

Mr. Lewis, chairman of committee on enrollment, made the following reports :

MR. PRESIDENT :—Your committee on enrollment, have examined council file No. 23, relative to the county commissioners of Yankton county, and find the same correctly enrolled.

J. A. LEWIS.

MR. PRESIDENT:—Your committee on enrollment, have the honor to report that they have this day at 10 o'clock, presented to his excellency, the governor, council file No. 22, relative to organizing a system of townships in Union county; for his approval.

J. A. LEWIS,

MR. PRESIDENT:—Your committee on enrollment, have examined council file No. 13, a memorial relative to a geological survey of the Black Hills; and find the same correctly enrolled.

J. A. LEWIS.

Mr. Fuller, chairman of special committee, made the following report:

MR. PRESIDENT.—Your special committee to whom was referred council file No. 41, entitled an act to amend chapter 26 of the laws of 1865 and 1866; have had the same under consideration, and report it back without recommendation.

A. G. FULLER,  
JNO. W. TURNER,  
D. M. MILLS.

#### RESOLUTIONS.

On leave, Mr. Turner introduced the following resolution:

*Be it resolved,* (The house concurring therein,) That the legislative assembly of Dakota territory do adjourn, *sine die*, on Friday the 11th, at 12 o'clock, m.

JOHN W. TURNER.

Mr. Van Osdel moved the resolution be adopted.

Lost.

Mr. Kingsbury moved the resolution be laid on the table,  
Carried.

#### MESSAGES FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }  
January 9th, 1867. }

MR. PRESIDENT.—I have the pleasure to inform your honorable body that the house has passed the following house files,

which are herewith transmitted, with the request that the council concur therein :

House file No. 35, a memorial to the secretary of war, praying for the erection of a military post at the north base of the Black Hills.

House file No. 36, an act regulating the admission of attorneys to the supreme court of this territory ; also house file No. 29, an act to incorporate the Dakota and Northwestern rail road company.

F. WIXSON,  
*Chief Clerk.*

#### BILLS WITH AMENDMENTS.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company ;

Was then taken up with amendments proposed by the committee on incorporations.

The following are the amendments proposed :

Amend section 1 by inserting the following names after the name of Hiram Dryer: F. J. Dewitt, C. E. Hedges, W. A. Burleigh, William Tripp, J. A. Potter, M. K. Armstrong, G. W. Kingsbury, J. A. Lewis, P. H. Conger, Dr. Thomas, Austin Cole, Charles LaBreeche, D. M. Mills, N. V. Ross, O. F. Stevens, John J. Thompson, A. Van Osdel, Canute Weeks.

Second amendment proposed is as follows :

Amend section 2 by inserting after the word "fabrics," the word "lumber."

Mr. Fuller offered to amend further by inserting the names "Geo. Hand, J. R. Hanson and J. M. Stone."

On motion of Mr. Turner,

The name of Major W. P. Lyman was added.

On motion of Mr. Mills,

Geo. Washington Kellogg's name was added.

On motion of Mr. Stevens,

The sections as amended were adopted.

House file No. 27, a memorial to the secretary of war requesting that the military reservation of Fort Randall, D. T.,

on the north side of the Missouri river, be reduced ; with an amendment proposed by the committee,

Was then taken up, and

On motion of Mr. Turner,

The amendment was adopted.

The following is the amendment :

In fifth line of second paragraph, printed bill, strike out the words " that portion in red lines marked A. B. G. Z., on map accompanying the bill," and insert in lieu thereof the words " that portion marked M. S. A. Z."

#### FIRST AND SECOND READING OF BILLS.

House file No. 29, an act to incorporate the Dakota and north western rail road company ;

Was then taken up,

Read first and second time, and

Referred to the committee on incorporations.

Council file No. 46, an act to enable societies, companies and other institutions to become bodies corporate ;

Was then taken up,

Read first and second time, and

Referred to the committee on incorporations.

House file No. 20, an act to amend an act entitled an act in relation to territorial and county revenue, approved January 12th, 1867 ;

Read first and second time, and

Referred to the committee on finance.

House file No. 33, a memorial to the honorable secretary of the Interior praying that the location of the Sioux city and Fort Randall wagon road may be changed ; was

Read first and second time, and

On motion of Mr. Van Osdel,

It was referred to the Yankton county delegation.

#### BILLS ON FIRST, SECOND AND THIRD READING.

House file No. 35, a memorial to the secretary of war, praying

for the erection of a military post on the north base of the Black Hills ; was

Read first and second time, and

On motion of Mr. Fuller,

The rules were suspended, and it was put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

House file No. 36, an act regulating the admission of attorneys to the supreme court of this territory ;

Was then taken up, and

On motion of Mr. Van Osdel,

The rules were suspended and the bill was put upon its final passage.

The vote being taken, resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

#### BILLS ON THIRD READING.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company ;

Was taken up,

Read a third time and put upon its final passage.

The vote being taken, resulted as follows :

Yeas 12 ; nays one.

Those voting in the affirmative, were

Messrs. Cole, Fuller, LaBreeche, Lewis, Mills, Ross,



**Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.**

Mr. Kingsbury voted in the negative.

So the bill was passed, and

Title agreed to.

House file No. 27, a memorial to the secretary of war, requesting that the military reservation of Fort Randall, D. T., on the north side of the Missouri river be vacated ;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

House file No. 18, a memorial to congress praying for an appropriation to erect a penitentiary at Bon Homme, Dakota territory ;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

House file No. 23, an act to repeal certain sections of chapter 18, of the session laws of 1864 and 1865, approved January 2nd, 1865, and for other purposes ;

Was then taken up..

On motion of Mr. Van Osdel,

The bill was referred to a select committee consisting of Messrs. Cole, Van Osdel and Lewis.

Council file No. 39, an act to provide for the removal of county seats by a majority vote of the people ;

Was then taken up.

Mr. Stevens moved the bill be re-committed.

Lost.

Mr. Turner offered the following amendment, which was adopted :

Amend by striking out all after "vote" it being the two last lines of section No. 2.

Mr. Stevens moved the section as amended be adopted.

The yeas and nays were demanded ;

The vote being taken, resulted as follows :

Yeas 7 ; nays 6 ;

Those voting in the affirmative, were

Messrs. Cole, LaBreeche, Ross, Stevens, Thompson, Turner and Weeks.

Those voting in the negative, were

Messrs. Fuller, Kingsbury, Lewis, Mills, Van Osdel and Mr. President.

So the section as amended, was adopted.

The question then was upon its final passage.

The vote being taken resulted as follows :

Yeas 7 ; nays 6 ;

Those voting in the affirmative, were

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

Those voting in the negative, were

Messrs. Cole, Fuller, Kingsbury, Lewis, Mills and Van Osdel,

So the bill was passed, and

Its title agreed to.

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

On motion of Mr. Fuller,

The motion was laid on the table.

Council file No. 40, an act to provide for the admission of children of color into the public schools of this territory ;

Was then taken up, and put upon its final passage.

The vote being taken resulted as follows :

Yeas 11; nays one.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Van Osdel, Weeks and Mr. President.

Mr. Turner voted in the negative.

So the bill was passed, and

Its title agreed to,

Council file No. 43, an act granting to Preston H. Hotchkiss and Amos Dexter a charter to erect and maintain a mill dam across the Big Sioux river.

Was then taken up, and put upon its final passage.

The vote being taken resulted as follows :

Yeas 12; nays 1.

Those voting in the affirmative, were

Messrs. Cole, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Mr. Fuller voted in the negative.

So the bill was passed, and

Its title agreed to.

Council file No. 41, an act to amend chapter 26 of the laws of 1865-66 ;

Was then taken up and put upon its final passage.

The vote being taken, resulted as follows :

Yeas 9; nays 4.

Those voting in the affirmative, were

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

Those voting in the negative, were

Messrs. Fuller, Kingsbury, Lewis and Van Osdel.

So the bill was passed and its

Title agreed to.

## REPORTS OF COMMITTEES.

On leave, Mr. Kingsbury, chairman of select committee, made the following report:

MR. PRESIDENT.—Your committee to whom was referred council file No. 3, an act to amend an act entitled “an act providing for elections and to prescribe the canvass and return of the same, approved January 6th, 1866;” with house amendment to the same, have had the bill under consideration and report the same back recommending the adoption of the amendment, and the passage of the bill.

G. W. KINGSBURY.  
JOHN W. TURNER.  
D. M. MILLS.

The following is the amendment proposed by the house:

Add to section 1, “and there shall be established at Fort Thompson, Fort Sully, New Fort Sully, Fort Rice and the town of Sioux Falls in the county of Minnehaha, election precincts and they shall be attached to Buffalo county for election, representative and judicial purposes, except the precinct of Sioux Falls; the governor shall appoint judges and clerks of election for said precincts having the requisite qualifications under the election laws; he shall also appoint the county commissioners for Buffalo county for the term of one, two and three years.”

On motion of Mr. Kingsbury,

The amendment was concurred in.

Mr. Kingsbury, chairman of special committee, also made the following report:

MR. PRESIDENT.—Your special committee to whom was referred house file No. 32, an act to amend an act entitled “an act to provide for the printing and distribution of the laws and journals;” have had the same under consideration and report the bill back recommending its passage with the appended amendment.

GEO. W. KINGSBURY.  
J. W. TURNER.  
J. A. LEWIS.

The following are the amendments to house file No. 32 relative to the distribution of the laws and journals, as proposed by the special committee :

Add to the end of section 1, the following :

And it shall be the duty of the register of deeds of each county upon making his requisition upon the secretary of the territory for the number of copies of laws required by the officers of his county, to designate in such requisition the manner in which such books shall be forwarded from the office of the said secretary to the place designated by the said register ; and it shall also be the duty of the said register to provide at the expense of his county, the means for defraying the expense of such transportation of said books, so that the said secretary shall in no way be responsible therefor.

On motion of Mr. Kingsbury,  
The amendments proposed by the committee were adopted.

#### THIRD READING OF BILLS.

The question then occurred on the final passage of the bill, which resulted as follows :

Yeas 13 ; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed.

On motion of Mr. Kingsbury,

The title was amended to read as follows :

An act supplementary to an act entitled "an act providing for the distribution of the laws and journals."

Council file No. 47, a memorial to major general Terry, asking for the re-occupancy of Fort James in Dakota territory,

Was then taken up, and

Read first and second time, and

On motion of Mr. Van Osdel,

The rules were suspended, and

The bill was put upon its final passage.

The vote being taken resulted as follows:

Yeas 12; nays none.

Those who voted in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

On motion of Mr. Cole,

The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## THIRTY-NINTH DAY.

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COUNCIL CHAMBER,  
Thursday, January 10th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present—Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

On motion of Mr. Turner,  
 Mr. Weeks was excused from the attendance on the council on account of sickness.

MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
 January 9th, 1867. }

MR. PRESIDENT :—I am instructed to inform your honorable body that the house has passed house file No. 28, an act to change the location of the capital of Dakota Territory, and for other purposes ; which is herewith transmitted and the favorable consideration of the council is respectfully requested.

F. WIXSON,  
*Chief Clerk.*

INTRODUCTION OF BILLS.

Mr. Fuller introduced council file No. 48, a joint resolution authorizing the county commissioners of Yankton county to hold extra meetings for special purposes.

MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
 January 10th, 1867. }

MR. PRESIDENT :—I have the pleasure to inform your honorable body that the house has passed the following council files :

Council file No. 27, an act to repeal chapter 67, of the session laws of 1863-4 ;

Council file No. 29, an act to incorporate the Minnesota and Missouri river railroad company ;

Council file No. 35, an act authorizing the assessment of a tax for the purpose of completing the school house in school district No. 1, Yankton county, (with attached amendments.)

Council file No. 44, a memorial to Gen. U. S. Grant, relating to Indian matters in the northwest ;

Council file No. 37, a memorial to the Commissioner of the General Land Office, praying for the extension of the pub-

lic land surveys up the White river valley, to the pine lands of the Black Hills; also

Council file No. 42, an act in relation to the fees of register of deeds.

All of which are herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

On motion of Mr. Kingsbury,

The council took up house file No. 28, an act to change the location of the capitol of Dakota Territory, and for other purposes;

Which was read a first and second time,

Mr. Kingsbury moved it be referred to the Yankton county delegation.

Carried.

Council file No. 35, an act authorizing the assessment of a tax in school district No. 1, for the purpose of completing the school house in said district;

Was then taken up, and

Referred to a special committee consisting of Messrs. Fuller, Van Osdel and Turner.

Journal of the 9th inst., read and approved.

#### REPORTS OF COMMITTEES.

Mr. Fuller, chairman of committee on incorporations, made the following report:

MR. PRESIDENT:—The committee on incorporations, to whom was referred house file No. 29, an act to incorporate the Dakota and Northwestern railroad company; have had the same under consideration and report the same back with attached amendments, and recommend it do pass as amended.

A. G. FULLER,  
N. V. ROSS,  
J. J. THOMPSON.

Mr. Mills, chairman of the finance committee, made the following report:



MR. PRESIDENT:—Your committee on finance to whom was referred house file No. 20, have had the same under consideration and now report the same back with the recommendation that it do pass.

D. M. MILLS,  
N. V. ROSS,  
J. A. LEWIS.

Mr. Lewis, chairman of committee on enrollment, made the following reports :

MR. PRESIDENT:—Your committee on enrollment, have to report that they have presented to his excellency, the governor, council file No. 23, relating to the assessment rolls of Yankton county, for his approval this day at 10 o'clock, a. m.

J. A. LEWIS.

MR. PRESIDENT:—Your committee on enrollment, have examined council file No. 24, relative to a memorial to Congress asking for an appropriation for a capital building; and find the same correctly enrolled.

J. A. LEWIS.

MR. PRESIDENT:—Your committee on enrollment, have examined council file No. 32, relative to a memorial to the Hon. Secretary of War, asking further protection from Indian invasion; and find the same correctly enrolled.

J. A. LEWIS.

#### MESSAGES FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
January 10th, 1867. }

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

*Resolved,* That the chief clerk be requested to wait on the honorable council and request the delivery of house file No. 28, as the same has been transmitted in direct violation of the house and the presiding officer.

You will therefore please transmit said bill to the house.

F. WIXSON,  
*Chief Clerk.*

## RESOLUTIONS.

Mr. Kingsbury offered the following :

MR. PRESIDENT.—I move the adoption of the following resolution :

*Resolved*, That the secretary of the council be instructed to inform the house that house file No. 28, an act to provide for the relocation of the capital, and for other purposes ; the return of which bill has been requested by the house, has been referred to a committee of the council, and will be returned to the house after the report of the said committee.

GEO. W. KINGSBURY.

Mr. Turner moved to amend by striking out the word "after" and insert "as soon as."

Lost.

On motion of Mr. Fuller,

The following amendment was adopted, to the resolution, viz :

Add after the word "committee" at the end of the resolution, "and final action of the council has been taken."

The resolution was adopted as amended.

## REPORTS OF COMMITTEES.

Mr. Fuller, chairman of special committee, made the following report :

MR. PRESIDENT.—Your special committee to whom was referred council file No. 35, entitled an act authorizing the assessing of a tax in school district No. 1, Yankton county ; with house amendments, have had the the same under consideration, and recommend the amendment be concurred in.

A. G. FULLER,  
A. VAN OSDEL,  
J. A. LEWIS.

Mr. Fuller, chairman of special committee on the part of the council, and

Mr. Ash, chairman of special committee on the part of the house, made the following report :

MR. PRESIDENT.—The committee to investigate the revenue

law of Dakota territory and the transactions under said law in Yankton county, would respectfully report: That the act authorizing the commissioners of Yankton county to readjust the assessment rolls of 1865 and 1866, is all the legislation necessary, except to authorize the commissioners to hold extra special meetings to settle the accounts of former officers, and to investigate the legality of the liabilities of the county.

There are matters which the county commissioners should attend to, such as settling with former officers, investigating the liabilities of the county, and ascertaining whether they have been created by authority of law. These properly come under their supervision.

Your committee would therefore recommend that the subject be referred to the commissioners of Yankton county and report the accompanying resolution.

A. G. FULLER,

*Chairman Council Committee.*

H. C. ASH,

*Chairman House Committee.*

#### BILLS WITH AMENDMENTS.

Council file No. 35, an act authorizing the assessment of a tax in school district No. 1, Yankton county, for the purpose of completing the school house in said district;

Was then taken up, and

On motion of Mr. Fuller,

The house amendments were concurred in.

The following are the amendments proposed by the house:

In section one, strike out the words "two thousand" and insert "one thousand" in lieu thereof; also,

In same section, "as organized originally" and insert "comprising the limits of the town of Yankton, as surveyed in 1859."

These amendments are similar to those adopted by the council before its final action on the bill, but by the neglect of the secretary they were not attached to the bill before its transmission to the house.

## REPORTS OF COMMITTEES.

On leave, Mr. Kingsbury, chairman of special committee, made the following report :

MR. PRESIDENT.—Your special committee composed of the Yankton county delegation, to whom was referred house file No. 28, a bill purporting to be “an act to change the location of the capitol of Dakota territory, and for other purposes,” have had the same under consideration, and respectfully report that the said document appears to have been carefully prepared by some enemy of the present capital of Dakota, with the design merely of injuring the prosperity of the said city, but with no intention of carrying out the malicious design as intimated in the caption of said document. The author of the same has omitted the “enacting clause,” which is necessary to give any force or effect to any bill; and judging from the subject matter of the document under consideration, we are forced to the conclusion that some evil disposed person has sought to impose upon this legislative assembly, merely for the gratification of malice or prejudice, and having no regard whatever for the general interests of our territory.

Your committee recommend that the said document be rejected.

GEO. W. KINGSBURY,  
A. G. FULLER,  
A. VAN OSDEL.

Mr. Van Osdel moved the report be adopted as the decision of the council.

The yeas and nays were demanded which resulted as follows :  
Yeas 11; nays 1.

Those voting in the affirmative, were

Messrs. Cole Fuller, Kingsbury, LaBreeche, Lewis, Mills, Stevens, Thompson, Turner, Van Osdel and Mr. President.

Mr. Weeks voted in the negative.

So the report was declared as the sense of the council.

Mr. Fuller moved a reconsideration of the vote by which the report was adopted.

Mr. Van Osdel moved the motion be laid upon the table.

Which was carried.

**Mr. Stevens moved the council take a recess.**

**Lost.**

**THIRD READING OF BILLS.**

House file No. 20, an act to amend an act entitled an act in relation to territorial and county revenue, approved January 12th, 1866;

Was then taken up, and put upon its final passage.

The vote being taken resulted as follows:

Yeas 12; nays none.

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBrecche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and

Its title agreed to.

House file No. 29, an act to incorporate the Dakota and Northwestern railroad company;

Was then taken up, with amendments, which are as follows:

Section 1. Insert after the name of William Lyman the names of George Hand, F. J. Dewitt and William Bordino; also in last line on 2d page, after the name directors, add "fifteen of whom shall constitute a quorum to transact business."

Sec. 2. 2d line, after the word "act" insert "and for that purpose shall meet in the town of Yankton at the Ash Hotel on the second Tuesday in June, 1867, and proceed to organize."

On motion of Mr. Fuller,

The first amendment was adopted.

- On motion of Mr. Van Osdel,

The second amendment was adopted.

The bill was then put upon its final passage as amended.

The vote being taken resulted as follows:

Yeas 12; nays none:

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBrecche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed as amended.

Mr. Van Osdel, chairman of the select committee, consisting of the Yankton county delegation, made the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 33, a memorial to the Hon. Secretary of the Interior praying that the location of the Sioux City and Fort Randall wagon road may be changed; have had the same under consideration, and report that as the subject is one in which the citizens of Yankton county are all equally interested, and inasmuch as the memorial is not accompanied by any petition from the said citizens, your committee would recommend that the whole matter be referred to the people interested, who are invited to express their wishes by a petition at an early day, and the memorial is herewith reported back without recommendation, and your committee ask to be excused from voting on said bill; all of which is herewith respectfully submitted.

GEO. W. KINGSBURY,  
A. VAN OSDEL,  
M. K. ARMSTRONG,  
A. G. FULLER,

Council file No. 48, a joint resolution authorizing the county commissioners of Yankton county to hold extra meetings for special purposes,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Fuller,

The rules were suspended, and it was put upon its final passage.

The vote being taken resulted as follows:

Yeas 11; nays none;

Those voting in the affirmative, were

Messrs. Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
January 10th, 1867. }

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

*Resolved by the house of representatives, (the council concurring) that this house will adjourn sine die on to-morrow, (Friday,) at 12 o'clock, meridian.*

F. WIXSON,  
*Chief Clerk.*

MESSAGE FROM THE GOVERNOR.

The following message was received from his excellency the governor :

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January, 10th, 1867. }

HON. M. K. ARMSTRONG,

*President of the Council:*

SIR: I have the honor herewith to transmit council bill No. —; entitled “an act directing the county commissioners of Yankton county to re-adjust the assessment rolls of 1865 and 1866, and equalize the taxes levied thereon;”

Which I have approved and signed.

I am sir, very respectfully,

Your ob't servant,

A. J. FAULK,

*Governor.*

Mr. Lewis, chairman of committee on enrolled bills, made the following report :

MR. PRESIDENT:—Your committee on enrollment have examined council file No. 34, relative to the removal of the Santee Indians ; and find the same correctly enrolled.

J. A. LEWIS.

House file No. 33, a memorial to the Hon. Secretary of the interior, praying that the location of the Sioux City and Fort Randall wagon road may be changed ;

Was then taken up for consideration.  
 Pending which,  
 On motion of Mr. Stevens,  
 The council adjourned.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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## FORTIETH DAY.

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COUNCIL CHAMBER,  
 Friday, January 11th, 1867. }

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

President in the chair.

Prayer by the chaplain.

Roll called.

Present, Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis,  
 Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks  
 and Mr. President.

On motion of Mr. Fuller,

The reading of the journal was temporarily postponed.

### MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES, }  
 Friday, January 11th, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable  
 body, that the house has passed the following council files:



Council file No. 41, an act to amend chapter 26 of the laws of 1865-66.

Council file No. 43, an act granting to Preston H. Hotchkiss and Amos Dexter, a charter to erect and maintain a mill dam and mill across the Big Sioux river; with attached amendments, and

Council file No. 47, a memorial to major general Terry, asking for the re-occupancy of Fort James in Dakota territory.

Also that the house refused to concur in council amendments to house file No. 27, for the following reasons, viz :

• By concurring in the council, the facts as stated and known, would be changed; and as the house further believes the council labors under a misapprehension as to the expressions used by the house touching the boundaries of certain portions of the reserve prayed to be vacated.

Also, the house has passed house file No. 37, an act in relation to ferries on the Big Sioux river, in Union county; with the request that the council concur therein.

All of which bills are herewith transmitted.

F. WIXSON,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
Friday, January 11th, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable body, that the house has passed house file No. 16, an act to provide for the location of the county seat of Union county; which is herewith transmitted with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

The messages from the house transmitting bills, were then taken up for consideration.

Council file No. 43, an act granting to Preston H. Hotchkiss and Amos Dexter, a charter to erect and maintain a mill dam and mill across the Big Sioux river;

Was taken up with amendments proposed by the house.

The following are the house amendments which were concurred in by the council :

In section 1, line four, insert the word "eight feet high," after the word "mill dam," making it to read "mill dam eight feet high."

House file No. 27, an act to repeal chapter 67, of the session laws of 1863-64; which had been amended by the council, returned to the house and retransmitted to the council with the announcement that the house refuses to concur in council amendment,

Was then taken up, and the council,  
On motion of Mr. Turner,  
Insisted upon its amendment.

House file No. 37, an act in relation to ferries on the Big Sioux river in Union county;

Was then taken up,  
Read first and second time, and  
On motion of Mr. Turner, was  
Referred to the Union county delegation.

House file No. 16, an act to provide for the location of the county seat of Union county;

Was then taken up, and  
On motion of Mr. Mills,

The further consideration of the bill was postponed for the present.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from his excellency, the governor :

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 11th, 1867.

HON. M. K. ARMSTRONG,  
*President of the Council.*

SIR.—I herewith transmit council bill No.—, entitled "a memorial to congress asking an appropriation to erect a capital building at the seat of government in Dakota territory; also

Council bill No.—, entitled a memorial to the honorable secretary of war asking further protection from Indian invasions on our settlements and military posts in Dakota territory; also

Council bill No.—, entitled a memorial to the president of the United States, relative to the removal of the Santee bands of Sioux Indians; also

Council bill No.—, entitled a memorial to general U. S. Grant relative to Indian matters in the north west; also

Council file No.—, entitled a memorial to major general Terry asking for the reoccupancy of Fort James in Dakota territory; also

Council file No.—, entitled a memorial to the commissioner of the general land office praying for the extension of the public land surveys up the White river valley, to the pine lands of the Black Hills.

I have the honor to be,  
Your ob't serv't,  
A. J. FAULK,  
*Governor.*

House file No. 33, a memorial to the honorable secretary of the Interior praying that the location of the Sioux city and Fort Randall wagon road may be changed;

Was then taken up for consideration.

Pending which,

Mr. Turner offered the following resolution, which was adopted:

*Resolved*, That for this day no member of the council be permitted to speak on any one subject longer than ten minutes.

The bill under consideration was read a third time and put upon its final passage.

The vote being taken resulted as follows:

Yeas 10: nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Mills, Ross, Stevens, Thompson, Turner and Weeks.

So the bill was passed and its

Title agreed to.

REPORTS OF COMMITTEES.

Mr. Mills, chairman of the special committee consisting of the Union county delegation, made the following report, which was adopted.

MR. PRESIDENT.—Your committee to whom was referred house file No. 37, have had the same under consideration and now do report the same back amended by inserting the word “except,” in line four, section four, after the word “repealed” in said line; and also, in line five of same section after the word “office,” insert the word “to,” and do recommend that it do pass with the amendments.

D. M. MILLS.

O. F. STEVENS.

C. LABREECHE.

Mr. Van Osdel, chairman of select committee, made the following report:

MR. PRESIDENT.—Your select committee to whom was referred house file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864 and 1865, approved January 2nd, 1865, and for other purposes; have had the same under consideration, and report the same back recommending its passage.

A. VAN OSDEL,

AUSTIN COLE,

J. A. LEWIS.

House file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864 and 1865, approved January 2nd, 1865;

Was then taken up, and

Read a third time and put upon its final passage.

The vote being taken resulted as follows:

Yeas 11; nays none;

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Thompson, Turner, Van Osdel, Weeks and Mr. President.

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

House file No. 37, an act in relation to ferries on the Big  
Sioux river in Union county ;

Was then taken up,

Read a third time and put upon its final passage.

The vote being taken resulted as follows :

Yeas 10 ; nays none ;

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Mills, Thomp-  
son, Turner, Van Osdel, Weeks and Mr. President.

So the bill was passed, and its

Title agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }  
January 11th, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable  
body that the house has passed council file No. 45, a joint reso-  
lution relative to the history of Dakota ; also,

Council file No. 48, an act authorizing the county commis-  
sioners of Yankton county to hold an extra session for special  
purposes ; also,

House file No. 25, a memorial to the secretary of the Inte-  
rior asking that the surplus funds of the appropriation for the  
location of a wagon road from the Minnesota line to the Missouri  
river, be applied to grading and bridging the road from Sioux  
Falls to Yankton.

F. WIXSON,  
*Chief Clerk.*

SECOND AND THIRD READING OF BILLS.

House file No. 25, a memorial to the secretary of the Inte-  
rior asking that the surplus funds of the appropriation for the  
location of a wagon road from the Minnesota line to the Missouri  
river be applied to grading and bridging the road from Sioux  
Falls to Yankton ;

Was then taken up,  
 Read first and second time, and  
 On motion of Mr. Fuller,  
 The rules were suspended, and the bill was  
 Read a third time and put upon its final passage.  
 The vote being taken, resulted as follows :  
 Yeas 13 ; nays none ;  
 Those voting in the affirmative, were  
 Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
 Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
 President.  
 So the bill was passed, and its  
 Title agreed to.

## RESOLUTIONS.

Mr. Turner offered the following resolution :

*Resolved*, That the promptness and ability with which the officers of this council have discharged their duty during the present session, merits our thanks, while their uniform courtesies, in their official as well as private capacity, has secured for them our personal regard.

The resolution was adopted.

Council file No. 36, an act supplementary to an act, entitled an act to amend chapter 31 of the session laws of 1865 and 1866 ;

Was then taken up, and  
 On motion of Mr. Turner,  
 It was indefinitely postponed.

Council file No. 16, an act regulating actions against boats ;  
 Was then taken up, and  
 On motion of Mr. Fuller,  
 It was indefinitely postponed.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from his excellency, the governor:

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 11th, 1867.

HON. M. K. ARMSTRONG:

*President of the Council:*

SIR: I have the honor to return herewith council bill No. —, entitled “an act to repeal chapter 67, of the session laws of 1863 and 1864;” also,

Council bill No. —, entitled “an act in relation to the fees of register of deeds; also,

Council bill No. —, entitled “an act to amend an act providing for elections, and to prescribe the canvass and returns of the same, approved January 6th, 1866;” also,

Council bill No. —, entitled “an act to incorporate the Minnesota and Missouri river rail road company;

All of which I have approved and signed.

I am sir, very respectfully,

Your ob't servant,

A. J. FAULK.

*Governor.*

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 11th, 1867.

HON. M. K. ARMSTRONG:

*President of the Council:*

SIR: I herewith transmit council bill No. —, entitled “an act authorizing the assessing of a tax in school district No. 1, Yankton county;” also,

Council bill No. —, entitled “an act to amend chapter 26, of the laws of 1865 and 1866.

Both of which I have approved and signed.

I have the honor to be,

Your ob't servant,

A. J. FAULK,

*Governor.*

## REPORTS OF COMMITTEES.

Mr. Kingsbury, chairman of joint committee, made the following report :

MR. PRESIDENT :

Your committee appointed to prepare a report upon the mineral and agricultural resources of Dakota, have had the matter under consideration and have agreed to submit the following report, which is composed of letters from various practical farmers of the Territory, and of extracts from such authorities as in the opinion of your committee furnish the most reliable information upon the subjects under consideration. We need not state that with longer time your committee could have procured much more useful information in regard to the material advantages of our Territory, and its inducements to the thousands whose eyes are now looking westward from the crowded marts and closely settled sections of the east. We are very sure that nothing we herewith present will be found untrue, deeming all the parties and authorities to whom we are indebted as substantially truthful. The coming year bids fair to be an auspicious one in the history of Dakota, and we are very confident that large accessions will be made to our population, and large tracts of country occupied and improved, that now lie far remote from our settlements. The past season has been one of general prosperity, and the progress and improvement made in building up established settlements, and in pushing our frontiers farther into the "enemy's country," has been most flattering and give us indubitable proof that we are "marching on," toward a happy, populous and opulent commonwealth. Let us be but industrious and hopeful, and our reward will not be tardy nor meagre.

By the Committee.

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MR. SPEAKER :

The special committee appointed by joint resolution of the two houses, to prepare and submit a full and complete report of the mineral and agricultural resources of Dakota Territory, have had the matter under consideration, and have agreed to submit the following report with accompanying correspondence, which is incorporated into and made part of the same, which in



the opinion of your committee exhibits a fair and unexaggerated statement of the mineral and agricultural resources of our young and growing Territory :

By the Committee.

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#### THE CLIMATE AND SOIL OF DAKOTA.

The following extracts from Armstrong's history of Dakota, furnishes much useful information in regard to our soil, climate and material advantages, which will be found valuable, not only to our own people, but to those who are looking up locations in the west.

The Missouri valley of Dakota, between the 42° and 47° of north latitude, is one of the finest agricultural regions in the northwestern Territories. The bottom lands bordering on this great river and its tributaries, possess most singular richness and uniformity of soil, and furnish the most splendid natural meadows of luxuriant grasses; while the adjoining prairies, clothed in nutritious verbage, are high and rolling, and free from malaria. On the abundant pasturage of the plains, and the green rushes of the valleys, cattle and horses subsist through whole winters without care or attention, by sheltering themselves in the timbered ravines and river woodlands. Rain in winter is seldom known in this latitude, while the spring and autumn fall of water does not equal that of the states in the Mississippi valley by several inches. All kinds of grain, fruit and vegetable roots usually grown in the middle states, here yield abundantly. Wild apples, plumbs, cherries, grapes, hops, and wild artichokes, (or native potatoe) grow spontaneously and yield in fabulous profusion along all the brooks and streams in the Missouri valley. Corn well cultivated has yielded 73 bushels per acre; wheat 42 bushels, and potatoes 270. The excess of mean summer heat in this valley above that required for the thrifty growth of all staple cereals is from 2° to 5°; while the winters are dry, cold and uniform in temperature, with a clear sky and exhilarating air.

The following meteorological notes for the year 1866, taken from the records of the Dakota Historical Society at Yankton, will serve to show the natural uniformity of Dakota climate :

1866. Months.	Degrees of heat.		Inches of snow & rain.		No. wet days.	Prevailing winds.
	max.	min.	rain.	snow.		
Jan'y	58°	*16°	1½	7¾	3	n. w.
Feb'y	55	*20½	¾	5¾	2½	n. w.
March	69	*4	5¾	4¼	7	w. n. w.
April	77	8	7⅞	3½	8½	s. e.
May	89	39	4¾	0	4½	south.
June	97	69	4¾	0	6	s. s. w.
July	103½	72	7½	0	8	s. w.
August	102¾	68	6⅞	0	7	south.
Sept.	83	41	3⅞	0	3½	south.
Oct.	84	19	4⅞	2¾	11½	n. w.
Nov.	67	29	¾	¾	2	n. w.
Dec.	49	*18		5½	5	n. w.

An \* indicates below zero.

#### PUBLIC LANDS—INDIANS, ETC.

Over one million acres of land have been surveyed by the government, lying along the Missouri valley in Dakota, extending from the Big Sioux river to the White river including the counties of Union, Clay, Yankton, Bon Homme, Todd and Charles Mix. Over 100,000 acres have been filed on by actual settlers in these counties alone, under the provisions of the homestead and pre-emption laws, since the opening of the U. S. land office at Vermillion, in 1862. Many of the most desirable locations in the whole valley yet remain open to the future emigrant. The dark and perilous days in the settlement of Dakota have been met and passed, and notwithstanding the three years Indian war upon our border, one hundred miles of flourishing settlement have been established along the shores of the Missouri valley. No people in the west have endured so many perils and dangers incident to the early settlement of a new territory, as the pioneers of Dakota Territory. With 50,000 Indians between the river and mountains, either openly hostile or secretly opposed to the advance of white settlements and the navigation of the river, the pioneer farmers have steadily advanced along the southern frontier of the territory, fixing their permanent abodes on the borders of civilization.

Only four resident tribes of Indians have yet relinquished their lands to the United States. Their agencies and Indian villages, interspersed with trading posts and military garrisons

are the only habitations for a thousand miles along the upper Missouri. And notwithstanding the native wildness of this vast region, the steamboat navigation upon these upper waters now amounts to many million dollars annually.

#### STEAMBOAT NAVIGATION, ETC.

The heaviest transportation of mills and machinery to the mines of the Rocky mountains, and the supply of Indian agencies, fur posts and military forts along the river, already amounts to over 18,000 tons yearly, and requires sixty annual steamboat trips into the far interior. Steamboats ascend to Fort Benton, near the great falls, within 140 miles of the Helena mines, the richest yet found in Montana territory, and within forty-four miles of the newly discovered mines on Sun river.

#### PINE AND COAL.

Coal in inexhaustible quantities has been found on all the upper tributaries of the Missouri and Yellowstone, and upon a complete restoration of peace with the hostile Indian tribes, the Missouri river will become the great thoroughfare of the northwestern trade and travel. We have only to look to the increase of navigation on this stream for the last five years, and we can well predict the future steamboat trade of the upper Missouri.

Since the opening of navigation in 1860, one hundred and eighty steamboats have ascended the Missouri river into Dakota territory. Of these, nine arrived in 1860; eleven in 1861; thirteen in 1862; eighteen in 1863; thirty in 1864; thirty-nine in 1865; and fifty-eight in 1866; an average of twenty-six arrivals each year, or an increase of forty per cent. per annum. These boats have carried into the upper Missouri valley an aggregate of 55,000 tons of freight, worth at least \$65,000,000. Aside from this, 700 mackinaw boats have arrived from the mountains since 1860, bringing over \$50,000,000 in furs and gold.

Aside from the river trade, the government has appropriated eighty-five thousand dollars for the opening of two overland routes from the Missouri river, in southern Dakota, run-

ning respectively, by way of the Niobrara and Sheyenne rivers to the south and north of the Black Hills. These roads are now in course of construction. The distance from Yankton to Virginia city, via Niobrara route is 970 miles; via Sheyenne route about the same distance. Three land grant railroads already chartered, two from the state of Minnesota, and one from Iowa, will be built in a few years through the fertile plains of Dakota to these inexhaustable mines of the mountains. We will not predict the future of the great valley of the Missouri, but will close with the following extract from the last official report of the U. S. treasury department, portraying the future of the northwest territory:

“The ‘northern mines,’ as they are termed, upon the sources of the Columbia and Missouri, were discovered not more than three years since, and now have a population of 30,000, of which 12,000 are east of the mountains. In addition to the Salmon river mines of Idaho, and the Missouri and Yellowstone mines of Montana, under the average longitude of 108°, 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 is within two hundred miles of the steamboat navigation of the Missouri river, at the intersection of its channel with the forty-fifth parallel of latitude. Admitting the general sterility of the great plains, and the physical difficulties of the mountains, yet the great productiveness of the northern mines warrants the opinion that the territories of Idaho, Montana and Dakota will advance in population in a ratio fully equal to that observed in Nevada and Colorado since their first settlement. The discoveries at Washoe and Pike’s Peak date from 1859. Five years is the whole period of the settlement and progress of Nevada and Colorado, and within that period each territory has reached a permanent population of 60,000. Both have been subject to the mutations of a mining population, but each has increased at the rate of twelve thousand souls per annum. So with the Salmon river

district, twenty months of productive gold mining having assembled 20,000 people, while east Idaho, or Montana, at the expiration of twelve months from the first discovery of gold on the Jefferson fork of the Missouri, had a population of 12,000. If such a rate of accretion is accepted, the result in the year 1890, will be indicated as follows :

	1863.	1870.	1880.	1890.
Idaho	20,000	104,000	124,000	344,000
Montana	12,000	96,000	216,000	336,000
Dakota	10,000	94,000	214,000	334,000

CORRESPONDENCE.

YANKTON, D. T. }  
 December 31st, 1866. }

*To the Joint Committee to Prepare and Submit a Report of the Mineral and Agricultural Resources of Dakota Territory.*

GENTLEMEN :

In compliance with your request I have the honor to submit the following brief remarks in regard to the products and advantages of stock raising in Clay county. Having been a resident of the above named county since 1859, I am able to give near a correct estimate of the average yield of the crops as well as the profits and peculiar adaptation of this section of our territory to that of stock raising :

Corn commonly yields 60 bushels to the acre, although I have known as high as 80 bushels raised to the acre ; as to wheat I do not believe that there is any section of country within the limits of the United States, better adapted to the raising of this grain than southern Dakota, the average yield in Clay county the present year, was 25 bushels per acre, though several farmers have told me their crops averaged 30 bushels ; potatoes commonly yield from 150 to 300 bushels per acre ; sorghum does well, the cultivation of which has considerably attracted the attention of our farmers, it commonly

yields from two to three hundred gallons of molasses per acre ; onions, cabbage, beets, turnips, mellons, squashes, pumpkins, in fact all kinds of vegetables adapted to this range of latitude grow to perfection here.

The county is well adapted to the raising of stock. The bottoms of the Missouri river are from five to ten miles wide, and with the exception of the belt of timber along this stream, the whole is one luxuriant meadow, which will yield when cut, from two to three tons of hay per acre and of a quality as nutritious as most of the cultivated grasses of the eastern states ; cattle require but little care or attention. I have frequently known both cattle and horses to be wintered on the bottoms without any preparation of either food or shelter.

Sheep do well, and our farmers within the last two or three years have been turning their attention to this most important and profitable branch of stock raising, and thus far with the most gratifying success ; there is probably no climate better adapted to sheep husbandry, than Dakota, and no country where sheep are subject to as few diseases. Our dry soil, pure and bracing atmosphere with the great variety and nutritious grasses seems to be peculiarly adapted to the wants of this animal, and from my observations I am led to the belief that wool growing can be prosecuted here with greater success and profit than in the most favored districts of Ohio, or the granite hills of New England.

Gentlemen, I remain,  
Yours with respect,  
F. TAYLOR.

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UNION COUNTY, D. T., December 27th, 1866.

*To the Joint Committee to Prepare and Submit a Report of the  
Mineral and Agricultural Resources of Dakota Territory.*

GENTLEMEN :

As a citizen of Union county I deem it incumbent upon me to furnish you with a few statistics concerning the yield of wheat in Union county. Having been engaged in threshing during the fall months I am prepared to speak of these matters with a full knowledge of the facts, as concerning Union county.

I will say in relation to my own farm, that I had fourteen acres of wheat which yielded at the rate of twenty-seven and a fourth bushels to the acre.

Mr. Limonge, one of my neighbors, had a field of wheat which yielded a little over forty bushels to the acre.

Joseph Yartin another of my neighbors, had a small field of wheat that yielded about the same as that of Mr. Limonge.

The above named parties are residents of Union county, and live in what is known as the French settlement.

Andrew Anderson, of Brule creek, had a field of four and a half acres of wheat that turned off 187 bushels of good merchantable wheat, which would be a little over forty-one bushels per acre.

Mr. Johnson, of Brule creek, had a little less than three acres of wheat which turned off one hundred and ten bushels.

Mr. Thompson had thirty acres of wheat which yielded twenty-four and three-fourths bushels per acre, of good merchantable wheat. This I believe to be a correct statement of the yield of wheat, so far as I recollect; and with the mention one or two more fields, in other parts of the county, I will close:

I will mention Mr. Hotchkins, of Elk Point, who had twelve acres, which turned out 336 bushels, being a yield of about 28 bushels per acre.

Mr. Wood had six acres that yielded about the same; also, a field of oats the yield of which was about sixty bushels to the acre.

The yield of corn, this year, has not been so good as usual, owing in part to late planting, which was necessitated by the wetness of the spring and the unfavorable nature of the weather, the late frosts, &c. I believe the yield of corn to be forty bushels per acre in Union county, or about a two-thirds crop.

Potatoes on an average yielded about one hundred and fifty bushels per acre. The kinds principally in use are the pinkeyes and Prince Alberts, though some have planted the large round potatoe, with a flesh color, they being highly esteemed for their hardy qualities and excellent flavor.

CHARLES LABREECHE.

*To the Joint Committee to Prepare and Submit a full Report of the Mineral and Agricultural Resources of Dakota Territory.*

GENTLEMEN :

In accordance with your request, I hereby submit for your consideration my observations in Clay county for the past season in regard to agricultural products, &c.

In this, as in most of the new settlements in a prairie country, farming has been a secondary object, rearing stock has been the first and most important as it can at once be entered upon without the expense and labor necessary in a timber country of preparing your land, seeding, &c. The past season however, there has been considerable breadth of ground both sowed and planted, the result of which is such that I think another season will be largely in excess of the past.

I have taken upon myself the trouble of ascertaining the products of thirteen farmers, all residing within some four miles of Vermillion, the county seat of Clay county, who put in wheat in the spring varying from 5 to 20 acres each which was all threshed by a machine belonging to Hon. Chas. La-Breeche, of Union county, and as it was threshed for a certain price per bushel, I had no difficulty in getting at the correct amount of each piece, and on getting the number of acres, I find it average da fraction over 25 bushels per acre; some went over thirty bushels and some under 20 per acre, but the whole number put together resulted as above; the difference in yield, was wholly, in my opinion, owing to the manner of preparing the ground, as well also as the time of sowing. At Green Point, J. L. Fisher sowed upon three acres of ground broke the year before, 5 bushels, put in first of April, it was harvested and stacked in two stacks, one large, the other small, and the small one was torn to pieces by the cattle and the fowls consequently had full play upon it till threshed, which was last part of October, and from the three acres he had 135 bushels, equal to 45 bushels per acre, and those who assisted in threshing were of the opinion, that had none been destroyed it would have yielded from 48 to 50 bushels per acre. Mr. Fisher measured his ground before sowing. As it was the first wheat



he had sowed, he made it an experiment. It was not only well put in, but in the proper season. I have little doubt the other crops I have mentioned would have been equally good, had there been the same care and culture had with them. In regard to corn, the growth was strong and heavy, well eared, but owing to the frequent and heavy rains during the ripening season, much of it remained soft. Yet some fields, which were planted early, yielded from 60 to 70 bushels per acre of merchantable corn, while those that were planted late suffered by the cut worm, and much of it did not ripen, and yet there is estimated to be a considerable surplus in the county above what will be required for home consumption.

Oats have yielded well, but not being a great breadth sown on account of scarcity of seed in the spring there will not be any for market out of this county. I am told of some pieces that yielded as high as 70 bushels per acre.

Of potatoes it has only been what may be called an average crop, much lighter however than some seasons; it may be put down at from 150 to 300 bushels per acre. About 2,000 bushels was exported in the fall, to Yankton, Fort Randall and Fort Dakota, and there is yet enough remaining for home consumption and probably for the new settlers who are almost daily arriving.

There has also been about 800 bushels of onions, and also a large amount of cabbage, beets and carrots marketed at the above named military posts and Indian reservations.

I have but glanced at what has come within my own observations in Clay county. I will leave the rest of the chapter to be filled by some of my colleagues in the house who are practical farmers.

I would also add another item which may be a matter of interest, to not only those who have already settled in this part of the territory, but to those who are daily arriving in pursuit of homes. As the country is sparsely timbered, the inquiry is frequent what is to supply in a few years the material for building &c.? I would answer that in Clay county there is at convenient intervals an abundance of the best kind of clay for brick making, and particularly on what is called the bench, which can be cheaply converted into brick and thereby furnish

not only a durable but economical material for dwellings, barns, &c., in addition to that we have an abundance of what is called chalk or white lime, in quarries almost inexhaustible, on what is called Clay creek. I am also informed there is on the Vermillion, about forty miles north of the town of Vermillion, extensive quarries of the red free stone an excellent kind for building purposes, and in the immediate vicinity of the free stone there is an extensive quarry of the blue grindstone a specimen of which I procured of a person who was trapping on the river in that vicinity; it is a grayish blue, and in testing its quality I found it much resembles the celebrated Point au Barks stone on Lake Huron, a fine sharp grit. It is in layers from two to eight inches in thickness. There has been several specimens brought to Vermillion by different persons who have visited the locality and all agree that the quarry is not only extensive but easy of access and would not be expensive in opening the quarry.

I noticed that in Professor Hayden's letter to his Excellency, Gov. Faulk, (which was recently published in the Union and Dakotaian) he makes mention of the red stone on the Vermillion river, which I suppose is in the vicinity of the grindstone and perhaps the same I have mentioned as reddish free stone. The specimen shown me which was procured there much resembles a quarry I was acquainted with in New York State, near the Schoharrie river, in Schoharrie county, and where the stone for the capitol building at Albany, was procured.

I am, Gentlemen,

Respectfully yours,

J. W. TURNER.

YANKTON, D. T., December 27, 1866,

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VAN OSDEL'S CROSSING,  
James river, D. T., Jan. 8th, 1867. }

*To the Joint committee on Agriculture and Minerals of the  
Legislative Assembly, D. T.*

**GENTLEMEN:**

In answer to your request that I should prepare a letter

relative to the agricultural richness and capacity of this territory, I submit the following brief notes, hoping they may be found worthy of your consideration:

I have lived in different sections of the United States. Kentucky is my native state, and there I claimed my home for the first twenty years of my life. Quitting Kentucky, I cast my lot in Indiana, when that now flourishing commonwealth was comparatively a new and unsettled country. Being restless and in a slight degree imbued with the spirit of adventure, I soon grew tired of life in Hoosierdom, and gathering up my effects, started for the then far west—Iowa, where I resided a few years, but only to find that I was not satisfied.

The salubrious climate and fertile soil of Missouri were themes which in those days occupied a prominent place in popular discussions, and wishing to see for myself what I thought must be a second edition of the garden of Eden, (judging from the glowing accounts which came to me through the public prints, and from the lips of an occasional traveler,) I left the land of the Hawkeyes, and took up my abode in Missouri.

I need not tell you that actual experience fell far short of realizing the hopeful anticipations which gladdened my heart when I abandoned my home and friends in Iowa. I was far from being satisfied with Missouri, and could not content myself to remain there, and so I again cast round for a more favored location, and this time with better success. I found myself, after a long and tedious journey, duly installed as sole proprietor of one of the finest farms of the southwest, near the mouth of Grand river and within the confines of the far famed land of the Cherokees. My success here was flattering, and I had begun to think that I had found a spot where I could make my home and pass the remainder of my days in comparative contentment. But fate had decreed otherwise. The lurid smoke of internecine war soon began to settle like a funeral pall over the fair fields and happy homes of the sunny south, and reason, justice and security forsook the land, while wrath, revenge and chaos assumed complete control. Life, honor and property became a prey to lawlessness. The paracide had raised his bloody hand to deal the death blow to our sacred government—the priceless legacy of our patriot fathers; and

all who would not applaud the fiendish act or seal their mouths against reproach, were either killed or driven from their homes, and forced to seek a refuge among the loyal hearts of the north. My choice had long been made, and when I felt that peace and safety were no longer tenants of my home, I sadly bade it adieu, and with my family started northward.

My next abiding place was Minnesota, but hearing flattering accounts from Dakota, I tarried but a short time there, and soon found myself, "bag and baggage," on the emigrants path, bound for the fertile valley of the Missouri. I arrived at Yankton in the summer of 1862, and after a few months spent in observation, finally selected a claim in the forests bordering the lower James river, where I reared my humble cabin and set to work to make a home wherein my remaining days could be contentedly and profitably passed. The task was not a holiday pastime; but perseverance and industry has accomplished much already toward fashioning the rude uncultivated wilderness into productive fields and beautiful gardens, and soon, with ordinary care and the blessing of heaven, I hope to see in my own case a practical illustration of "the forest blooming as the rose."

In my work I have had the aid of my two boys, and our labors of the past year in farming have been abundantly rewarded. Our corn field yielded upward of two thousand bushels of No. 1 corn, and our potatoe crop was the largest I ever knew, and the quality of the potatoe as good as any that ever came under my observation. Squash, pumpkins, melons, cucumbers and all other vines grow in astonishing profusion, and produce in remarkable abundance, and of excellent quality. Sirs, I have no wish to exaggerate; but I do not think that a true statement of the productive capacity of the soil of Dakota would be believed among the inhabitants of the old settled states, because had I not seen perhaps I would not believe.— But being a man of truth, I cannot mistate the facts, though the fact may "seem stranger than fiction," and if our eastern friends wish to doubt my statement, I can only ask them to come and see and be satisfied. If actual observation does not sustain me, they shall have their board and lodging gratuitous, and a "free pass" home again.

And here I wish to say a word for the section of country in Yankton county, in which I am located, and concerning which very little is known. The land lying contiguous to the Missouri and James rivers, within the compass of twelve miles from the mouth of the James, is of the richest and most productive character. It is furthermore well timbered, and possesses as many attractive features for settlement as any country of the same limit, that I have ever visited. I venture the assertion that no part of Dakota offers superior advantages to the farmer, and I know there is no portion that can excel in fertility of soil, variety of pleasing and enchanting scenery, or in quantity and quality of timber land. The government road which is projected through this region, will soon bring this beautiful district into observation, and I have little fears but what it will be rapidly and densely settled. Heretofore the travel has all passed over the roads further back from the river, and the result has been that very few of even the old settlers of Dakota have known of the existence of this valuable country. Once let travel occupy the new route, and I venture to say that the county of Yankton will soon number its population by thousands where now they have only hundreds. Villages will soon be established, manufactories will spring up, and life and industry will occupy the present abode of the forest deer and wild fowl. And I anticipate such a state of things long before I have passed the allotted period of three score and ten which is fixed for man's terrestrial pilgrimage.

For stock, Dakota is not excelled by any portion of the United States, and I doubt if it can be equalled. This I believe to be a fact, and time will abundantly confirm the assertion. Dakota is naturally a stock growing country, and will become, at no distant day, famous in this respect. Already I observe that our agricultural men are making good use of the facilities for raising cattle, and a hundred grazing herds where once was seen but ten, testifies satisfactorily to my mind, that our people have hit the mark. The millions of acres which stretch back from our rivers, afford the most nutritious pasturage, and will gratuitously furnish food for vast flocks and herds. It is a common occurrence here for cattle to keep fat the whole year round, without the least attention from their owners, and

not in one or twenty instances merely, but I may almost say, as a general rule. I think that with the exception of work cattle or good milch stock, our farmers pay no attention to the care of their cattle in winter, resting securely in the knowledge that the valleys and the timber will yield them abundant food; while in summer the whole boundless continent is theirs.

I have made much more of my letter, than I at first intended. Giving you the privilege of using it, or any portion of it, as you may deem best, I subscribe myself,

Very respectfully,

Your ob't, servant,

A. VAN OSDEL.

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YANKTON, D. T., Jan. 3d, 1867.

*To the Joint Committee to prepare and submit a report of the  
Agricultural and Mineral resources of Dakota Territory:*

GENTLEMEN:

In compliance with your requests I herewith submit the following statement of facts, based upon an experience of eleven years, all of which time has been spent in agricultural pursuits either in this Territory or on my farm in Iowa, distant three miles from Elk Point. I will say that I commenced farming in the summer of 1857, by plowing up some eighteen acres of unbroken prairie, and planting it in corn, finishing planting on the 18th of June. I got a fair crop, say about thirty bushels per acre, of good, sound corn; that I believe is considered a good crop, for sod land, in the famous corn growing districts of Illinois. After planting my corn, I broke fifty acres of prairie, and in the spring of 1858 sowed twenty acres of wheat, of the kind known as Black Sea, using a common harrow to work it in. I got 411 bushels of good wheat, being a little over twenty bushels per acre. The balance of my land I planted in corn and realized fifty bushels per acre, of good, sound corn. I will here state that in the fall of 1857, we had no frosts until the 18th of October, and in the fall of 1858 we had none until the 15th of October. The winters of 1857-58

were very mild, being but little colder than the Indian summer of the fall, freezing a little of nights and thawing during the day. There being no snow on the ground, cattle found it very easy to get enough to eat, and retain a good healthy condition, without any hay or grain. The spring of 1859 I sowed thirty acres of wheat, about one half of which was on sod land, and the other half of which was on land that had been well subdued. The yield was about twenty bushels per acre, the kind as in previous years, the Black Sea, a very hardy wheat, but does not yield so abundantly as many other kinds. Corn was good, averaging fifty bushels to the acre. Potatoes were excellent, yielding three hundred bushels per acre. Beans, cabbage and all other kinds of vegetables in great abundance, and of the best quality.

The winter of 1860 was mild and open, in fact differing little in character from the three previous winters. The wheat, corn and other crops of 1860, were abundant and of average yield. I will here state, that during the years I have here spoken of we had at all times an abundance of rain, sometimes far more than was necessary, but at no time did we lack a supply.

In the spring of 1861, I sowed thirty acres of wheat, the yield being about seventeen bushels per acre; also, twenty-one acres of corn, the yield of which was about fifty-five bushels per acre. Potatoes and other vegetables in abundance.

The winter of 1861 was very cold with deep snow. I think, on the 1st of February, there must have been nearly two feet of snow. It then commenced to thaw. The following spring we witnessed the first overflow from the Big Sioux river. For five days the water remained on the valley, varying from one to seven feet deep, but done no harm, having passed away in season for sowing and planting. I sowed that summer fifty acres of wheat, the yield being a little over twenty bushels per acre.

Corn, I had but little. Potatoes, and other vegetables, as usual, very abundant and of the best quality.

The following year I raised thirty acres of wheat, and realized an ordinary yield. Corn was good, yielding about fifty bushels per acre. Potatoes, in abundance, in fact almost a drug in the market. Since the above I have farmed but little, the

unsettled relations of affairs as regards the Indians on our borders making it unsafe for people to live in isolated and exposed situations ; hence, the cause of my removal to Elk Point.

During my residence here, I have taken some pains to inform myself in relation to the advantages the country possesses in an agricultural point of view, as well as for stock raising.

There is growing upon the high lands, and in the ravines, and in all places near the bluffs a kind of grass, known as the Porcupine grass, it has a very marked resemblance to the Buffalo grass of the western plains, and possesses wonderful fattening qualities, grows very early in the spring, comes to maturity in June, and in October takes a new growth, and if not burnt will retain much of its freshness during the winter. On this grass, both cattle and horses will keep in good condition through the winter unless the snow should be so deep as to make it impossible for them to get at it, which however, seldom happens ; this grass grows very abundantly in all that region of country lying on the Sioux river, for one hundred miles up and I presume much further, perhaps, and in fact I am sure that few regions of the west present so many inducements to the agricultural and stock growing portion of the community as the Sioux valley. Its almost countless springs having their rise on high lands and hills, is one of the marked and peculiar features of this earthly paradise. Many of these springs are estimated from twenty to seventy feet above the level of the valley and afford a supply of water sufficient for the wants of an almost unlimited number of cattle. One of their peculiarities is they never freeze in the winter.

The valley has not so large a supply of timber as would be desired, but quite enough to supply the valley if used with economy. One noticeable feature of this valley is its almost innumerable streams, having their rise in the distant from one to two miles, and flowing into the Sioux. The gentle murmur of their flow strangely reminding one of the mountain streams of New England.

Along the hills, bordering this stream, are found almost countless beds of lime-rock, of the best quality, and in many places is found a good quality of stone for building purposes. Mill privileges are also very plentiful, and in many places they



are not to exceed one half a mile apart. A large portion of the bottom is abundantly stocked with a fine growth of grass which will yield from two to three tons of very excellent hay mostly of the kind known as blue-joint, which is very nearly if not quite equal to the tame hay of the eastern states.

I desire here to mention the many evidences of the existence of coal. Along this river, one or two veins have been worked but not to the extent which would enable me to speak positively of their value, but it is the opinion of those who own the coal and its surroundings affluences that it exists in sufficient quantities to make it an object to prosecute further operation. The Sioux river which has its rise about three hundred miles in a northerly direction from Sioux City, and empties into the Missouri about two miles above Sioux City, and is navigable for small class boats for three months in the year, for a distance of about fifty miles from its confluence with the Missouri. Already under the influence of the hardy and energetic hand of the pioneer, are spring up numberless thriving villages, with their stores and work-shops, which are but the forerunners of populous communities. The completion of a branch of the western railway to Sioux City at an early day, warrants us in saying that we shall at an early day, witness the rapid settlement of our infant territory, the early development of its vast resources, and the redemption of one of the fairest lands the sun ever shone upon, from savage rule, and its dedication to the principles of christianity and civilization.

To those who are seeking homes in the west, that this is the land of all others, for the man of limited means. Its rich and fertile soil, its healthful climate, the purity of its waters, and in most places, its abundant supply of timber and its inexhaustible supply of grass, the mildness of its winters, the unparalleled facilities for raising stock, are advantages which must at an early day bring within our borders an influx of emigration that will make this earthly paradise, a great and prosperous commonwealth.

D. M. MILLS.

## THE BLACK HILLS OF DAKOTA.

The Black Hills of Dakota and Montana territories, lying near the 102° meridian of longitude, and between the Niobrara and the Yellowstone rivers, is a region which has always excited the interest of geologists and explorers, but remains, even up to the present time, a mysterious and undeveloped belt of the continent where none but the wild beast and red man hold dominion, and on account of the determined and superstitious hostility of the Indians in that region, no geologist has ever been able to penetrate into the interior of the Black Hills, and no scientific exploration has ever been made among the mysterious ruins of the Bad Lands, save a hasty survey by Evans in 1849, and Weeks and Hayden in 1856-57. Projecting peaks of these hills have been ascended to the height of 6,500 feet above the sea level, while the long winding valley of the Bad Lands is sunken, in many places, to the depth of 1000 feet below the surface of the surrounding prairies.

The Black Hills, says Lieut. Warren, who visited their base, in 1857-8, are composed of the same formations of stratified rocks as are found in the gold-bearing gulches of the Wind river and Big Horn mountains; these hills, in his opinion, being only an out cropping spur of the great Rocky mountain range, in the vicinity of the Bannock and Virginia city mines. The vast forests of magnificent pine which literally darken the flanks of this mountain range, have given to it, among travelers the name of "Black Hills," situated between the forks of the Great Sheyenne. Dr. Hayden, the geologist, says, the lowest member of the salurian period, or gold bearing strata, are well developed in these hills, and the recent discoveries made by Gen. Sully's Indian expedition which crossed the northern trend of the Bad Lands, in 1864, and of Col. Sawyer's road expedition along the south base of the Black Hills, 1865, clearly indicate that the next succeeding formation, known as the Devonian system, is brought to light in the floor of the great Bad Land basin. The vast ruins of petrified forests, with their fallen trees, lie strewn among peaks and castles of brick, coal and organic remains, with piers and bridges of stone, resem-

bling the works of an ancient people: This system is known in geology as the period in the earth formation which corresponds with the third day of creation, when the great coal measures of the earth commenced their slow formation with the first appearance of vegetation upon the globe, and it is an established geological fact that the most extensive coal deposits are met with in all countries next above the Devonian series, and that the petroleum or oil bearing rocks are to be found in this and the lower salurian period, which Dr. Hayden says are well developed in the Black Hill region.

It is now the prevailing opinion among geologists, based upon scientific reasoning, that the basin of the "Bad Lands" is the ancient bed of a great coal field, which became self-ignited at some distant period, and like many of the coal fields of England, has been slowly burned out by its own bituminous fuel.

Colter and others, in 1804-5, crossed the northern trend of this great fire land, where at that early day they represent the whole country as being on fire, emitting a carboniferous smoke and the sound of rumbling thunder from the heated earth; and as these phenomena were mentioned by Lewis and Clark in 1806, and by Hunt, McKenzie and Crooks in their fur expedition to the mountains in 1811, there is conclusive evidence to sustain the statement made by Gen. Sully in his official report of 1864, that "coal exists in all the country from the Missouri to the Yellowstone."

The early discovery of oil springs in that region, by Capt. Bonneville in 1833; and the still later and reliable discovery of Mr. Eddy in 1865, of large flowing oil springs to the west of the Black Hills, foretells the hidden wealth of this vast region.

Humboldt and De Smet make mention of mountain reports being heard in the vicinity of these hills in the early part of the present century, resembling the discharge of artillery, in the most calm and serene weather, which the wild and superstitious natives of that region believed to be the bursting of rich mineral deposits, the locality of which were revealed only to the red man, and were entombed far up among the dark and inaccessible defiles of the Black Hills. But modern discovery,

and science account for these strange phenomena by attributing the cause to an escape of hydrogen from subterraneous beds of burning coal. Later travelers inform us that since the year 1830 these strange "fires and explosions" have ceased. Capt. Bonneville, in 1834, and Parker in 1835 found nothing but the silent, dismal and mysterious ruins of this great subterraneous conflagration, heaped in charred and crumbling towers and castles in the midst of a solitary valley of ashes, bones, and petrification.

This theory in the origin of the "Bad Lands" being sustained both by history and geology, it is confidently believed by the people of the northwest, that coal oil reservoirs will yet be found in great abundance at the north and east base of the Black Hills. Here in the upheaval of this mountain range, geology points to the oil bearing rocks of the Devonian and salurian formations, which have been thrown up, through and above the surrounding coal-fields which border immediately upon the base of these mountainous Hills, whose northern slopes are believed to be laden with immense deposits of lead and iron.

Prof Owens, U. S. geologist, in his report of 1852, in speaking of this mysterious region, compares the Bad Lands to "some magnificent city of the dead, where the labor and the genius of forgotten nations had left behind them a multitude of monuments of art and skill. At every step objects of the highest interest present themselves. Embedded in the debris, lie strewn, in the greatest profusion, organic relics of extinct animals. All speak of the former existence of most remarkable races that roamed about in bygone ages high up in the valley of the Missouri towards the sources of its western tributaries."

This eminent geologist demonstrates that all the strata composing the formation in the vicinity of the Black Hills and Bad Lands, "have been a succession of sediments or precipitates at the bottom of the ocean." "Thus," says he "the geologist is able to prove, as satisfactorily as can be demonstrated a mathematical problem, that at the time these fossil mamalia of the Bad Lands lived, the ocean still ebbed and flowed over Switzerland including its present site of the Alps, whose highest

summits then reached only above the surface of the sea, constituting a small archipelago of a few distant islands in the great expanse of the ocean."

The same geologists inform us that the Black Hills of Dakota, the silver bearing placers of the Amazon, the rich Cordilleras of South America, the Himalaya range of India, the Alps of Switzerland and the volcanic Ætna of Sicily, have all emerged from the sea at the same geological period, and that the same formation of mineral bearing strata can be traced in each.

The actual discoveries of Astor's fur parties in 1811, and of Capt. Bonneville in 1834, of Harney in 1835, Warren in 1856-57, of Dr. Hayden in 1858-9, Gen. Sully in 1864, and Col. Sawyer in 1865, prove conclusively that the Black Hills region abounds not only in the precious metals, but in iron, coal, lead, salt and petroleum, aside from its vast forests of magnificent pine and cedar.

We believe the day is not far distant when a commercial city will spring up in the citadel of these Hills of wealth, which will direct the iron track of the first railway from the upper Mississippi to the "northern mines" of the Rocky Mountains.

The Yellowstone river was navigated by Gen. Sully's steamboats in 1864, to near the mouth of the Tongue river, and it is evident that during the early part of the season, small class boats can reach the mouth of the Big Horn. The Great Sheyenne river can be ascended with flat boats to the very base of the Black Hills, upon which stream the vast pine forests of that region can be easily floated to the Missouri, a distance of 160 miles.

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#### INTRODUCTION OF RESOLUTIONS.

Mr. Ross offered the following resolution, which was adopted :

*Resolved*, That 1,500 copies of the report of the joint committee to prepare and submit a report on the mineral and agricultural resources of Dakota, be printed for the purpose of distribution by the members of the council.

N. V. ROSS.

Mr. Kingsbury offered the following resolution, which was adopted:

*Resolved*, That the secretary of the council be requested to wait upon the honorable house and ascertain whether that body has any further communications to make to the council and at what hour it will suit the house to adjourn *sine die*.

G. W. KINGSBURY.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE OFFICE,  
YANKTON, D. T.,  
January 11th, 1867. }

HON. M. K. ARMSTRONG:

*President of the Council:*

SIR: I herewith transmit council bill No.—, entitled an act to amend chapter 31, of the session laws of 1865-66; which I have approved and signed.

I have the honor to be,

Your ob't serv't,

A. J. FAULK,

*Governor.*

#### INTRODUCTION OF RESOLUTIONS.

Mr. Cole, on leave, introduced the following resolution:

*Resolved*, That the thanks of the council are hereby freely tendered to the governor, secretary, judges of the supreme court, surveyor general and district attorney of this territory, as a token of respect and esteem for the uniform courtesy shown on their part towards the members of this body.

On motion of Mr. Kingsbury,

The resolution was adopted.

#### MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES, }  
Friday, January 11th, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable body, that the house has passed the following bills:

Council file No. 31, a petition to the commissioner of the general land office; and

Council file No. 39, an act to provide for the removal of county seats by vote of the people ; with attached amendments.

Also, that the house has passed the following house files :

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district ; and

House file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners, respecting roads ; with the request that the council concur therein.

F. WIXSON,  
*Chief Clerk.*

HOUSE OF REPRESENTATIVES, }  
Friday, January 11th, 1867. }

MR. PRESIDENT:— I am instructed to inform your honorable body that the house has agreed to adjourn *sine die*, this day at 4 o'clock, the council concurring therein.

F. WIXSON,  
*Chief Clerk.*

Council file No. 39, an act to provide for the removal of county seats by a majority vote of the people ;

Was taken up, and

Amendments proposed by the house concurred in.

The following are the house amendments :

In lines one and two, section 1, strike out the words "one-half the highest number of votes cast at the last annual election," and insert in lieu thereof the words "one-half the number of legal votes as shown by the census of the last preceding assessment."

In section two, line five, strike out the words "equal to one sixth of the total vote of the county."

In section 2, line 7, strike out the words "majority," and insert the words "plurality."

In section 3, line 1, strike out the words "one sixth."

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district ;

Was then taken up,

Read first and second time, and

On motion of Mr. Kingsbury,

The rules were suspended and the bill was

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

The vote being taken resulted as follows:

Yeas 13; nays none.

Those voting in the affirmative, were

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills,  
Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr.  
President.

So the bill was passed, and

Title agreed to.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from his excellency,  
the governor:

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 11th, 1867. }

HON. M. K. ARMSTRONG:

*President of the Council:*

SIR: I herewith transmit council bill No.—, entitled an  
act to provide for the removal of county seats by the vote of  
the people; which I have approved and signed.

I have the honor to be,

Your ob't servant,

A. J. FAULK,

*Governor.*

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January, 11th, 1867. }

HON. M. K. ARMSTRONG,

*President of the Council:*

SIR: I herewith transmit council bill No.—, entitled a  
joint resolution authorizing the county commissioners of Yank-



ton county to hold extra special meetings; which I have approved and signed.

I have the honor to be,  
Your ob't servant,  
A. J. FAULK,  
*Governor.*

EXECUTIVE OFFICE, }  
YANKTON, D. T., }  
January 11, 1867. }

HON. M. K. ARMSTRONG,  
*President of the Council:*

SIR: I herewith transmit council bill No.—, entitled a joint resolution relative to the history of Dakota territory;

Also, council bill No.—, entitled an act granting to Preston H. Hotchkiss and Amos Dexter, the right to erect and maintain a mill dam and mill on the Big Sioux river;

Both of which I have approved and signed.

I have the honor to be,  
Your ob't servant,  
A. J. FAULK.  
*Governor.*

FIRST, SECOND AND THIRD READING OF BILLS.

House file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners respecting roads;

Was then taken up,

Read first and second time, and

On motion of Mr. Turner,

The rules were suspended, and it was

Read a third time and put upon its final passage.

The vote being taken, resulted as follows:

Yeas 8; nays 1.

Those voting in the affirmative, were

Messrs. Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

Mr. Fuller voted in the negative.

So the bill was passed, and

Its title agreed to.

On motion of Mr. Turner,  
The council took a recess for fifteen minutes.

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AFTER RECESS.

Roll called.

Present, Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

INTRODUCTION OF RESOLUTIONS.

Mr. Kingsbury offered the following resolution :

*Resolved*, That a committee of two be appointed by the president, to act with a like committee of the house to wait upon his excellency, the governor, and inform him that this legislative assembly is prepared to adjourn *sine die*, and ascertain if he has any further communication to make, and that the secretary of the council forthwith transmit a copy of this resolution to the house.

G. W. KINGSBURY.

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

Whereupon the president appointed Messrs. Turner and Thompson as said committee.

Mr. Kingsbury offered the following resolution :

*Resolved by the council*, (the house concurring,) That this legislative assembly will adjourn *sine die* at 4 o'clock this p. m.

G. W. KINGSBURY.

On motion of Mr. Van Osdel,  
The council took a recess of 30 minutes.

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AFTER RECESS.

Roll called.

Present, Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

On motion of Mr. Fuller,

Mr. Thompson was excused for his non attendance on the council for the few days which he was absent during the session, on account of sickness.

The committee appointed to wait upon his excellency, the governor, returned and made the following report :

MR. PRESIDENT.—Your committee appointed to act with a like committee of the house have performed the duty assigned them, and his excellency was pleased to say he should be able in half an hour to close his communications with the legislative assembly.

J. W. TURNER.

MESSAGE FROM THE GOVERNOR.

The following communication was received from his excellency the governor:

EXECUTIVE OFFICE,  
YANKTON, D. T.,  
January 11th, 1867. }

HON. M. K. ARMSTRONG :

*President of the Council:*

SIR: I herewith transmit council bill No.—, entitled a petition to the commissioner of the general land office; also, council bill No.—, entitled an act to provide for the removal of county seats by the vote of the people; both of which I have approved and signed.

I have the honor to be,  
Your ob't serv't,  
A. J. FAULK,  
*Governor.*

On motion of Mr. Kingsbury,  
The journal of the 10th inst., was read and approved; also,

On motion of Mr. Kingsbury,  
The journal of the 11th, was approved.

On motion of Mr. Cole,

The council should be considered adjourned after the calling of the roll.

Roll being called the following members answered to their names, viz :

Messrs. Cole, Fuller, Kingsbury, LaBreeche, Lewis, Mills, Ross, Stevens, Thompson, Turner, Van Osdel, Weeks and Mr. President.

The council was then declared duly adjourned *sine die*, this day at 4 o'clock p. m.

M. K. ARMSTRONG,  
*President.*

B. M. SMITH,  
*Secretary.*

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- council file No. 20—116, passed 135.  
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- House file No. 4, a memorial to the senate and house of representatives praying for the establishment of a military road from Elk Point to Sioux Falls, 69, 70, passed 92.  
 House file No. 10, joint resolution repealing council file No. 9, "a memorial relative to codifying the laws of Dakota, 84, 84, postponed to July 4th, 84.  
 House file No. 1, an act to amend chapter 27 of the laws of 1865-66, 92, passed 100.



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- House file No. 6, an act to establish a fence law in Union county, 99, passed 127.
- House file No. 12, an act to repeal chapter two of the private laws of 1865-66, 100, passed 107.
- House file No. 8, an act to amend chapter thirty-nine of the laws of 1862 entitled an act exempting property from execution, approved May 5th, 1862, 108, passed by substitute
- House file No. 7, an act limiting the time for the collection of debts, 113, passed 123.
- House file No. 9, joint resolution relative to the organic act of Dakota, 130, passed 158.
- House file No. 3, an act concerning divorce and alimony, 130, passed 168.
- House file No. 15, an act to regulate the practice of medicine in Dakota, 151,
- House file No. 17, an act to organize the county of Pembina and for other purposes, 156, 156, passed.
- House file No. 19, an act to create and establish the county of Laramie, 156, passed 156.
- House file No. 18, a memorial to congress praying for an appropriation to erect a penitentiary at Bon Homme in Dakota, 157, passed 177.
- House file No. 27, a memorial to the secretary of war requesting that the military reservation of Fort Randall, D. T., on the north side of the Missouri river, be reduced, 157, passed 177.
- House file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864-5, 157, passed 196.
- House file No. 22, an act to incorporate the Dakota manufacturing and mining company, 160, passed 176.
- House file No. 30, a memorial to the postmaster general praying for increase of mail service from Sioux city to Fort Randall, 167, passed 167.

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House file No. 32; an act to amend an act entitled an act to provide for the printing and distribution of the laws and journals, 167, passed 181.

House file No. 34; an act to incorporate the Big Horn and Powder river bridge and ferry company, 167.

House file No. 29; an act to incorporate the Dakota and northwestern railroad company, 175, passed 189.

House file No. 20, an act to amend the revenue law, 175, passed 189.

House file No. 33; a memorial to the secretary of the Interior praying that the location of the Sioux city and Fort Randall wagon road may be changed, 175, passed 195.

House file No. 35, a memorial to the secretary of war praying for the erection of a military post on the north base of the Black Hills, 175, passed 176.

House file No. 36, an act regulating the admission of attorneys to the supreme court of this territory, 176, passed 176.

House file No. 28, an act to change the location of the capital of Dakota territory, and for other purposes, 184, rejected.

House file No. 37, an act in relation to ferries on the Big Sioux river in Union county, 194, passed 196.

House file No. 16, an act to provide for the location of the county seat of Union county, 194.

House file No. 25, a memorial to the secretary of the Interior asking that the surplus funds of the appropriation for the location of a wagon road from the Minnesota line to the Missouri river, be applied to grading and bridging the road from Sioux Falls to Yankton, 197, passed 198.

House file No. 21; a memorial to congress relative to the western boundary of the Yankton land district, 223, passed 224.

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House file No. 24, an act to amend chapter 71 of the laws of 1862, conferring powers on the boards of county commissioners respecting roads, 225, passed 225.

**FOSTER, JAMES S.** (*see school report.*)

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- Council file No. 1, a memorial to the Senate of the United States, asking for the confirmation of A. J. Faulk, 17.
- Council file No. 2, a memorial to the Senate of the United States, asking for the confirmation of Geo. Stickney, as receiver of public moneys at the United States land office at Vermillion, 35.
- Council file No. 3, an act to amend the election law, 35.
- Council file No. 4, an act to provide for the<sup>er</sup> protection of stock from contagious diseases, 35.
- Council file No. 5, an act relating to the authentication of statutes, records, office papers, &c., 39.
- Council file No. 6, an act to amend section 52, chapter 31, laws of 1865-66, 41.

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- Council file No. 7, an act to organize a territorial agricultural society, 41.
- Council file No. 8, an act in relation to counties and county officers, 43.
- Council file No. 9, a memorial relative to codifying the laws of Dakota, 43.
- Council file No. 10, an act to incorporate the city of Yankton, 49.
- Council file No. 11, an act to amend an act entitled an act to incorporate the Dakota historical society, approved Dec. 24, 1863, 55.
- Council file No. 12, an act to preserve the purity of elections, 64.
- Council file No. 13, a memorial to Congress relative to a geological survey of the Black Hills, 71.
- Council file No. 14, an act to lay out and establish a territorial road in Clay county, 71.
- Council file No. 15, an act for the relief of the poor, 74.
- Council file No. 16, an act regulating actions against boats, 86.
- Council file No. 17, an act to amend an act entitled an act to provide for the appointment of road supervisors, and to prescribe the duties of the same, 87.
- Council file No. 18, joint resolution relative to compelling the attendance of witnesses before either house of the legislative assembly of Dakota, 92.
- Council file No. 19, an act to amend section 2 of chapter 14, of laws of 1865-66, 98.
- Council file No. 21, an act defining lands subject to taxation, 102.
- Council file No. 22, an act to organize a system of township government for Union county, 104.
- Council file No. 23, an act directing the county commissioners of Yankton county to re-adjust the assessment rolls of 1865-66, and equalize the taxes levied thereon, 111.

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- Council file No. 24, a memorial to Congress, asking an appropriation to erect a capital building at Yankton, D. T., 112.
- Council file No. 20, an act to simplify and abridge the practice, pleadings and proceedings of the courts of the Territory, 114.
- Council file No. 25, an act to amend chapter 23, of the laws of 1863-64, 115.
- Council file No. 27, an act to repeal chapter 67, of the laws of 1863 and 1864, 133.
- Council file No. 28, an act to organize and discipline the militia, and for other purposes, 133.
- Council file No. 29, an act to incorporate the Minnesota and Missouri river railroad company, 136.
- Council file No. 30, an act to incorporate the Big Horn bridge and ferry company, 136.
- Council file No. 31, a petition to the commissioner of the general land office, 143.
- Council file No. 32, a memorial to the secretary of war asking further protection from Indian invasions on the settlements and military posts in Dakota, 143.
- Council file No. 33, a memorial to the secretary of war praying that all that portion of the Fort Randall military reserve north of the Missouri river and west of the Yankton Sioux Indian reservation may be vacated and opened for settlement, 143.
- Council file No. 34, a memorial to the President of the United States relative to the removal of the Santee bands of Sioux Indians, 146.
- Council file No. 35, an act to authorize the assessment of a tax in school district No. 1, Yankton county, for the purpose of completing the school house in said district, 146.
- Council file No. 36, an act supplementary to an act entitled an act to amend chapter thirty-one of the laws of 1865-66, 146.

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- Council file No. 37, a memorial to the commissioner of the general land office praying for the extension of the public land surveys up the White river valley to the Pine Lands of the Black Hills, 146.
- Council file No. 38, an act to fix the time for the regular annual session of the legislative assembly, 146.
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- Council file No. 41, an act to amend chapter twenty-six of the laws of 1865-66, 160.
- Council file No. 42, an act in relation to the fees of register of deeds, 162.
- Council file No. 44, a memorial to U. S. Grant relative to Indian matters in the northwest, 162.
- Council file No. 45, joint resolution relative to the history of Dakota territory, 163.
- Council file No. 43, an act granting to Preston H. Hotchkiss and Amos Dexter a charter to erect and maintain a mill dam and mill across the Big Sioux river, 165.
- Council file No. 46, an act to enable societies, companies and other institutions to become bodies corporate, 169.
- Council file No. 47, a memorial to general Terry asking for the re-occupancy of Fort James, D. T., 169.
- Council file No. 48, joint resolution authorizing the commissioners of Yankton county to hold extra meetings for special purposes, 183.

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