

HOUSE JOURNAL

-OF THE-

SIXTH SESSION

-OF THE-

LEGISLATIVE ASSEMBLY

-OF THE-

TERRITORY

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.

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

House Journal.

HOUSE JOURNAL.

FIRST DAY.

YANKTON, DAKOTA TERRITORY,
HOUSE OF REPRESENTATIVES,
Monday, December 3rd, 1866. }

On the 3rd day of December, A. D., 1866, the sixth session of the Legislative Assembly of the Territory of Dakota, was begun and holden in the town of Yankton, D. T.

The members elect of the House of representatives, convened at the Capitol building in Yankton, at ~~12 o'clock, M.~~

The members so convened were called to order by Geo. I. Foster, chief clerk of the fifth session, who proceeded to call the roll of the members, taken from the returns, as made to the office of the secretary of the territory:

The following members answered to their names :

Union County.—I. T. Gore, Eli B. Wixson, Michael Curry, William Gray, Vincent La Belle, N. C. Stevens and Geo. W. Kellogg.

Clay County.—H. J. Austin, Daniel Hodgen, John Trumbo, Amon Hanson and Hans Gunderson.

Yankton County.—H. C. Ash, W. N. Collamer, M. U. Hoyt, D. T. Bramble and Thomas Frick.

Bon Homme County.—Hugh Fraley and R. M. Johnson.

Charles Mix County.—William Stevens and Kirwin Wilson.

Todd County.—J. B. S. Todd and Chas. H. McCarthy.

Absent.—Franklin Taylor, of Clay County.

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

Prayer by the Rev. Mr. Batcheller.

Mr. McCarthy nominated J. B. S. Todd, for speaker.

There being no other person placed in nomination, the vote was then taken, and resulted as follows :

Those voting for Mr. Todd, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Belle, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Trumbo, Wilson and Wixson—22.

Mr. Todd having received all the votes cast, was declared duly elected speaker of the House.

On motion of Mr. McCarthy,

A committee of three was appointed to wait upon the speaker elect, and conduct him to the chair.

Messrs. McCarthy, Bramble and Austin, were appointed as such committee.

Mr. Todd, having been escorted to the chair, returned his thanks, in a brief and appropriate manner.

The oath of office was then administered by Associate Justice Kidder.

Mr. Ash nominated F. Wixson for chief clerk.

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

Those voting for Mr. Wixson, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Belle, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Trumbo, Wilson and Wixson—22.

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

On motion of Mr. Bramble,

Mr. D. P. Mowrer was nominated for assistant clerk.

No other nominations being made, the vote being taken, resulted as follows.

Those voting for Mr. Mowrer, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Trumbo, Wilson and Wixson—22.

Mr. Mowrer having received all the votes, was declared duly elected assistant clerk.

Mr. Collamer nominated John Stanage, for sergeant-at-arms.

No other nominations being made, the vote being taken, Mr. Stanage received all the votes cast—22—and was declared duly elected sergeant-at-arms.

Mr. Kellogg nominated Christian Lewison, for messenger.

Mr. Austin nominated Ole B. Larson, for messenger.

The vote being taken, resulted as follows :

Those voting for Mr. Lewison, were

Messrs. Ash, Collamer, Curry, Fraley, Frick, Gore, Gray, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) and Wixson—14.

Those voting for Mr. Larson, were

Messrs. Austin, Bramble, Gunderson, Hanson, Hodgen, Hoyt, Trumbo and Wilson—8.

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

Mr. Johnson nominated George Rounds, for fireman.

Mr. Wilson nominated John McGuyre, for fireman.

Mr. Austin nominated Ole B. Larson, for fireman.

The vote being taken, resulted as follows :

Those voting for Mr. Rounds, were

Messrs. Ash, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Hoyt, Johnson, Kellogg, La Belle, McCarthy, Stevens (Union,) and Wixson—15.

Those voting for Mr. Larson, were

Messrs. Austin, Gunderson, Hanson, Hodgen and Trumbo—5.

Messrs. Stevens and Wilson of Charles Mix, voted for Mr. McGuyre.

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

Mr. Ash nominated C. W. Batcheller, for chaplain.

No other nominations being made, the vote being taken,

Mr. Batcheller received all the votes cast—22—and was declared duly elected chaplain.

The officers elect then came forward, and the oath of office was administered, by his honor J. P. Kidder.

Mr. McCarthy offered the following resolution :

Resolved, That the chief clerk be instructed to inform the council that the house is permanently organized, by the election of the following officers :

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*.

On motion of Mr. Bramble,

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

Mr. Johnson introduced the following resolution :

Resolved, That a committee of three be appointed to draft rules for the government of the house.

The resolution was adopted.

Messrs. Johnson, Bramble and Kellogg were appointed as such committee.

Mr. Bramble offered the following resolution :

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

Which resolution was adopted.

The speaker appointed as such committee, Messrs. Bramble, Wixson and Austin.

Mr. Ash offered the following resolution :

Resolved, That a committee of three be appointed to act in conjunction with a similar committee of the council, to inform his excellency, the governor, that the house is organized, and ready to receive any communication he may be pleased to make.

The resolution was adopted.

The speaker appointed as such committee, Messrs. Ash, Gray and Fraley.

Ordered, That the clerk transmit said resolution.

Mr. Kingsbury, on the part of a committee from the council, requested the house to specify the time for the meeting of the two houses, in joint convention, to receive any communication his excellency, the governor, may be pleased to make.

Mr. Bramble offered 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 for the purpose of transacting any other business that may legitimately come before the joint convention.

The following communication was received from the council :

COUNCIL CHAMBER,
December 3rd, 1866. }

To the Speaker of the House of Representatives :

SIR :—I am directed to inform your honorable body, that the council have perfected an organization, by the election of the following officers, viz :

M. K. Armstrong—*President*.

B. M. Smith—*Secretary*.

H. S. Brooks—*Assistant Secretary*.

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

Patrick Brown—*Fireman, pro tem*.

Michael McGue—*Messenger, pro tem*.

Rev. M. Hoyt—*Chaplain.*

B. M. SMITH.
Secretary.

Mr. Bramble moved, that when this house adjourn, in adjourn until to-morrow, at 2 o'clock, P. M..

Which motion was agreed to.

On motion of Mr. Bramble,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 4th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Bramble, Curry, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens, (Union,) Trumbo, Wixson and Mr. Speaker.

Absent, Mr. Taylor.

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

The following communications were received from the council:

COUNCIL CHAMBER, }
December 4th, 1866. }

MR. SPEAKER.—I have to inform your honorable body that Messrs. Kingsbury, Thompson and Mills, are appointed on the part of the council to act with a like committee from the house, to draft rules for the government of the two houses in joint convention.

B. M. SMITH,
Secretary.

COUNCIL CHAMBER, }
December 4th, 1866. }

MR. SPEAKER.—I have the honor to inform the house that Messrs. Turner and Kingsbury have been appointed a committee on the part of the council to confer with a like committee from the house, to wait upon his excellency, the governor, and inform him that the two houses are now permanently organized, and to ascertain at what time he will be ready to communicate with the two houses in joint convention.

B. M. SMITH,
Secretary.

Mr. Bramble, chairman of committee on joint rules, reported the following, which was adopted :

MR. SPEAKER.—Your committee on joint rules, on the part of the house, would report that the committee have agreed to report the joint rules of the last legislature, and recommend their adoption.

D. T. BRAMBLE,
Chairman.

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 committee having charge of enrolling and engrossing of the house in which said joint resolutions or memorials originated, and such copies after being attested by the presiding officers of each house, and the secretary of the council, and the chief clerk of the house, shall be forwarded by the presiding officer of the house in which they originated to the president of the United States, or the speaker of the house of representatives of congress, or to the person or persons to whom they are intended to be sent.

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

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

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

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

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

14. It shall be the duty of the chief clerk of the house of representatives, and 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.

Mr. Ash, chairman of committee appointed to act in conjunction with a similar committee on the part of the council, relative to informing his excellency when the two bodies will meet in joint convention, submitted the following report :

MR. SPEAKER.—Your committee appointed to act in conjunction with a similar committee on the part of the council, to wait upon his excellency, the governor, and inform him that the two houses will meet in joint convention to-day, at 2 o'clock, P. M., have performed the duty assigned them, and beg leave to report that his excellency will communicate to the two houses at the hour named.

H. C. ASH,
Chairman.

Mr. McCarthy moved that a committee of three be appointed to inform the council that the house is now ready to meet them in joint convention, and to escort the honorable council to the hall.

The motion was agreed to, and

Messrs. McCarthy, Stevens (Union) and Gunderson were appointed as such committee.

By request, Mr. McCarthy was excused from serving on said committee, and Mr. Collamer substituted in his place.

On motion of Mr. Bramble.

The use of the hall was tendered the library association.

Mr. Turner, from the council, appeared and reported in behalf of that body, that the council concurred in the house resolution for the meeting of the two houses in joint convention for the purpose of receiving any communication from his excellency, but recommended the time of meeting be changed to 3 o'clock, P. M.

The report was agreed to.

The committee then repaired to the council chamber, and after a brief absence, returned, and announced the honorable council.

IN JOINT CONVENTION.

The Speaker of the house in the chair, called the joint convention to order.

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

The roll was then called, and the following gentlemen responded to their names :

Members of the house.—Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, 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 chairman declared the joint convention fully organized.

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

Which motion was agreed to.

The chairman appointed as such committee, Mr. Turner, on the part of the council, and Mr. Gore on the part of the house.

The committee retired, and after a brief absence reported, that his excellency would report in person. Whereupon the governor made his appearance in the hall, and was escorted to the speaker's desk.

His excellency, the governor, then delivered the following message :

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 Shéyenne 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 Sheyenne 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 developments, 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 emigration 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 encourage-

ment 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 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.

No other business presenting itself, the joint convention was dissolved.

The house was called to order by the speaker in the chair.

Mr. Kellogg moved, that 1500 copies of the governor's message be ordered printed for the use of this house.

Which motion was agreed to.

On motion of Mr. Bramble,

The governor's message was made the special order of next Saturday, at 11 o'clock, a. m.

On motion of Mr. Bramble,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk,

THIRD DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Taylor.

Journal of yesterday read and approved.

The speaker then announced the following standing committees:

STANDING COMMITTEES.

Ways and Means.—Messrs. Bramble, Gore and Hodgen.

Judiciary.—Messrs. Kellogg, McCarthy and Austin.

Military Affairs.—Messrs. Wixson, Frick and Wilson.

Education.—Messrs. McCarthy, Johnson and Hanson.

Agriculture.—Messrs. Gray, Curry and Trumbo.

Highways, Ferries and Bridges.—Messrs. Stevens (Chas. Mix,) Collamer and Gunderson.

Internal Improvements.—Messrs. Collamer, LaBell and Hoyt.

Public Lands.—Messrs. Gore, Taylor and Hanson.

Federal Relations.—Messrs. Stevens (Union,) Fraley, and Wilson.

Towns and Counties.—Messrs. Austin, Curry and LaBelle.

Incorporations.—Messrs. Ash, Gore and Hanson.

Manufactures.—Messrs. Johnson, Stevens (Chas. Mix,) and Trumbo.

Elections.—Messrs. Taylor, Wixson and Hoyt.

Indian Affairs.—Messrs. Wilson, Kellogg and Austin.

Public Buildings.—Messrs. Stevens, (Union) Bramble and Trumbo.

Public Printing.—Messrs. Curry, Johnson and Hanson.

Mines and Minerals.—Messrs. Hoyt, Wixson and McCarthy.

Engrossing.—Messrs. Kellogg, McCarthy and Trumbo.

Enrollment.—Messrs. Taylor, Ash and Austin.

Mr. Gore, territorial treasurer, then made a verbal report, which,

On motion of Mr. McCarthy,

Was ordered to be submitted in writing, and

One thousand copies of the same ordered to be printed, for the use of the house.

Mr. Johnson, chairman of select committee appointed to draft standing rules for the government of the house, reported the following:

MR. SPEAKER.—Your select committee, appointed to draft rules for the government of the house, have agreed to submit the rules of last session, and recommend their adoption.

R. M. JOHNSON,

Chairman.

On motion of Mr. Curry,

The report was adopted.

RULES OF THE HOUSE.

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

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

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

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

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

6. When the house adjourns the members shall keep their seats until the speaker announces the adjournment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. A member called to order shall immediately sit down, unless permitted to explain, and the house, if appealed to, shall decide the case. If there be no appeal, the decision of the chair shall be submitted to. On an appeal, no member

shall speak more than once without leave of the house, except when a member is called to order for offensive language, in which case there shall be no debate.

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

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

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

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

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

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

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

29. In forming committee of the whole house, the speaker shall appoint a chairman to preside.

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

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

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

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

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

35. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

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

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

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

1. Ways and Means.
2. Judiciary.

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

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

40. The committee on enrollment shall examine all house bills and joint resolutions, which have passed the two houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the house and council for their signatures, and when so signed, to the governor for his approval; said committee may report at any time.

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

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

43. No person shall be admitted within the bar of the house but the executive, members of the council, territorial treasurer and auditor, judges of the supreme and district courts, members of congress, those who have been members of congress,

of the legislative council, and such other persons as the house shall deem proper to admit.

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

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

1. Presentation of petitions.
2. Reports of committees.
3. Reports of select committees.
4. Notices.
5. Introduction of bills.
6. Motions and resolutions.
7. Consideration of messages from the council.
8. First reading of council bills, resolutions and memorials.
9. Second reading of the same.
10. Third reading of the same.
11. Second reading of the house bills.
12. Third reading of the same.
13. Consideration of the general orders.
14. Unfinished business.

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

47. When the house have arrived at the general orders of the day, they shall go into a committee of the whole upon such

orders, or a particular order designated by a vote of the house and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the committee of the whole shall consider, act upon or pass the general orders according to the order of their reference.

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

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

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

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

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

53. All house bills of a general nature shall, after their second reading, be printed without a special order from the house.

54. All orders, joint resolutions and memorials to congress, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and president of the council, and forthwith transmitted by the chief clerk of the respective house, and in which they originated, to the president of the senate and speaker of the house of representatives, and also a copy to our Delegate in congress.

Mr. Bramble offered the following resolution:

Resolved, That all resolutions offered in this house be reduced to writing.

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

Mr. Kellogg offered the following resolution :

Resolved, That the clerk of the board of education be requested to report to the house of representatives the doings of said board of education, during the current year, and that the chief clerk is hereby requested to furnish the clerk of the said board of education with a copy of this resolution.

The resolution was adopted.

Mr. Bramble offered the following :

Resolved, That the house order printed, one hundred copies each of the standing rules of the house, joint rules and standing committees.

On motion of Mr. Bramble,

The resolution was referred to a select committee of three.

The chair appointed as such committee,
Messrs. Bramble, Kellogg and Johnson.

Mr. Bramble offered the following resolution :

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 rail road and wagon road interests.

On motion of Mr. Kellogg,

The resolution was adopted, and

Messrs. Bramble, McCarthy and Curry were designated as such committee.

On motion of Mr. Bramble,

The chief clerk was ordered to notify the council of the passage of the above resolution, relative to rail roads, wagon roads, &c., and to designate the committee appointed thereon.

Mr. Wilson presented the following :

Resolved, That all bills, memorials and joint resolutions shall be printed after their first reading, unless otherwise ordered.

On motion of Mr. Bramble,

The resolution was adopted.

Mr. Hoyt offered the following resolution :

Resolved, That the house meet at 11 o'clock, a. m., each day and have but one session, unless otherwise ordered.

On motion of Mr. Kellogg,
The resolution was laid on the table.

On motion of Mr. Johnson,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, December 6th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

The oath of office was then administered to Franklin Taylor,
by the Speaker of the house.

The journal of yesterday was read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER, }
December 5th, 1866. }

MR. SPEAKER.—I am instructed by the council to inform
the honorable house, that the council has passed council file No.

1, Joint resolution relative to A. J. Faulk, which I herewith transmit, and request the concurrence of the house therein.

B. M. SMITH,
Secretary.

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, was then

Read first time.

On motion of Mr. Bramble,

The rules were suspended, and the joint resolution

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

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

Yeas 19 ; nays 5 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Wilson, Wixson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Gunderson, Hanson, Hodgen, Hoyt and Trumbo.

So the resolution was adopted.

On motion of Mr. McCarthy,

Mr. M. M. Parmer was admitted to a seat within the bar of the house.

Mr. Kellogg gave notice that on to-morrow or some future day, he would introduce a bill providing for divorce and alimony.

The following communication was received from the council :

COUNCIL CHAMBER,
December 6th, 1866. }

MR. SPEAKER:—I have the honor to inform the honorable house that the president of the council has appointed the following standing committees.

B. M. SMITH,
Secretary.

STANDING COMMITTEES.

- 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.
Engrossed Bills.—Messrs. Fuller, Ross and Thompson.
Enrolled Bills.—Messrs. Lewis, Mills and Kingsbury.

Mr. Bramble, on leave, introduced the following resolution :

Resolved, That on the final passage of all bills, memorials and joint resolutions, the ayes and noes shall be called without demand.

The resolution was adopted.

The following communication was read from the speakers' desk :

The honorable members and officers of the house of the legislative assembly of the Territory 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, December 6th, 1866.

M. HOYT,
President.

On motion of Mr. Curry,
The house took a recess of 25 minutes.

House called to order.

On motion of Mr. Kellogg,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

FIFTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

The journal of the previous day read and approved.

Mr. Kellogg gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to provide for the elec-

tion of road supervisors, and to provide for the laying off of road districts, and to define the duties of county commissioners and road supervisors.

Mr. Johnson gave notice that on to-morrow or some future day of the session, he would ask leave to introduce a bill relating to courts.

Mr. Bramble gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to repeal chapter 39, of the laws of 1862-63—also,
A bill to create a statute of limitation.

On motion of Mr. Stevens (Chas. Mix,)
The house took a recess of 20 minutes.

House called to order.

Mr. Ash introduced the following resolution:

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.

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

Mr. Collamer moved that three members of said committee be appointed from Yankton county.

Which motion prevailed.

The chair appointed as such committee,

From Yankton County :—Messrs. Ash, Collamer and Hoyt.

From Union County :—Mr. Kellogg.

From Clay County :—Mr. Austin.

From Todd County :—Mr. McCarthy.

On motion of Mr. Ash,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

SIXTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Fraley and Johnson.

Mr. Gore moved that Mr. Fraley be excused from attendance until Monday evening.

Which motion was agreed to.

Mr. Stevens (Chas. Mix,) moved that Mr. Johnson be excused from attendance until Monday evening.

Which motion was also agreed to.

Mr. Kellogg introduced the following resolution :

Resolved, That the 43rd rule of this house be amended so as to read, after the words "legislative council," and "house of representatives."

The resolution was adopted.

Mr. Gore gave notice that on Monday next, or on some subsequent day of the session, he would introduce a bill to amend chapter 27 of the laws of 1865-66; also,

That he would introduce a memorial to congress, asking for the location of a military road, from Elk Point, Union county, Dakota territory, to Sioux Falls, in Minnehaha county, Dakota territory.

Mr. McCarthy gave notice that on Monday next, or on some subsequent day of the session, he would introduce a memorial to the secretary of war, and to Gen. Sherman, praying for the establishment of a military post on the Sheyenne river, at or near the base of the Black Hills.

The following message was received from the council :

COUNCIL CHAMBER, }
December 8th, 1866. }

MR. SPEAKER.—The council has passed council file No. 2, a memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to George Stickney, requesting his confirmation as receiver of public moneys at the United States land office at Vermillion, D. T., which is respectfully transmitted for the consideration of your honorable body.

B. M. SMITH,
Secretary.

On motion of Mr. Austin,
The house took a recess of 15 minutes.

At the expiration of which time, the speaker resumed the chair, and called the house to order.

The hour having arrived for the consideration of the governor's message, which was made the special order for 11 o'clock, to-day.

On motion of Mr. Kellogg,

The house resolved itself into a committee of the whole house, on the governor's message.

Mr. Kellogg in the chair.

After some time spent therein,

The speaker resumed the chair, and Mr. Kellogg reported, That the committee of the whole house, according to order, had under consideration the governor's message, and have made some progress therein.

All that portion of the message relating to Indian war, has been referred to the committee on Indian affairs.

All that portion relating to national affairs, has been referred to the committee on federal relations.

All that portion relating to emigration and agriculture, has been referred to the committee on agriculture.

All that portion relating to security to emigrants and the Black Hills, has been referred to the committee on military affairs.

All that portion relating to wagon roads and rail roads, has been referred to the special committee on wagon roads and rail roads.

All that portion relating to the revenue of Dakota territory, has been referred to the committee on judiciary.

All that portion relating to the providing of an armory for the territorial arms, has been referred to the committee on public buildings.

All that portion relating to Indian matters, has been referred to the committee on Indian affairs.

All that portion relating to military posts on our frontier, has been referred to the committee on military affairs, and

All that portion relating to the public lands, has been referred to the committee on public lands.

Not having had time to go through the message, the committee beg leave to sit again next Saturday, at 11 o'clock, A. M.

On motion of Mr. Bramble,
The report was adopted.

Council file No. 2, a memorial relating to the confirmation of George Stickney, was then

Read a first time.

Mr. Bramble moved that it be referred to the committee on public lands.

Which motion was lost.

Mr. Stevens (Charles Mix,) moved, that the house adjourn.

A division of the house being called for, the vote stood a tie.

The speaker voted in the affirmative, and
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, December 10th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

The following named members were absent, viz :

Messrs. Bramble, Hoyt and Stevens (Charles Mix).

The journal of the 8th was then read and approved.

The following report of the clerk of the board of education
was read from the speaker's desk :

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 Dec. 5th, I have the honor
to submit the 3rd 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 judicially 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. of children between the ages of 5 and 20	Amount raised for educational purposes.				Amount expended for educational purposes.					Value of School Property.
	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	96	200		590 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 22		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		25 00	2 220 00	1 700 00
Yankton,																
Total,	18	6	8	394	365	759	\$214 84	\$3 122 32	\$105 00	\$3 442 19	\$1 517 19	\$1 850 00	\$ 50 00	\$ 25 00	\$3 442 19	\$3 200 00

*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 desired 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 manner. The legislative assembly 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 member of the board of education, especially when the expense 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 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 instructions of the present age, our teachers must continually study. Teachers Institutes can be conducted by the County Superintendent and Superinten-

dent of Public Instruction, without 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 had 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 waters, 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 superintendent 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 superintendent to post notices of school meeting to elect district officers.

3rd. For powers of a district meeting see laws of 1865-6, 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 Sept. 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 of Mr. McCarthy,

The report was made the special order for Friday next, at 11 o'clock, a. m.

Mr. Austin moved that one thousand copies of the report of the clerk of the board of education be ordered printed, for the use of the house.

Which was agreed to.

Mr. LaBell gave notice that on to-morrow, or some subsequent day of the session, he would beg leave to introduce a bill to amend the present fence law.

Mr. Stevens (Union,) gave notice that on to-morrow or some future day of the session, he would introduce a bill to change the name of Union county.

By permission, Mr. McCarthy offered the following resolution:

Resolved, That his honor, the secretary of the territory, be respectfully requested to furnish the hall of the house of representatives with a map of the United States and territories; also, with window curtains, for the use of the house; and that the chief clerk be instructed to furnish the secretary of the territory with a copy of this resolution.

Council file No. 2, a memorial asking the confirmation of Geo. Stickney, as receiver of the U. S. land office, at Vermillion, D. T., was then taken up,

Read a second time, and

On motion of Mr. Kellogg,

Referred to the committee on public lands.

On motion of Mr. Ash,

The house took a recess of 15 minutes.

House called to order.

Speaker in the chair.

Quorum present.

The following communication was received from the council :

COUNCIL CHAMBER, }
Monday, December 10th, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body that the council has passed council file No. 5, an act relating to the authentication of statutes, records, office papers, &c., which bill is herewith transmitted, and the concurrence of the house is requested.

B. M. SMITH,

Secretary.

Mr. Taylor from the committee on enrollment, reported the following :

MR. SPEAKER.—Your committee on enrollment, in conjunction with committee of the council, have examined council file No. 1, joint resolution relative to A. J. Faulk, and find the same correctly enrolled.

F. TAYLOR,

Chairman.

Council file No. 5, an act relating to the authentication of statutes, records, office papers, &c., was then taken up, and

Read a first time, and

On motion of Mr. McCarthy,

Referred to the committee on judiciary.

On motion of Mr. Curry,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 11th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in seats.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 11th, 1866. }

MR. SPEAKER.—I am instructed by the council to inform your honorable body, that the council has passed 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, which I herewith transmit, and request the concurrence of the house therein.

B. M. SMITH,
Secretary.

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," was then taken up, and

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and

Referred to the committee on elections.

On motion of Mr. Curry,

The house then took a recess of 5 minutes.

House called to order by the

Speaker in the chair.

Quorum present.

Mr. Wixson in the chair.

Mr. Todd offered the following concurrent resolution :

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."

Which resolution was adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }
December 11th, 1866. }

MR. SPEAKER.—I am directed to inform your honorable body, that the council 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, and respectfully request the concurrence of the house therein.

B. M. SMITH,

Secretary.

Mr. Bramble moved to strike out house rule 54.

Which was agreed to.

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, was then taken up, and

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the memorial

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

The yeas and nays being called, the vote stood,

Yeas 23; nays none; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Todd and Mr. Chairman.—23.

So the memorial passed, and its

Title was agreed to.

On motion of Mr. Curry,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Quorum present.

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

Mr. Taylor, chairman of the committee to whom was referred council file No. 3, submitted the following report :

MR. SPEAKER.—Your committee on elections 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, have had the same under consideration and beg leave to report the same back and recommend its passage.

F. TAYLOR,
Chairman.

Mr. Gore, chairman of the committee on public lands, submitted the following report :

MR. SPEAKER.—A majority of your committee on public lands to whom was referred council file No. 2, a memorial to Samuel C. Pomeroy, chairman of committee on public lands, relative to George Stickney, beg leave to report that they have had the same under consideration and report the same back with attached amendments and recommend its passage.

I. T. GORE,
F. TAYLOR.

Mr. Ash, chairman of select committee, to investigate the revenue law of Dakota territory, and the transactions under the said law in Yankton county, submitted the following report :

MR. SPEAKER.—Your special committee appointed on the part of the house, to investigate the revenue law of Dakota territory, and the transactions under said law in and for the county of Yankton, beg leave to report, that they have had the same under consideration, and recommend (the council concurring,) that said committee be empowered to send for persons and papers.

H. C. ASH,
Chairman.

Mr. Kellogg gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a memorial asking for appropriations to turnpike the Sioux city and Fort Randall wagon road, in this territory.

Mr. Wixson gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to amend chapter 13 of the session laws of 1865-66.

The following communication was received from the council :

COUNCIL CHAMBER,
Wednesday, December 12, 1866. }

MR. SPEAKER.—I am directed to inform your honorable body, that the council has adopted the following resolution, and request the concurrence of the house :

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 laws of our territory and the transactions under said laws in and for the county of Yankton, be clothed with authority to send for persons and papers.

B. M. SMITH,
Secretary.

On motion of Mr. Kellogg,
Maj. Brackett and Capt. Miner were invited to seats within the bar of the house.

House file No. 1, an act to amend chapter 27 of the laws of 1865-66, was then taken up, and
Read a first time.

Mr. Kellogg introduced the following resolution :

Resolved, That a select 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 Dakota territory, as early in the session as may be found convenient.

The resolution was adopted, and

Messrs. Kellogg, Taylor, Bramble, Fraley and McCarthy were appointed as said committee.

The communication from the council, announcing the adoption by that body, of a resolution, clothing with authority to send for persons and papers the select committee appointed by the council and house to investigate the revenue law of our territory, and the transactions under said law in and for the county of Yankton,

Was then taken up, and
On motion of Mr. Ash,
The resolution was concurred in.

Council file No. 2, a memorial relative to George Stickney, reported back with amendments, by the committee to whom it was referred on the 10th instant, was then

Taken up for consideration.
On motion of Mr. Curry,
The amendment was agreed to.
The memorial was then
Read a third time, and put upon its passage.
The yeas and nays being ordered, the vote stood
Yeas 21; nays 2; as follows:
Those who voted in the affirmative, were
Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick,
Gore, Gray, Gunderson, Hanson, Hodgen, Kellogg, LaBell,
McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Wil-
son, Wixson and Mr. Speaker—21.
Those who voted in the negative, were
Messrs. Hoyt and Trumbo—2.
So the memorial passed, and its
Title was agreed to.

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, was then taken up and

On motion of Mr. Bramble,
Recommitted to a special committee of three.
The chair appointed as such committee.
Messrs. Bramble, Wixson and Trumbo.

On motion of Mr. McCarthy,
The house took a recess of 20 minutes.

House called to order by the
Speaker in the chair.
Quorum present.

On leave, Mr. Collamer introduced the following resolution :
Resolved, That the secretary of the territory be requested
to furnish two dozen chairs, for the use of this house.
Which resolution was adopted.

On motion of Mr. Curry.
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

ELEVENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Johnson.

The journal of the preceding day was then read and ap-
proved.

Mr. Kellogg, chairman of the committee on judiciary, to whom was referred council file No. 5, an act relating to authentication of statutes, office papers, &c., submitted the following report :

MR. SPEAKER.—Your committee on judiciary, to whom was referred council file No. 5, have had the same under consideration, and beg leave to report the same back to the house, without amendment, and recommend its passage.

GEO. W. KELLOGG,
Chairman.

Council file No. 5, an act relating to the authentication of statutes, office papers, &c., was then taken up, and

Read a second time.

House file No. 1, an act to amend chapter 27 of the laws of 1865-66, was then taken up, and

Read a second time, and

Referred to the committee on highways, ferries and bridges.

By unanimous consent, Mr. Stevens (Union,) introduced house file No. 2, an act to change the name of Union county to Anna Bell, which was

Read a first time.

On motion of Mr. Ash,

The house took a recess of 15 minutes.

At the expiration of which time,

The house was called to order, by the

Speaker in the chair.

On motion of Mr. Stevens (Charles Mix,)

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWELFTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Johnson.

Journal of the preceding day read and approved.

Mr. Kellogg introduced house file No. 3, an act concerning
 divorce and alimony, which was

Read a first time.

The following communication was received from the council

COUNCIL CHAMBER, }
 December 14th, 1866. }

MR. SPEAKER.—I am authorized to inform your honorable
 body that Messrs. Kingsbury, Mills, and Ross, are appointed
 a committee on the part of the council, to act with the commit-
 tee of five appointed on the part of the house, to make a full
 report of the mineral and agricultural resources of Dakota
 territory, as early in the session as may be convenient.

B. M. SMITH,

Secretary.

Mr. Kellogg moved to take up council file No. 5,
 Which motion was lost.

On motion of Mr. Bramble,
 The house took a recess of 10 minutes.

The 10 minutes for which the house took a recess, having expired,

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

Quorum present.

The time having arrived for the consideration of the report of the clerk of the board of education, which was made the special order for 11 o'clock, A. M., to-day.

Mr. Bramble moved that the consideration of the report of the clerk of the board of education be postponed till Tuesday next, at 11 o'clock, A. M., and made the special order for that time.

Which was agreed to.

Mr. Bramble moved that when this house adjourn, it adjourn to meet to-morrow, at 10 $\frac{1}{2}$ o'clock, A. M.

Which motion prevailed.

On motion of Mr. Bramble,
The house adjourned.

J. P. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, December 15th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Mr. Gore introduced 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 was

Read a first time.

On motion of Mr. Gore,

The rules were suspended, and the memorial

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

The yeas and nays being ordered, the vote stood,

Yeas 24; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens, (Charles Mix,) Taylor, Trumbo, Wilson, Wixson, and Mr. Speaker—24.

So the memorial was passed, and its

Title was agreed to:

The following communication was received from the council:

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

MR. SPEAKER:—I am instructed to inform your honorable body that the council has passed council file No. 11, an act to amend an act entitled an act to incorporate the historical society of Dakota, approved Dec. 24th, 1863, which I herewith transmit with the request that the house concur.

B. M. SMITH,
Secretary.

Mr. Kellogg introduced house file No. 5, a memorial to the secretary of the Interior, asking that a portion of the wagon

road fund, apportioned to Dakota, be applied to turnpike the Sioux city and Fort Randall wagon road, which was

Read a first time.

Council file No. 11, an act to amend an act entitled an act to incorporate the historical society of Dakota, approved Dec. 24th, 1863, was then taken up, and

Read a first time, and

On motion of Mr. Bramble,

Referred to a select committee of three.

The chair appointed as such committee,

Messrs. Bramble, Fraley and Austin.

The hour of eleven having arrived, at which time was made the special order for the further consideration of the governor's message,

Mr. Kellogg moved that the special order of the day be deferred 20 minutes,

Which was agreed to.

Council file No. 5, an act relating to the authentication of statutes, records, office papers, &c., was then taken up, and

Read a third time.

By unanimous consent, Mr. Bramble moved that it be recommitted to a committee of the whole house, and made the special order for Monday next, at 11 o'clock a. m.

Which motion was agreed to.

House file No. 2, an act to change the name of Union county to Anna Bell, was then

Read a second time.

Mr. Curry moved that it be referred to a select committee of three.

Which motion was lost.

Mr. Kellogg moved that it be made the special order of Friday next, at 11 o'clock, a. m.

Which motion prevailed.

The time having arrived for the further consideration of the governor's message, it being 20 minutes past 11 o'clock a. m.

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

After some time spent therein,

The committee arose and through their chairman, Mr. Bramble, made the following report :

MR. SPEAKER.—The committee of the whole house have had under consideration the governor's message, and would recommend that all that portion of the message that has not been referred, be referred to the committee on internal improvements ; and also recommend, that the house request the different committees having the message under consideration, to report as soon as possible.

D. T. BRAMBLE,
Chairman.

On motion of Mr. Hoyt.

The report was adopted.

Mr. Bramble moved that when the house adjourn, it adjourn till Monday next, at 10½ o'clock, a. m.

Which motion was adopted.

On motion of Mr. Bramble,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

FIFTEENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Johnson.

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

Mr. La Bell introduced house file No. 6, an act to establish a fence law in Union county.

Mr. Bramble introduced house file No. 7, an act limiting the time for collection of debts ; also,

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.

Mr. McCarthy introduced house file No. 9, joint resolution relative to the organic act of Dakota.

The hour having arrived for the consideration of council file No. 5, an act relating to the authentication of statutes, records, office papers, &c., which was made the special order for to-day, at 11 o'clock, A. M.

The house resolved itself into a committee of the whole house thereon.

After some time spent therein,

The committee arose, and through their chairman, submitted the following report :

MR. SPEAKER.—The committee of the whole have had under consideration council file No. 5, and have instructed their chairman to report the bill back, and recommend that the same be indefinitely postponed.

F. TAYLOR,
Chairman.

On motion of Mr. Bramble,
The report was adopted.

Mr. Kellogg moved that council file No. 5, be indefinitely postponed.

The yeas and nays being ordered on the indefinite postponement of the bill, the vote stood,

Yeas 22; nays 1; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—22.

Mr. Curry voted in the negative.

So the bill was indefinitely postponed.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 17th, 1866.

MR. SPEAKER.—I am instructed to inform your honorable body that the joint resolution transmitted to the council on the 12th inst., relative to the amendment of joint rule No. 8, has been laid upon the table by the council, and the following adopted by the council in lieu thereof, which is herewith transmitted and a favorable consideration and concurrence of the house is requested.

B. M. SMITH,
Secretary.

On motion of Mr. Wixson,

The house took a recess of 10 minutes.

House called to order.

Speaker resumed the chair.

Quorum present.

Mr. Bramble moved that the resolution transmitted from the council to-day, as a substitute for the joint resolution adopted by the house, and transmitted to the council on the 12th inst., be laid upon the table.

The yeas and nays being ordered, the vote stood,

Yeas 21; nays 1; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Hanson, Hodgen, Hoyt, Kellogg, LaBell,

Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—21.

Mr. McCarthy voted in the negative.

So the resolution was laid upon the table.

House file No. 5, was then taken up, and

Read a second time, and

On motion of Mr. Bramble, was

Referred to a committee of the whole house, and made the special order for Wednesday next, at 11 o'clock, a. m.

On motion of Mr. Bramble,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 18th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Stevens (Chas. Mix.)

The journal of the preceding day read and approved.

The following communications were received from the council:

COUNCIL CHAMBER,
December 18th, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body that the council has passed substitute to council file No. 7, An act to organize county agricultural societies. The title was amended to read, and territorial agricultural societies, which is herewith transmitted and the favorable consideration of the house is respectfully requested.

B. M. SMITH,
Secretary.

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

MR. SPEAKER:—I am also instructed to inform your honorable body of the passage by the council of the following resolution, and that Messrs. Turner, Fuller and Stevens, are appointed a special committee in accordance with said resolution, all of which are herewith transmitted and the favorable concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

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 on the part of the house be appointed to act in conjunction with such committee as is contemplated in the foregoing resolution.

The hour having arrived for the consideration of the report of the clerk of the board of education, which was made the special order for to-day, at 11 o'clock, A. M.

The house resolved itself into a committee of the whole thereon.

Mr. Collamer in the chair.

After some time spent therein,

The committee arose, and through their chairman submitted the following report:

MR. SPEAKER:—The committee of the whole have had under consideration the report of the clerk of the board of education, have gone through the same, and beg leave to report through their chairman;

That all that portion of the report, on page 7, has been referred to the committee on ways and means.

Paragraph third, on page 10, has been referred to the committee on judiciary.

And all portions not otherwise referred has been referred to the committee on education.

On motion of Mr. Curry,
The report was adopted.

Mr. Johnson introduced 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 Dec. 13th, 1866, which was

Read first time.

On motion of Mr. Johnson,

The rules were suspended, and the joint resolution

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

Mr. Kellogg moved to refer the resolution to a select committee of three, to report to-morrow.

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

Which motion was agreed to.

Mr. Kellogg moved to adjourn,

Which motion was lost.

Mr. McCarthy moved the previous question, which was seconded.

And the question then being put, "shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being desired by two members, and ordered, the vote stood:

Yeas 13; nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Fraley, Gore, Gunderson, Hanson, Hodgen, Johnson, McCarthy, Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—13.

These who voted in the negative, were
Messrs. Ash, Bramble, Collamer, Curry, Frick, Gray, Hoyt, Kellogg, LaBell and Stevens (Union)—10.
So the joint resolution was adopted.

Mr. Bramble moved to adjourn,
Which motion was lost.

The concurrent resolution relative to a territorial armory and jail, transmitted from the council to-day,
Was then taken up.

Mr. Bramble moved that the resolution be indefinitely postponed.

Mr. Johnson moved to adjourn.
Which motion was lost.

Mr. Curry moved that the motion to indefinitely postpone be laid upon the table.
Which motion was agreed to.

Mr. Bramble moved to postpone the further consideration of the resolution, to the 4th day of January, 1867.

Mr. McCarthy moved, to lay the motion of Mr. Bramble on the table.

On motion of Mr. Austin,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON.
Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 19th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of yesterday read, corrected and approved.

Mr. McCarthy moved to suspend the rules and take up the
 unfinished business of yesterday.

Which motion was lost.

Mr. Stevens (Charles Mix,) from the committee on high-
 ways, ferries and bridges, to whom was referred house file No.
 1, an act to amend chapter 27 of the laws of 1865-66, submit-
 ted the following report :

MR. SPEAKER.—Your committee on highways, ferries and
 bridges, have had house file No. 1, under consideration, and
 beg leave to report the same back to the house without amend-
 ment, and recommend that it do pass.

WM. STEVENS,
Chairman.

On motion of Mr. Johnson,
 The report was adopted.

Mr. Bramble, chairman of the special 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, ap-
 proved, December 24th, 1863, submitted the following report

MR. SPEAKER.—A majority of your special committee, to whom was referred council file No. 11, would report the same back and recommend its passage, without amendment.

D. T. BRAMBLE,
Chairman.

On motion of Mr. Collamer,
The report was adopted.

Mr. Curry gave notice that on to-morrow or some subsequent day of the session he would introduce a bill to repeal chapter two, of the laws of 1865-66.

By unanimous consent, Mr. Austin introduced house file No. 11, an act to restrain certain animals from running at large.

The hour of 11, A. M., having arrived, at which time was made the special order for the consideration of house file No. 5.

The house resolved itself into committee of the whole thereon.

Mr. Taylor in the chair.

After some time spent therein, the committee arose, and through their chairman submitted the following report:

MR. SPEAKER.—The committee of the whole have had under consideration house file No. 5, a memorial to the secretary of the Interior, asking that a portion of the wagon road fund apportioned to Dakota, be applied to turnpike the Sioux city and Fort Randall wagon road, and have instructed their chairman to report the bill back, and recommend that the same be indefinitely postponed.

Mr. Bramble moved that the report be adopted.

Which was agreed to.

Mr. Kellogg moved that house file No. 5, be referred to a select committee of three.

Mr. McCarthy moved to lay Mr. Kellogg's motion on the table.

The ayes and nays being ordered, the vote stood,

Ayes 16; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick,

Gunderson, Hanson, Hoyt, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—16.

Those who voted in the negative, were

Messrs. Curry, Gore, Gray, Hodgen, Johnson, Kellogg, La Bell and Stevens (Charles Mix).—8.

So the latter motion was agreed to.

Mr. McCarthy moved the previous question, which was seconded.

And the question being put, "shall the main question be now put?" it was decided in the affirmative.

The ayes and nays being ordered, the vote stood,

Ayes 16; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gunderson, Hanson, Hoyt, Johnson, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson and Wixson.—16.

Those who voted in the negative, were

Messrs. Curry, Gore, Gray, Hodgen, Kellogg, La Bell, Stevens (Charles Mix,) and Mr. Speaker.—8.

So the bill was indefinitely postponed.

Mr. Kellogg moved to adjourn.

Which motion was lost.

Council file No. 7, (substitute) an act to organize county agricultural societies, and territorial agricultural societies,

Was then taken up, and

Read a first time.

Mr. Bramble moved that the rules be suspended and the bill be read a second time.

Which motion did not prevail.

House file No. 7, an act limiting the time for collection of debts,

Was then taken up, and

Read a second time, and

On motion of Mr. Kellogg, was

Referred to the committee on judiciary.

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,

Was then taken up, and
 Read a second time, and
 On motion of Mr. Kellogg, was
 Referred to the committee on judiciary.

House file No. 9, joint resolution relative to the organic act of Dakota territory,

Was then taken up, and
 Read a second time.

Mr. Kellogg moved that it be referred to the committee on judiciary.

Which motion was disagreed to.

Mr. McCarthy moved that it be referred to the committee on Indian affairs.

Which motion prevailed.

The concurrent resolution under consideration yesterday, when the house adjourned,

Was then taken up.

Mr. Bramble then withdrew his motion to postpone the further consideration of the resolution till the fourth day of January, 1867.

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

The chair appointed as a committee on the part of the house, to act with the committee on the part of the council,

Messrs. McCarthy, Stevens (Union) and Austin.

On motion of Mr. Curry,
 The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

EIGHTEENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

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

Mr. Curry introduced house file No. 12, an act to repeal chapter two (2) of the special and private laws of 1865-66.

The following communication was received from the council:

COUNCIL CHAMBER, }
Wednesday, December 19th, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council has passed council file No. 12, an act to preserve the purity of elections, which is herewith transmitted and the house is respectfully requested to concur.

B. M. SMITH,
Secretary.

Council file No. 7, (substitute,) an act to organize county agricultural societies and territorial agricultural societies, was then taken up, and

Read a second time,

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

Which was agreed to.

The chair appointed as such committee.

Messrs. Gray, Fraley and Hodgen.

Council file No. 11, an act to amend an act entitled, "an act to incorporate the historical society of Dakota," approved Dec. 24th, 1863,

Was then taken up, and

Read a second time.

Mr. Bramble moved that the rules be suspended, the bill read a third time and put upon its passage.

Which motion was agreed to.

The bill was then read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 24; nays none as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer; Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—24.

So the bill passed, and its

Title was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 19th, 1866.

MR. SPEAKER.—I am instructed to inform the honorable house, that house file No. 10, a joint resolution to repeal council file No. 9, was this day received in the council chamber, and was taken up for consideration, and on motion, further action upon it was postponed until the 4th day of July next. The said joint resolution is herewith respectfully transmitted to the house.

B. M. SMITH,
Secretary.

House file No. 3, an act concerning divorce and alimony,

Was then taken up,

Read a second time, and

On motion of Mr. Bramble was
 Referred to the committee of the whole house and made the
 special order for Monday Dec. 24th, at 11 o'clock, A. M.

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

Was then taken up, and

Read a second time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a third time.

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

After the word "or" in line four, insert the word "three," so
 that it will read, four rails, poles, or three boards.

On motion of Mr. Bramble,

The amendment was adopted.

Ordered, That house file No. 6, as amended, be engrossed
 for a third reading.

House file No. 11, an act to restrain certain animals from
 running at large in Dakota territory,

Was then taken up, and

Read a second time.

Mr. Curry moved that it be referred to a select committee of
 three.

Which motion was lost.

Mr. McCarthy moved that the bill be referred to the com-
 mittee of the whole, and made the special order for Friday
 next, at 11 o'clock, A. M.

Which was agreed to.

Mr. Johnson moved to reconsider Mr. McCarthy's motion.

Which was disagreed to.

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

Was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 24 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbc, Wilson, Wixson and Mr. Speaker —24.

So the bill passed, and

Its title was agreed to.

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

Read a first time.

Mr. Austin in the chair.

Mr. Bramble moved that the secretary of the territory be requested to furnish this house with copies of the laws of Dakota, enacted prior to the year 1866.

Mr. Todd moved to amend Mr. Bramble's motion by adding also, that his honor be requested to loan this house a copy of the statutes at large of the last session of congress.

Mr. Bramble accepted the amendment, and

On motion of Mr. Ash,

The motion was agreed to.

Ordered, That the clerk acquaint the secretary in relation hereunto.

On motion of Mr. Stevens (Union)

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

NINETEENTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Bramble.

Mr. Kellogg, chairman of the committee on engrossment,
submitted the following report :

MR. SPEAKER.—Your committee on engrossment have ex-
amined house file No. 6, and find the same correctly engrossed.

GEO. W. KELLOGG,
Chairman.

The following communication was received from the council :

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

MR. SPEAKER.—I am instructed to inform your honorable
body that the council has passed council file No. 13, a memo-
rial to congress relative to a geological survey of the Black
Hills country, which I herewith transmit and the favorable
consideration and concurrence of the house is respectfully re-
quested.

B. M. SMITH,
Secretary.

Mr. Austin offered the following resolution :

Resolved, That this hall be tendered to the several religious
denominations, for holding divine service, on Sunday, and
evenings, when not otherwise occupied.

On motion of Mr. Ash,
The resolution was adopted

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

Was then taken up, and

Read a first time.

On motion of Mr. Collamer,

The rules were suspended and the bill,

Read a second time.

Mr. Johnson moved that the rules be suspended, and the bill
be read a third time, and put upon its passage.

Which was agreed to.

Mr. Kellogg moved to reconsider the motion whereby the
rules were suspended for a third reading.

Which motion was lost.

Mr. Austin moved that the bill be referred to a select com-
mittee of three.

Which was agreed to.

The chair appointed as such committee, Messrs. Austin, Ash
and McCarthy.

On motion of Mr. McCarthy,

Dr. Livingston was invited to a seat within the bar of the
house.

House file No. 12, an act to repeal chapter two (2,) of the
special and private laws of 1865-66,

Was then taken up, and

Read a second time.

Mr. Kellogg moved that the rules be suspended, the bill be
read a third time and put upon its passage.

Which was agreed to.

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

The yeas and nays being ordered, the vote stood,

Yeas 20; nays 3; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Collamer, Curry, Fraley, Frick,
Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson,

Kellogg, La Bell, Stevens (Union,) Stevens (Charles Mix,) Taylor, Wixson and Mr. Speaker—20.

Those who voted in the negative, were
Messrs. McCarthy, Trumbo, and Wilson.—3.
So the bill passed, and its
Title was agreed to.

House file No. 6, as amended, was then taken up,
Read a third time, and put upon its passage.
The yeas and nays being ordered, the vote stood,
Yeas 23; nays none; as follows:

Those voting in the affirmative, were
Messrs. Ash, Austin, Collamer, Curry, Fraley, Frick,
Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson,
Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas.
Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—23.
So the bill passed, and its
Title was agreed to.

On leave Mr. McCarthy offered the following resolution:

Resolved, That the use of this hall be tendered the children of Yankton, on Monday evening next, for the purpose of holding a Sunday school festival.

The resolution was adopted.

It being the hour of 11 o'clock, A. M.

On motion of Mr. Curry,

The house resolved itself into committee of the whole on house file No. 2, an act to change the name of Union county to Anna Bell.

Mr. Johnson in the chair.

After some time spent therein, the committee arose, and the speaker having resumed the chair, the committee through their chairman submitted the following report:

MR. SPEAKER.—Your committee having had under consideration house file No. 2, have come to no conclusion thereon, and beg leave to sit again.

The report was adopted.

Mr. Stevens (Union,) moved that the house go into commit-

tee of the whole, on house file No. 2, next Monday, at 11 o'clock, A. M.

Mr. Kellogg moved to amend the motion by inserting Monday, December 21st, at 11 o'clock, A. M., instead of next Monday.

Which amendment was agreed to, and
The motion adopted.

The time now having arrived, 11½ o'clock, A. M., for the consideration of house file No. 11, an act to restrain certain animals from running at large, which was made the special order for that time.

The house resolved itself into a committee of the whole thereon.

After some time spent therein,

The committee arose, the speaker resumed the chair, and Mr. Taylor, chairman of the committee, submitted the following report:

MR. SPEAKER.—Your committee have had under consideration house file No. 11, and have instructed their chairman to report the same back, and recommend that the bill be referred to the committee on ways and means.

The report was adopted, and the bill so referred.

The following communication was received from the council:

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

MR. SPEAKER.—I am instructed to inform your honorable body, of the adoption by the council of the attached report of council select committee, appointed to investigate the revenue laws of Dakota, &c., which is herewith transmitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

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 ne-

cessary 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 sergent-at-arms of the council and the sergent-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 of committee.

Upon the receipt of which, the clerk was ordered to notify the council that the house had concurred in the resolution, and desired to know when that body would meet the house in joint convention, for the purpose of taking action as set forth in the resolution.

The following communication, in reply, was received from the council:

COUNCIL CHAMBER, }
December 21st, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council is ready to meet the house in joint convention at once, to take such action as is necessary in the matter now pending before this body in relation to Yankton county affairs under the revenue law.

B. M. SMITH,

Secretary.

On motion of Mr. McCarthy,

Mr. Moody was admitted to a seat within the bar of the house.

Messrs. McCarthy, Gore and Austin were appointed a committee to wait upon the honorable council and escort them to the hall of the house, who repaired to the council chamber, and after a brief absence, returned and,

Announced the honorable council.

JOINT CONVENTION.

The president of the council assumed the chair, and called the joint convention to order.

The roll was then called, and

The president announced a quorum present, and that the joint convention was prepared to transact business.

The president announced that the business before the joint convention was the issuing of a writ for Charles F. Rossteuscher, to bring him before the joint convention, to answer the charge of contempt of the legislative assembly, in failing to appear before the joint committee appointed to investigate the revenue law of Dakota, and the transactions under said law in Yankton county.

Whereupon the warrant was issued and placed in the hands of the sergeants-at-arms of the two houses, who immediately served the same on said Rossteuscher, and brought him before the joint convention.

Whereupon Mr. Rossteuscher gave satisfactory reasons for his non-appearance before the investigating committee, and

On motion of Mr. VanOsdel,
Was released from custody.

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

House called to order.
Speaker resumed the chair.

On motion of Mr. Hodgen,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTIETH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

On motion of Mr. Collamer,
 Major Lyman was admitted to a seat within the bar of the
 house.

Journal of yesterday read and approved.

Mr. Gray, chairman of the select committee, to whom was
 referred council file No. 7, (substitute,) submitted the follow-
 ing report :

MR. SPEAKER.—Your select committee to whom was referred
 council No. 7, (substitute,) have had the same under considera-
 tion, and beg leave to report the same back without amendment
 and recommend that it do pass.

WM. GRAY,
Chairman.

Mr. Curry gave notice that on to-morrow or some subsequent
 day of the session, he would ask leave to introduce a bill to
 regulatethe fees of certain officers in Dakota territory.

Council file No. 12, an act to preserve the purity of elections
 was then taken up, and

Read a second time, and

Referred to the committee on elections.

Council file No. 7, (substitute,) an act to organize county agricultural societies and territorial agricultural societies, was then

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood :

Yeas—Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, LaBell, Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—20.

So the bill passed, and

Its title was agreed to.

Mr. Wilson moved that when this house adjourn, it adjourn till next, Monday at 10½ o'clock, a. m.

Which was agreed to.

On motion of Mr. Wilson,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTY-SECOND DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Stevens (Union.)

On motion of Mr. McCarthy,
Mr. A. B. Smith was admitted to a seat within the bar of the
house.

Journal of Saturday last, read and approved.

Mr. Taylor from the committee on elections, to whom was referred council file No. 12, submitted the following report, which was adopted:

MR. SPEAKER.—Your committee on elections to whom was referred council file No. 12, an act to preserve the purity of elections, have had the same under consideration and beg leave to report the bill back without recommendation.

F. TAYLOR,
Chairman.

Mr. Kellogg, chairman of the committee on judiciary, to whom was referred house files Nos. 7 and 8, submitted the following reports:

MR. SPEAKER.—Your committee to whom was referred house file No. 7, an act limiting the time for the collection of debts; would recommend that the bill be so amended so as to read three years in line five, section 2, and ten years in line twelve, section 2.

GEO. W. KELLOGG, *Ch'n*,
C. H. McCARTHY.

MR. SPEAKER.—Your committee, to 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 had the same under consideration and recommend that the same be indefinitely postponed.

GEO. W. KELLOGG, *Ch'n*,
C. H. McCARTHY.

Mr. Bramble gave notice that on Wednesday or some future

day of the session, he would introduce a bill to create the county of Laramie, and apportion representation thereto.

Mr. Gray gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to regulate the practice of physicians in the territory of Dakota.

Mr. Curry introduced house file No. 13, an act in relation to the fees of officers, which was

Read a first time.

Mr. Kellogg introduced house file No. 14, an act to provide for the election of road supervisors, and to prescribe the duties of the same, which was

Read a first time.

It being 11 o'clock, a. m., the time fixed upon for the consideration of house file No. 3, an act concerning divorce and alimony,

The house resolved itself into committee of the whole thereon.

Mr. Bramble in the chair.

After some time spent therein,

The committee arose, the speaker resumed the chair, and the committee through their chairman, submitted the following report :

MR. SPEAKER.—The committee of the whole have had under consideration house file No. 3, and would recommend that the same be amended by striking out the enacting clause; also insert the word "five," in third line, in place of "two"; also, in fifth line strike out the words "fraudulent contract," and strike out the word "eight" in said section, and insert "sixth" and "seventh."

The report was adopted.

The question recurring, "shall the enacting clause be stricken out?" and the ayes and nays being ordered, the vote stood, Ayes 18; nays 5; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, McCarthy, Taylor, Trumbo, Wilson Wixson and Mr. Speaker.—18.

Those who voted in the negative, were
Messrs. Collamer, Johnson, Kellogg, La Bell, and Stevens
(Charles Mix.)—5.

So the enacting clause was stricken out.

Council file No. 12, an act to preserve the purity of elections,
Was then taken up, and
Read a third time.

Mr. Kellogg moved that the bill be laid on the table.

The ayes and nays being ordered, the vote stood,

Ayes 16; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Bramble, Collamer, Fraley, Frick, Gore, Gray,
Gunderson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, Wilson,
Wixson and Mr. Speaker.—16.

Those who voted in the negative, were

Messrs. Austin, Hanson, Taylor, and Trumbo.—4.

So the motion was adopted, and

The bill laid on the table.

Mr. Bramble moved to reconsider the vote whereby the bill
was tabled, and to lay that motion on the table.

Which motion was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 24th, 1866. }

MR. SPEAKER:—I am instructed to inform your honorable
body, that the council has passed house file No. 1, an act to
amend chapter 27, of the laws of 1865-66; also, house file No.
4, a memorial to the senate and house of representatives, pray-
ing for the establishment of a military road from Elk Point, in
Union county, to Sioux Falls, in Minnehaha county, Dakota
territory, which is herewith transmitted. I have also the honor
to inform you that the council has passed (substitute) council
file No. 6, an act to amend chapter 31, of the session laws of
1865-66, which is herewith transmitted and the concurrence of
the house is respectfully requested.

B. M. SMITH,
Secretary.

House file No. 7, An act limiting the time for collection of debts,

Was then taken up, and

Ordered engrossed for a third reading on Wednesday next, at 11 o'clock, a. m., and on motion, was made the special order for that time

House file No. 8, an act to amend the laws of 1862, entitled, "an act exempting property from execution," approved, May 5th, 1862,

Was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 15; nays 8; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, Taylor, Trumbo and Wixson.—15.

Those voting in the negative, were

Messrs. Fraley, Gore, Johnson, LaBell, McCarthy, Stevens (Charles Mix,) Wilson, and Mr. Speaker.—8.

So the bill passed, and

Its title was agreed to.

House file No. 4, as amended by the council,

Was then taken up, and

The amendment concurred in.

Mr. Kellogg gave notice that on to-morrow, he would move to reconsider the vote whereby house file No. 8, was passed.

Mr. Collamer moved to reconsider the vote whereby the enacting clause of house file No. 3, was stricken out.

On motion of Mr. McCarthy,

The house adjourned, .

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTY-THIRD DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

The journal of the preceding day read and approved.

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

MR. SPEAKER.—Your committee on enrollment have exam-
 ined house file No. 1, An act to amend chapter twenty-seven,
 of the laws of 1865-66, and find the same correctly enrolled.

F. TAYLOR,
Chairman.

Mr. Taylor in the chair.

Mr. Todd gave notice that on to-morrow or some subsequent
 day of the session, he would introduce a bill for the removal of
 the capital of the Territory of Dakota, from Yankton to some
 other point.

Speaker in the chair.

Mr. Wixson moved to reconsider the vote whereby council
 amendment to house file No. 4 was concurred in.

Which was agreed to.

Mr. Wixson moved that the house refuse to concur in council amendment to house file No. 4.

Which was also agreed to.

Council file No. 6, (substitute,) An act to amend chapter 31, of the session laws of 1865 66,

Was then taken up.

Objection being made to the first reading of the bill, and the question recurring, "shall this bill be rejected?" and the ayes and noes being called, the vote stood,

Yeas 15; nays 9; as follows:

Those who voted in the affirmative, were

Ayes—Messrs. Austin, Bramble, Gore, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—15.

Those who voted in the negative, were

Nays—Messrs. Ash, Collamer, Curry, Fraley, Frick, Gray, Kellogg, LaBell and McCarthy—9.

So the bill was rejected.

The unfinished business of yesterday being under consideration, and

The motion of Mr. Collamer, to reconsider the vote whereby the enacting clause of house file No. 3, was stricken out, being put,

The motion was adopted.

On motion of Mr. Bramble,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON.
Chief Clerk.

TWENTY-FOURTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

The journal of Tuesday was then read and approved.

On motion of Mr. Curry,
 Messrs. Aug. High and B. C. Fowler were admitted to seats within the bar of the house.

Mr. Bramble moved to reconsider the vote whereby council file No. 6, (substitute,) was rejected yesterday.

Which was agreed to.

Ordered, That it be transmitted to the council, the house refusing to recognize it as an official document.

House file No. 14, An act to provide for the election of road supervisors, and to prescribe the duties of the same,

Was then taken up, and

On motion of Mr. Bramble,

The second reading of the bill was suspended, and it was

Made the special order for Thursday, the 27th inst., at eleven o'clock, a. m.

House file No. 3, An act concerning divorce and alimony,
 Was then taken up.

Mr. Bramble moved, that section one (1) be restored to the bill, as reported to the house by the committee of the whole.

Which was agreed to.

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

On motion of Mr. Bramble,

The house took a recess till eleven o'clock, a. m.

The hour having arrived, it being the time designated for the consideration of house file No. 7, An act limiting the time for the collection of debts.

The house was called to order by the

Speaker in the chair, and

A quorum being present,

House file No. 7, was then taken up.

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

Which motion did not prevail.

The bill was then read a third time, and put upon its passage.

The yeas and nays being called, the vote stood:

Ayes 14; nays 9; as follows:

Those who voted in the affirmative, were

Ayes—Messrs. Ash, Austin, Bramble, Collamer, Curry, Hanson, Hodgen, Hoyt, Kellogg, La Bell, Stevens (Union,) Taylor, Trumbo and Wixson—14.

Those who voted in the negative, were

Nays—Messrs. Fraley, Gore, Gray, Gunderson, Johnson, McCarthy, Stevens (Chas. Mix,) Wilson and Mr. Speaker—9.

So the bill passed, and its

Title was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER,
December 24th, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body that the council has passed council file No. 8, An act in relation to counties and county officers; also, council file No. 14, A bill for an act to lay out and establish territorial roads

in Clay county; both of which are herewith transmitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

The consideration of messages from the council being called up.

Council file No. 8, An act in relation to counties and county officers, was then

Read a first time, and

On motion of Mr. Bramble,

Referred to the committee on towns and counties.

Council file No. 14, An act to lay out territorial roads in Clay county, was then

Read a first time, and

On motion of Mr. Bramble, was

Referred to the committee on highways, ferries and bridges.

On leave, Mr. Bramble moved that the speaker of the house be excused from attending the sittings of this body, till Saturday morning next.

Which was agreed to.

Mr. Bramble, (by permission of the house,) also moved, that the house elect a speaker *pro tempore*, to serve during the speaker's absence.

Which was agreed to.

The house then elected Mr. Taylor, of Clay county, speaker *pro tem.*

On motion of Mr. Johnson,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTY-FIFTH DAY.

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

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of the preceding day read and approved.

Mr. Wilson, from the committee on Indian affairs, to whom
 was referred house file No. 9, submitted the following report:

MR. SPEAKER.—The majority of your committee on Indian
 affairs, to whom was referred house file No. 9, joint resolution
 relative to the organic act of Dakota territory, beg leave to
 report the same back without amendment, and recommend its
 passage.

K. WILSON,
Chairman.

Mr. Bramble, from the committee on ways and means, to
 whom was referred house file No. 11, an act to restrain certain
 animals from running at large, submitted the following
 report:

MR. SPEAKER.—Your committee on ways and means, to
 whom was referred house file No. 11, would report that they
 have had the same under consideration, and beg leave to re-
 port the same back with attached amendment, for the conside-
 ration of the house.

D. T. BRAMBLE,
Chairman.

The following communication was received from the council:

COUNCIL CHAMBER, }
December 27th, 1866. }

MR. SPEAKER.—I am instructed to inform your honorable body, that Messrs. Turner, Fuller and Lewis, have been appointed a committee on the part of the council 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 and complete report on the Black Hills of Dakota, considered in a geological, mineral and topographical point of view, for the purpose of enabling the legislative assembly to memorialize the proper departments at Washington, correctly, for the extinguishment of the Indian title thereto, by treaty or otherwise.

B. M. SMITH,

Secretary.

House file No. 13, an act in relation to the fees of officers,
Was then taken up, and
Read a second time, and
Referred to the committee on judiciary.

House file No. 14, an act to provide for the election of road supervisors, &c.,

Was then taken up, it having been made the special order for this time, 11 o'clock, a. m., and

Read a second time.

On motion of Mr. Bramble,

The bill was referred to a select committee of three.

The chair appointed as such committee, Messrs. Wixson, Wilson and Austin.

The following communications were received from the council

COUNCIL CHAMBER, }
December 27th, 1866: }

MR. SPEAKER.—I am instructed to re-transmit substitute council file No. 6, an act to amend chapter 31, of the session laws of 1865-66, which was returned to the council on the 26th inst., because as the house presumes it was originally transmitted in an unofficial manner. Said bill is herewith trans-

mitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

COUNCIL CHAMBER, }
December 27th, 1866. }

MR SPEAKER.—I am instructed to inform the honorable house, that the council has passed house file No. 12, an act to repeal chapter two, of the special and private laws of 1865-66; also, to inform your honorable body, that the council has receded from its amendment to house file No. 4, and concurred in the original bill, both of which are herewith respectfully transmitted.

B. M. SMITH,
Secretary.

On motion of Mr. Bramble, council file No. 6 (substitute,) Was then taken up.

On motion of Mr. Curry,
The house resolved itself into committee of the whole thereon.
Mr. Austin in the chair.

After some time spent therein, the committee arose, the speaker resuming the chair, and through their chairman submitted the following report:

MR. SPEAKER.—The committee of the whole have had under consideration council file No. 6 (substitute,) and beg leave to report the bill back, with attached amendments, and recommend that the bill be referred to a select committee of six.

The report was adopted, and
Messrs. Kellogg, Hanson, Bramble, Johnson, Wilson and McCarthy, appointed as such committee.

On motion of Mr. Curry,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, December 28th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Journal of yesterday read and approved.

On motion of Mr. Stevens (Chas. Mix,)

The chaplain was excused from attendance on New Year's
day.

On motion of Mr. Kellogg,

Mr. La Bell was excused for non-attendance to-day, on ac-
count of sickness.

The following communication was received from the council:

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

MR. SPEAKER:—I am instructed to inform your honorable
body that the council has passed substitute council file No. 10,
An act to amend chapter thirty-five, of the private laws of
1862, which is herewith transmitted and the concurrence of
the house is respectfully requested.

B. M. SMITH,
Secretary.

Mr. Stevens (Union,) gave notice that on to-morrow or some
subsequent day of the session, he would introduce a bill to
change the location of the county seat of Union county.

The message from the council, of yesterday, in regard to the Black Hills, being under consideration,

Mr. Bramble moved that a committee of three be appointed 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, considered in a geological, minerological and topographical point of view.

Which was agreed to.

The chair appointed as such committee,

Messrs. Hoyt, Johnson and Wixson.

House file No. 9, Joint resolution relative to the organic act of Dakota Territory,

Was then taken up, and

Ordered engrossed for a third reading.

House file No. 11, An act to restrain certain animals from running at large, reported back without amendment,

Was then taken up, and

On motion of Mr. Austin,

Was recommitted to a select committee of three, with instructions to report a substitute bill, which should apply only to the counties of Clay and Yankton.

The chair appointed as such committee, Messrs. Austin, Frick and Ash.

On motion of Mr. Stevens (Chas, Mix,)

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
 Saturday, December 29th, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of the preceding day read and approved.

On motion of Mr. McCarthy,

Mr. Jolley was admitted to a seat within the bar of the house.

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

MR. SPEAKER :—Your committee on enrollment have examined house file No. 4, a memorial to Congress praying for the establishment of a military road from Elk Point to Sioux Falls ; also, house file No. 12, An act to repeal chapter two of the special and private laws of 1865-66, and find the same correctly enrolled.

F. TAYLOR,
Chairman.

Mr. Kellogg, from the committee on engrossment, submitted
 the following report :

MR. SPEAKER :—Your committee on engrossment, to whom was referred house files Nos. 3 and 9, have examined the same and find the bills correctly engrossed.

GEO. W. KELLOGG,
Chairman.

Mr. Austin, chairman of the committee on towns and counties, to whom was referred council file No. 8, An act in relation to counties and county officers, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred council file No. 8, have had the same under consideration, and beg leave to report the same back, and recommend that it be indefinitely postponed.

H. J. AUSTIN,
Chairman.

On motion of Mr. Bramble,

The consideration of the report and the bill to which it refers, was postponed and made the special order for Tuesday, January first, at 11 o'clock, a. m.

Mr. Johnson gave notice that on some day during the present session, he would introduce a memorial to Congress asking an appropriation for the purpose of erecting a penitentiary at Bon Homme.

Mr. Kellogg, gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to provide for the assessment and collection of taxes in Dakota Territory;

Also, a bill in regard to territorial and county roads;

Also, a bill to provide for free ferries in the Territory of Dakota; and

A bill to regulate the distribution of the laws and journals of Dakota Territory.

Mr. Gray introduced house file No. 15, An act to regulate the practice of medicine in the Territory of Dakota, which was Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and ordered printed.

Council file No. 10, (substitute,) was then taken up, and

On motion of Mr. Bramble,

Read a first time, and

The rules were suspended, and the bill

Read a second time, and referred to its appropriate committee.

The chair decided that as matters of law were involved therein, its appropriate committee was the committee on judiciary; and consequently the bill was so referred.

House file No. 9, Joint resolution relative to the organic act of Dakota Territory,

Was then taken up, and

Read a third time, and put upon its passage.

The yeas and nays being called, the vote stood:

Yeas 17; nays 6; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gunderson, Hanson, Hodggen, Hoyt, Kellogg, McCarthy, Stevens (Union,) Taylor, Trumbo and Wilson—17.

Those who voted in the negative, were

Nays—Messrs. Fraley, Gray, Johnson, LaBell, Wixson and Mr. Speaker—6.

So the bill passed, and its

Title was agreed to.

Mr. Bramble gave notice that on Monday next he would move to reconsider the vote whereby house file No. 9 was passed.

House file No. 3, An act concerning divorce and alimony,

Was then taken up, and

Read a third time, and put upon its passage.

The yeas and nays being called, the vote stood,

Yeas 13; nays 11; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Austin, Bramble, Collamer, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Kellogg, La Bell, Stevens (Chas. Mix,) and Wixson—13.

Those who voted in the negative, were

Nays—Messrs. Ash, Curry, Hodggen, Hoyt, Johnson, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson and Mr. Speaker—11.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Taylor,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON.
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, December 31st, 1866. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of yesterday read, corrected and approved.

Mr. Ash asked to be excused from longer serving on the
committee on incorporations.

Which request was granted, and

Mr. Collamer was appointed to serve on said committee in
his stead.

Mr. Wixson, chairman of the select committee, to whom
was referred house file No. 14, an act to provide for the election
of road supervisors, and to prescribe the duties of the same,
submitted the following report:

MR. SPEAKER.—Your committee to whom was referred
house file No. 14, would report that they have had the same

under consideration, and beg leave to report the same back and recommend that it be indefinitely postponed.

E. B. WIXSON,
Chairman.

Mr. Bramble moved that the report be adopted.

Mr. Kellogg moved to lay the motion of the gentleman from Yankton, Mr. Bramble, on the table.

The yeas and nays being called for, on the motion of Mr. Kellogg, resulted as follows:

Yeas 10; nays 14; as follows:

Those who voted in the affirmative, were

Messrs. Curry, Fraley, Gray, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) and Mr. Speaker.—10.

Those who voted in the negative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gore, Gunderson, Hanson, Hodgen, Hoyt, Taylor, Trumbo, Wilson and Wixson.—14.

So the motion was disagreed to.

The question then recurring on the motion of the gentleman from Yankton, Mr. Bramble, and the yeas and nays being called for, resulted as follows:

Yeas 14; nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gore, Gunderson, Hanson, Hodgen, Hoyt, Taylor, Trumbo, Wilson and Wixson.—14.

Those who voted in the negative, were

Messrs. Curry, Fraley, Gray, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix) and Mr. Speaker.—10.

So the motion prevailed.

Mr. Stevens (Union,) introduced house file No. 16, an act to provide for the location of the county seat of Union county, which was

Read a first time.

The following communication was received from the council :

COUNCIL CHAMBER,
Monday, December 31st, 1866. }

MR. SPEAKER:—I am instructed to inform your honorable body that the council has passed the following bills, viz: council file No. 22, an act to organize a system of township government in the county of Union.

Also, 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 ;

Also, council file No. 21, an act defining lands subject to taxation ; all of which are herewith transmitted, and the house is respectfully requested to concur therein.

B. M. SMITH,
Secretary.

The hour of 11 o'clock having arrived, and house file No. 2, an act to change the name of Union county to Anna Bell, having been made the special order for that time.

On motion of Mr. Kellogg,

The house resolved itself into committee of the whole thereon.

Mr. Collamer in the chair.

After some time spent therein,

The committee arose, the speaker resumed the chair, and the committee through their chairman, submitted the following report :

MR. SPEAKER.—The committee of the whole have had house file No. 2, under consideration, and would recommend that the bill be indefinitely postponed.

Mr. Curry moved that the report be adopted.

The motion being seconded, and

The yeas and nays being called, the vote stood,

Yeas 24 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson, and Mr. Speaker—24.

So the report was adopted.

House file No. 15, an act to regulate the practice of medicine
in the territory of Dakota,
Was then taken up,
Read a third time, and
On motion of Mr. McCarthy, was
Referred to a select committee of three.
The chair appointed as such committee,
Messrs. Bramble, Wixson and McCarthy.

On leave, Mr. Bramble moved that the committee on judi-
ciary, to whom was referred council file No. 10, (substitute)
an act to amend chapter 23, of the private laws of 1862, be
requested to report said bill back to the house for its subse-
quent consideration and disposition.

Pending which motion.

On motion of Mr. Stevens (Union),
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, January 1st, 1867. }

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

Speaker in the chair.

Roll called.

Members all in their seats.

Mr. Taylor in the chair.

On leave, Mr. Todd introduced house file No. 17, An act to organize the county of Pembina, and for other purposes, which was

Read a first time.

The Speaker resumed the chair, and

Mr. Johnson introduced house file No. 18, A memorial to Congress praying for an appropriation to erect a penitentiary at Bon Homme, in Dakota Territory, which was

Read a first time.

On motion of Mr. Curry,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, January 2nd, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Mr. Kellogg, from the select committee to whom was referred council file No. 6 (substitute,) an act to amend chapter 31, of the session laws of 1865-66, submitted the following report:

MR. SPEAKER.—A majority of your select committee to whom was referred council file No. 6 (substitute,) have examined the same and return the bill to the house with attached amendments, and wish to be discharged from further consideration.

GEO. W. KELLOGG, *Ch'n*,
C. H. McCARTHY.
R. M. JOHNSON.
KERWIN WILSON.

The following communication was received from the council:

COUNCIL CHAMBER,
January 2nd, 1867. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council has passed council file No. 24, a memorial to congress asking an appropriation to erect a capitol building at Yankton, Dakota territory;

Also, house file No. 6, an act to establish a fence law in Union county, with amendments to section one, eleven and twelve, which are attached.

All of which are herewith transmitted, and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

Mr. Bramble moved to amend section forty-nine (49) of council file No. 6 (substitute,) by striking out the word "white" in said section.

Mr. Taylor in the chair.

Mr. Todd moved to lay the motion of the gentleman from Yankton, Bramble, on the table.

The yeas and nays being demanded and had, the vote stood, Yeas 14; nays 10; as follows:

Those voting in the affirmative, were
Messrs. Curry, Fraley, Gore, Gray, Johnson, Kellogg, La-
Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Wilson, Wixson and Mr. Speaker.—14.

Those voting in the negative, were
Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hanson, Hodgen, Hoyt, and Trumbo.—10.

So the motion to strike out the word "white" was laid upon the table.

Mr. Todd moved to reconsider the vote whereby the motion to lay on the table was passed; and to lay that motion on the table.

Which was agreed to.

Mr. Bramble moved to lay council file No. 6 (substitute,) on the table.

Mr. Kellogg moved to lay the motion of the gentleman from Yankton, Bramble, on the table.

The ayes and nays being called for, on the motion of Mr. Kellogg, the vote stood,

Ayes 14; nays 10; as follows:

Those who voted in the affirmative, were
Messrs. Curry, Fraley, Gore, Gray, Johnson, Kellogg, La-
Bell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Wilson, Wixson and Mr. Speaker.—14.

Those who voted in the negative, were
Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hanson, Hodgen, Hoyt and Trumbo.—10.

So the motion was agreed to.

Mr. Kellogg moved that the amendments to council file No. 6 (substitute,) as reported back by the council, be adopted.

Which was also agreed to.

Mr. Austin moved that the house do now adjourn.

The ayes and nays being demanded and had, the vote stood,
Ayes 11; nays 13; as follows:

Those who voted in the affirmative, were
Messrs. Ash, Austin, Collamer, Frick, Gore, Gunderson,

Hodgen, Hoyt, Stevens (Charles Mix,) Trumbo, and Wilson.
—11

Those who voted in the negative, were

Messrs. Bramble, Curry, Fraley, Gray, Hanson, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Taylor, Wilson and Mr. Speaker.—13.

So the motion was lost.

Mr. Kellogg moved to amend section forty-nine (49,) of council file No. 6 (substitute,) by inserting after the word "children," and before the word "resident," in said section, the following: "and half and quarter breed Indians."

Mr. Bramble moved to lay the amendment of the gentleman from Union, Kellogg, on the table.

The yeas and nays being demanded and had, the vote stood, Yeas 14; nays 10; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hanson, Hodgen, Hoyt, McCarthy, Taylor, Trumbo, Wilson and Wixson.—14.

Those who voted in the negative, were

Messrs. Curry, Fraley, Gore, Gray, Johnson, Kellogg, LaBell, Stevens (Union,) Stevens (Chas. Mix) and Mr. Speaker.

—10

So the motion was agreed to.

Mr. Bramble moved the previous question, which being seconded, and the question being "shall the main question be now put?"

It was decided in the affirmative.

Council file No. 6 (substitute,) was then put upon its passage.

The yeas and nays being had, the vote stood,

Yeas 14; nays 10; as follows:

Those who voted in the affirmative, were

Messrs. Curry, Fraley, Gore, Gray, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Wilson, Wixson and Mr. Speaker—14.

Those who voted in the negative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hanson, Hodgen, Hoyt, and Trumbo.—10.

So the bill passed, and

Its title was agreed to.

On leave, Mr. Frick gave notice that on to-morrow or some subsequent day of the session, he would introduce a memorial to change the present location of the James river bridge, at the crossing of the Sioux city and Fort Randall wagon road, to lots one (1) and six (6,) section 39, T. 94, R. 55.

By consent of the house, Mr. Bramble from select 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 returns of the same," approved January 6th, 1866, reported the bill back with attached amendments, as follows:

Add to section first "and there shall be established at Fort Thompson, Fort Sully, New Fort Sully, and Fort Rice, election precincts, and they shall be attached to Buffalo county for election, representative and judicial purposes. The governor shall appoint judges and clerks of election for said precincts having the requisite qualifications under the election laws. He shall also appoint three county commissioners for Buffalo county, for the term of one, two and three years."

Mr. Kellogg moved to lay the bill together with amendments, on the table.

Mr. Stevens (Charles Mix) moved that the house do now adjourn.

The yeas and nays being demanded, the vote stood,

Yeas 13; nays 11; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Collamer, Curry, Frick, Gore, Hanson, Hodgen, Hoyt, Stevens (Charles Mix,) Taylor, Trumbo and Wixson.—13.

Those who voted in the negative, were

Messrs. Bramble, Fraley, Gray, Gunderson, Johnson, Kel-

logg, LaBell, McCarthy, Stevens (Union,) Wilson and Mr. Speaker.—11.

So the house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, January 3rd, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

The journal of the preceding day read and approved.

On motion of Mr. Ash,

Messrs. Case, Morrow and Evans were admitted to seats within the bar of the house.

Mr. Austin, from the select committee to whom was referred council file No. 13, A memorial to Congress relative to a geological survey of the Black Hills country, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred

council file No. 13, have had the same under consideration, and beg leave to report the bill back, and recommend that it do pass.

H. J. AUSTIN,
Chairman.

Mr. Collamer gave notice that on to-morrow or some subsequent day of the session, he would introduce a memorial to Congress, in relation to the 18th section of the organic act of Dakota, defining the western boundary of the Vermillion Land District.

Mr Taylor gave notice that on to-morrow or some future day of the session, he would introduce a bill relative to laying out and establishing roads.

Mr. Ash gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a memorial to the President of the United States, praying for the removal of the Santee Indians from their present location at the mouth of the Niobrara river; also,

A memorial to Congress, asking for the continuation of post route No. 13,577, from St. Paul, Minnesota, to Yankton, Dakota Territory, *via* Mankato and Fort Dakota.

Mr. Bramble introduced house file No 19, An act to create and establish the county of Laramie, which was
Read a first time.

Council file No. 21, An act defining lands subject to taxation,
Was then taken up, and
Read a first time, and
On motion of Mr. Bramble,
Referred to the committee on federal relations.

Council file No. 22, An act to organize a system of township government in the county of Union,
Was then taken up, and
Read a first time.
On motion of Mr. Bramble,

The twelfth section of the bill was amended, so as to read after the word "repealed;" "so far as they apply to the county of Union."

On motion of Mr. Kellogg,

The rules were suspended, and

The bill was then read a second and third time, and put upon its passage as amended.

The yeas and nays being called, the vote stood:

Ayes 24; nays none; as follows:

Those who voted in the affirmative, were

Ayes—Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union), Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—24.

So the bill passed, and its

Title was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER, }
Thursday, January 3d, 1867. }

MR. SPEAKER:—I am instructed to inform your honorable body that the council has passed council file No. 26, A bill for an act to annul section 517, of article 3, chapter 4, of the civil code, approved January 12th, 1866; which is herewith transmitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

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,

Was then taken up, and

Read a first time.

Mr. Bramble moved that the rules be suspended, the bill be read a second and third time, and put upon its passage.

Which motion was agreed to.

The bill was then read a second time.

Mr. Bramble moved to amend section five of the bill, by striking out all after the word "act" in said section.

Which was agreed to.

The bill as amended, was then

Read a third time, and put upon its passage.

The ayes and nays being called, the vote stood:

Yeas 24; nays none; as follows:

Those who voted in the affirmative, were

Ayes—Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union), Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—24.

So the bill passed, and its

Title was agreed to.

On motion, Messrs. Le Blanc and Jewel were invited to seats within the bar of the house.

House file No. 7, An act limiting the time for collection of debts, as amended by the council,

Was then taken up, and the

Amendments concurred in.

House file No. 8, (council substitute,) An act to amend chapter 39, of the laws of 1862, entitled "An act exempting property from execution," approved May 5th, 1862,

Was then taken up, and

Concurred in.

Mr. Stevens (Chas. Mix,) moved a recess of ten minutes.

Which motion was lost.

Council file No. 24, A memorial to Congress asking an appropriation to erect a capitol building at Yankton, Dakota Territory,

Was then taken up, and

Read a first time, and

On motion of Mr. Bramble,

The rules were suspended, and the bill

Read a second time, and
Referred to a select committee of three.

The chair appointed as such committee, Messrs. Bramble, La Bell and Hanson.

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

Was then taken up, and the amendments concurred in.

The following communication was received from the council:

COUNCIL CHAMBER, }
January 3d, 1867. }

MR. SPEAKER:—I am instructed to inform your honorable body that the council has passed council file No. 20, An act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory; which is herewith transmitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

Mr. Ash moved that the house do now adjourn.

The motion being seconded, and the yeas and nays being demanded, the vote stood:

Yeas 14; nays 10; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hodgen, Hoyt, Johnson, Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Wixson—14.

Those who voted in the negative, were

Nays—Messrs. Curry, Fraley, Gore, Gray, Hanson, Kellogg, La Bell, McCarthy, Stevens (Union,) and Mr. Speaker—10.

So the house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
Friday, January 4th, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Journal of yesterday read and approved.

The select committee to whom was referred house file No. 15,
an act to regulate the practice of medicine in the territory of
Dakota, submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred
house file No. 15, have had the same under consideration, and
would report that they do not believe the time has yet arrived for
such a law, and would recommend that the bill do not pass.

D. T. BRAMBLE,
E. B. WIXSON,
McCARTHY.

The select committee to whom was referred council file No.
24, a memorial to congress asking an appropriation to erect a
capitol building at Yankton, Dakota territory, submitted the
following report :

MR. SPEAKER.—Your committee have had under considera-
tion council file No. 24, and would report the same back and
recommend that the title be amended so as to conform to the

bill, and that the bill be read a third time, and put upon its passage.

D. T. BRAMBLE,
HANSON,
LABELL.

On motion, the report was adopted.

Council file No. 24, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being called, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—23.

So the bill passed, and

Its title was agreed to as recommended in the report of the committee.

House file No. 15, an act to regulate the practice of medicine in the territory of Dakota,

Was then taken up, and put upon its passage.

The yeas and nays being had, the vote stood,

Yeas 12; nays 11; as follows:

Those who voted in the affirmative, were

Messrs. Collamer, Curry, Fraley, Frick, Gray, Johnson, Kellogg, La Bell, Stevens (Union,) Stevens (Charles Mix,) Taylor and Mr. Speaker—12.

Those who voted in the negative, were

Messrs. Austin, Bramble, Gore, Gunderson, Hanson, Hodgen, Hoyt, McCarthy, Trumbo, Wilson and Wixson.—11.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Stevens (Chas. Mix),

Mr. Ash was excused for non-attendance to-day on account of sickness.

Mr. Taylor gave notice that on to-morrow, or some future day of the present session, he would introduce a bill for an act

to vacate a certain portion of the territorial road leading from the Big Sioux river to Yankton.

Mr. Frick gave notice that on to-morrow or some subsequent day of the session, he would beg leave to introduce a memorial to the secretary of the Interior, praying that the unexpended balance of the \$10,000 appropriated by congress for the location of a road from the Minnesota state line to the Missouri river, March 3rd, 1865, may be applied to grading and bridging the road from Sioux Falls to Yankton.

Mr. Kellogg introduced house file No. 20, an act to amend an act entitled, "an act in relation to territorial and county revenue," approved January 12th, 1866, which was

Read a first time.

Mr. Collamer introduced house file No. 21, a memorial to Congress relative to the western boundary of the Yankton land district, which was

Read a first time.

Mr. Taylor in the chair.

By unanimous consent of the house, Mr. Todd introduced house file No. 22, an act to incorporate the Dakota manufacturing and mining company, which was

Read a first time.

On motion, the rules were suspended and the bill,

Read a second time, and ordered printed.

On leave, Mr. Bramble moved that a committee of three be appointed to take into consideration the appointment of guardians, under the laws of this territory,

Which motion was agreed to.

The chair appointed as such committee, Messrs. Bramble, Fraley and Kellogg.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 4th, 1867. }

MR. SPEAKER.—I am instructed to return house file No. 3,

an act concerning divorce and alimony, for the reason that the bill came to the council so obliterated by attached amendments, erasures and interlineations, that the council could not act upon it intelligibly. The bill is herewith respectfully returned.

B. M. SMITH,

Secretary.

Messages from the council being under consideration,

Council file No. 26, was then taken up, and

Read a first time.

On motion of Mr. Bramble,

The rules were suspended, and the bill

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

The yeas and nays being called, the vote stood

Yeas 23 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

Mr. Stevens (Chas. Mix,) moved that the house take a recess of 15 minutes.

Which was disagreed to.

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

MR. SPEAKER.—Your committee on enrollment have to report that they did on this day at 10½ o'clock, a. m., present to his excellency the governor, for his approval, house file No. 1, an act to amend chapter twenty-seven of the laws of 1865-66, also house file No. 12, an act to repeal chapter two of the special and private laws of 1865-66.

F. TAYLOR,

Chairman.

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

Was then taken up, and

Read a first time.

Mr. Bramble moved that the rules be suspended, and the bill be read a second time, and laid on the speaker's table.

Which was agreed to.

The bill was then read a second time, and laid upon the speaker's table.

On motion of Mr. Collamer,

The house took a recess of 10 minutes.

House called to order by the

Speaker in the chair.

Quorum present.

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

Was then taken up.

On motion of Mr. Bramble,

The house resolved itself into committee of the whole thereon.

Mr. Wixson in the chair.

After sometime spent therein, the committee rose, the speaker resumed the chair, and the committee, through their chairman submitted the following report:

MR. SPEAKER.—The committee of the whole have had under consideration council file No. 8, and have instructed their chairman to report the bill back and recommend that it lie on the table.

E. B. WIXSON,
Chairman.

Mr. Bramble moved that the report of the committee of the whole be adopted.

The yeas and nays being called, the vote stood

Yeas 16; nays 7; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson, Hanson, Hodgen, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Wilson and Mr. Speaker.—16.

- Those who voted in the negative, were
Messrs. Bramble, Collamer, Frick, Hoyt, Johnson, Trumbo
and Wixson.—7.

So the report was adopted.

Mr. Bramble moved that the house do now adjourn.

Mr. Kellogg moved to amend the motion of the gentleman from Yankton, (Bramble,) by making the adjournment to half-past 2 o'clock, p. m., to-day.

Which motion was lost.

The yeas and nays being demanded on the motion to adjourn, the vote stood,

Yeas 10; nays 13; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Bramble, Collamer, Frick, Hanson, Hodgen, Hoyt, Johnson, Trumbo and Wixson.—10.

Those who voted in the negative, were

Messrs. Curry, Fraley, Gore, Gray, Ganderson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Wilson and Mr. Speaker.—13.

So the motion to adjourn was disagreed to.

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 then taken up.

The question then recurring on the motion of Mr. Kellogg, (when the bill was under consideration on the 2nd inst.,) "to lay the bill, together with the amendments, on the table,"

It was decided in the negative.

Mr. Gore moved to amend the amendment by inserting after the words "Fort Rice, in third line, and before the word "elections," in fourth line of the amendment, the words, "and the town of Sioux Falls, in the county of Minnehaha;" also, after the word "purposes" in sixth line of the amendment, insert the words "except the precinct of Sioux Falls."

Which was agreed to.

The amendment as amended was then agreed to.

The bill was then read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 15; nays 7; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Johnson, McCarthy, Stevens (Union,) Stevens (Chas. Mix.) Wixson and Mr. Speaker.—15.

Those who voted in the negative, were

Nays—Messrs. Hodgen, Hoyt, Kellogg, La Bell, Taylor, Trumbo and Wilson.—7.

So the bill passed as amended, and its

Title was agreed to.

On motion of Mr. McCarthy,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, January 5th, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Journal of yesterday read and approved.

On motion of Mr. Wixson,
Mr. Gore was excused for non-attendance to-day, on account of sickness.

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

MR. SPEAKER.—Your committee on enrollment have examined house file No. 7, an act limiting the time for collection of debts; and find the same correctly enrolled.

F. TAYLOR,
Chairman.

The following communication was received from his excellency, the governor of Dakota Territory:

EXECUTIVE OFFICE, }
YANKTON, D. T., }
January, 5th, 1867.

HON. J. B. S. TODD,

Speaker of the House of Representatives,

SIR: I herewith enclose house bill No. —, entitled “an act to repeal chapter two (2) of the special and private laws of 1865-66;

Also, house bill No. — entitled, “an act to amend chapter twenty-seven (27) of the laws of 1865-66;

Both of which I have signed and approved.

I have the honor to be,
Your ob't serv't,
A. J. FAULK,
Governor.

Mr. Bramble, chairman of select committee appointed to report a bill in relation to guardians, introduced house file No. 23, an act to repeal certain sections of chapter eighteen, of the session laws of 1864-65, approved January 2nd, 1865, and for other purposes, which was

Read a first time.

On motion of Mr. Bramble,

The rules were suspended, the bill

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

The yeas and nays being had, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson, and Mr. Speaker—23.

So the bill passed, and there being no objection

Its title was agreed to.

On leave, Mr. Taylor introduced house file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners respecting roads, which was

Read a first time.

Mr. Frick introduced house file No. 25, a memorial to the secretary of the Interior asking that the surplus funds of the appropriation for locating a wagon road from the Minnesota line to the Missouri river, be applied to grading and bridging the road from Sioux Falls to Yankton, which was

Read a first time.

Mr. Ash introduced house file No. 26, a memorial to the President of the United States asking for the removal of the Santee Sioux Indians from their present location at the mouth of the Niobrara river, which was

Read a first time.

Mr. Wilson by unanimous consent of the house, introduced 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, which was

Read a first time.

On motion of Mr. McCarthy,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson,

Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and
Its title was agreed to.

On motion of Mr. McCarthy,

Mr. Faulkenberg was admitted to a seat within the bar of the house.

The house having under consideration, communications from the council.

House file No. 3, an act concerning divorce and alimony, returned to the house from the council for the reason that the bill was so obliterated by amendments, interlineations, &c., that the council could not act intelligibly thereon,

Was taken up, and

Ordered, Engrossed and returned to the council.

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

On motion of Mr. McCarthy, was

Referred to a select committee of three, with instructions to report the bill back to the house on Monday next, and the bill made the special order for that time, at 11 o'clock, a. m.

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

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

Was then taken up, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

House file No. 16, an act to provide for the location of the county seat of Union county,

Was then taken up, and

Read a second time.

Mr. Wixson moved that the bill be referred to a select committee of three from the Union county delegation.

Mr. Kellogg moved to amend the motion of his colleague by having the bill referred to the entire Union county delegation, and that the committee be instructed to report the bill back to the house on Monday next, January 7th.

The yeas and nays being demanded on the motion to amend, the vote stood,

Yeas 11; nays 12; as follows:

Those voting in the affirmative, were

Messrs. Curry, Fraley, Gray, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor and Mr. Speaker.—11.

Those who voted in the negative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson, Hanson, Hodgen, Hoyt, Trumbo, Wilson and Wixson.—12.

So the motion to amend was lost.

The motion of Mr. Wixson being then put,

It was decided in the affirmative.

The chair appointed as such committee,

Messrs. Wixson, Stevens (Union) and Curry.

Mr. Wixson in the chair.

House file No. 17, an act to organize the county of Pembina and for other purposes,

Was then taken up, and

Read a second time.

Mr. Todd moved that the rules be suspended, and the bill be read a third time and put upon its passage.

Which was agreed to.

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

The yeas and nays being ordered, the vote stood,

Ayes 19; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Bramble, Collamer, Curry, Fraley, Frick, Gray, Hanson, Hoyt, Johnson, Kellogg, La Bell, McCarthy,

Stevens (Union,) Stevens (Charles Mix,) Taylor, Wilson, Wixson and Mr. Speaker.—19.

Those who voted in the negative, were
Messrs. Austin, Gunderson, Hodgen and Trumbo.—4.
So the bill passed, and its
Title was agreed to.

Mr. Kellogg, on leave of the house, submitted the following report:

MR. SPEAKER.—Your committee on judiciary to whom was referred house file No. 13, have examined the same and report the bill back to the house without recommendation.

GEO. W. KELLOGG, *Ch'n.*

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, and
On motion of Mr. Johnson, was
Read a second and third time and put upon its passage.
The yeas and nays being had, the vote stood,
Yeas 23; nays none; as follows:
Those who voted in the affirmative, were
Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—23.
So the memorial passed, and
Its title was agreed to.

Mr. Taylor in the chair.

House file No. 19, an act to create and establish the county of Laramie.

Was then taken up, and
Read a second time.
On motion of Mr. Bramble,
The rules were suspended, and the bill
Read a third time, and put upon its passage.
The yeas and nays being called, the vote stood,

Ayes 21; nays 2; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—21.

Those who voted in the negative, were

Messrs. Curry, and Wixson.—2.

So the bill passed, and

Its title was agreed to.

House file No. 20, an act entitled, "an act in relation to territorial and county revenue," approved January 12th, 1866,

Was then taken up, and

Read a second time, and

On motion of Mr. Austin,

Was referred to a select committee of three, with instructions to report the bill back on Monday next.

The chair appointed as such committee, Messrs. Austin, Gray and Wilson.

By unanimous consent, the committee on judiciary, to whom was referred council file No. 10, submitted the following report:

MR. SPEAKER.—Your committee on judiciary, to whom was referred council file No. 10, an act to amend chapter 25 of the private laws of 1862, have examined the bill and find that in chapter 4, section 2, that it provides for the organizing of fire companies, not more than seventy five men in each company who shall be exempt from all taxation and from serving on juries. Your committee taking into consideration the small amount of population deem the provisions of this act injurious to the people of Yankton and the territory generally.

Your committee also observes that taxes and assessments, general or special levied, shall remain a lien on the lands or tenements on which they shall be assessed, and that no sale or transfer of such real estate or personal estate shall affect said lien, which is by your committee deemed arbitrary and illegal.

Your committee also observe that the provisions of this act would subject and involve the people of Yankton to burden-

some taxation in building side walks and levees and different other improvements under the control of a city council. Your committee might go to almost any length to specify objectionable features of this bill were it necessary; but taking into consideration the present unsatisfactory and unsettled condition of the finances of Yankton county, your committee find that the bill is so objectionable have come to the following resolution, that the bill be laid upon the table. All of which is respectfully submitted.

GEO. W. KELLOGG, *Ch'n*
C. H. MCCARTHY.
H. J. AUSTIN.

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district,

Was then taken up, and

Read a second time, and

On motion of Mr. Collamer, was

Referred to a select committee of three.

The chair appointed as such committee, Messrs. Collamer, Gray and Trumbo.

Mr. Bramble moved that council file No. 10, be now taken up, and referred to a select committee of three from the Yankton county delegation.

The yeas and nays being demanded, the vote stood,

Yeas 14; nays 9; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gunderson, Hanson, Hodgen, Hoyt, Johnson, LaBell and Wixson.—14.

Those voting in the negative, were

Messrs. Gray, Kellogg, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—9.

So the motion was agreed to, and

The chair appointed as such committee, Messrs. Bramble, Ash and Collamer.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company,

Was then taken up, and

Read a third time, and

On motion of Mr. Bramble, was

Referred to a select committee of three.

The chair appointed as such committee, Messrs. Ash, LaBell and Johnson.

On motion of Mr. Curry,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

· THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, January 7th, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Fraley.

Journal of Saturday read and approved.

The following communication was received from the council:

COUNCIL CHAMBER,
January 7th, 1867. }

MR. SPEAKER.—I am instructed to inform your honorable body that the council has passed council file No. 27, An act to repeal chapter 67 of the session laws of 1863-64;

Also, council file No. 29, An act to incorporate the Minnesota and Missouri river railroad company;

Also, council file No. 30, An act to incorporate the Big Horn bridge and ferry company;

Also, council file No. 31, A petition to the commissioner of the General Land Office;

Also, council file No. 32, A memorial to the honorable Secretary of War, asking further protection from Indian invasion on our settlements and military posts in Dakota;

Also, council file No. 33, A memorial to the Secretary of War praying that all that portion of the Fort Randall reserve north of the Missouri river and west of the Yankton Sioux reservation may be vacated and opened for settlement.

B. M. SMITH,
Secretary.

On motion of Mr. Ash,

Messrs. Mortimer and Volin were admitted to seats within the bar of the house.

On motion of Mr. Johnson,

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

Mr. Kellogg, from the committee on engrossment, submitted the following report:

MR. SPEAKER:—Your committee on engrossment, to whom was referred house file No. 3, An act concerning divorce and alimony; have examined the same, and report the bill back to the house correctly engrossed.

GEO. W. KELLOGG,
Chairman.

Mr. Taylor, from the committee on enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on enrollment have to report that they did on the 5th day of January, 1867, at eleven o'clock, a. m., present to the governor for his approval house file No. 7, An act limiting the time for the collection of debts.

F. TAYLOR,
Chairman.

MR. SPEAKER.—Your committee on enrollment have examined house file No. 6, An act to establish a fence law in Union county; and find the same correctly enrolled.

F. TAYLOR,
Chairman.

The following communication was received from his excellency, the Governor of Dakota:

EXECUTIVE OFFICE, }
YANKTON, D. T., }
January 6, 1867.

HON. J. B. S. TODD,

Speaker of the House of Representatives:

SIR:—I herewith transmit house bill No. —, entitled "An act limiting the time for collection of debts," which I have approved and signed.

I have the honor to be,
Your ob't servant,
A. J. FAULK,
Governor.

Mr. Bramble, from the select committee to whom was referred council file No. 10, An act to amend chapter twenty-five of the session laws of 1862, submitted the following report:

MR. SPEAKER:—Your select committee to whom was referred council file No. 10, would report the same back with attached amendments, and recommend its passage. We can not see that the bill confers any privileges that the act which it amends does not confer, and only prescribes powers that are conferred generally by that act, which the town council could adopt; and as amended, the bill will not be an injury to any party.

D. T. BRAMBLE,
Chairman.

Mr. Austin, from the select committee to whom was referred house file No. 20, An act to amend an act entitled "an act in relation to territorial and county revenue;" approved January 12th, 1866, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred house file No. 20, have had the same under consideration, and beg leave to report the bill back with the following amendments after section eleven:

Section 12. That the time for collecting the taxes for the year 1866, in Clay county, be extended to the last Monday in February, 1867.

Section 13. That an attested copy of this bill be sent to the proper officer of Clay county.

H. J. AUSTIN,
Chairman.

Mr. Collamer, from the committee to whom was referred house file No. 21, A memorial to Congress relative to the western boundary of the Yankton land district, submitted the following report:

MR. SPEAKER.—Your select committee to whom was referred house file No. 21, have had the same under consideration and beg leave to report the bill back with the following amendments and recommend its passage: On page 2, line 13, printed form, strike out "mouth of Dakota or James river" and insert in lieu thereof "the south-east corner of range fifty-four (54) west."

W. N. COLLAMER,
Chairman.

Mr. Ash, from the select committee to whom was referred house file No. 22, an act to incorporate the Dakota manufacturing and mining company, submitted the following report:

MR. SPEAKER.—Your committee to whom was referred house file No. 22 have instructed me to report the same back and to recommend the adoption of the following amendments:

In section 1, after the word "Johnson," insert "James S. Collins, Hiram Dryer."

In section 2, after the word "manufacture," insert "of wheat

and other grains and" also after the words "coal oil" insert the word "minerals."

End of the bill add the following section :

Sec. 5. This act shall be void and of no effect unless the said corporation shall have invested at least ten thousand dollars for the purposes and objects specified by the provisions of this act within three years from and after its approval.

Change section 5 to 6.

H. C. ASH,
Chairman.

Mr. McCarthy, from the select committee to whom was referred council file No. 20, submitted the following report :

MR. SPEAKER.—Your select committee to whom was referred council bill No. 20, have partially examined the same. The great length of the bill precludes the committee from examining it as thoroughly as it wished; even the short time allowed for its consideration, so many and glaring faults have been discovered that your committee are constrained to report the bill back with the following resolution :

Resolved, That the bill do lie upon the table.

C. H. McCARTHY.

It being the hour of 11 o'clock, a. m., and

Council file No. 20, having been made the special order for that time,

The bill, with the report from the committee thereon, was then taken up.

Mr. McCarthy moved that the report from the select committee on council file No. 20, together with the resolution attached thereunto be adopted.

Mr. Bramble moved that the report be laid on the table.

The yeas and nays being demanded, the vote stood,

Yeas 7; nays 15; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and Wixson.—7.

Those who voted in the negative, were

Messrs. Austin, Curry, Gray, Gunderson, Hanson, Hodgins,

Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—15.

So the motion to lay on the table was lost.

The question then recurring on the motion of the gentleman from Todd, (McCarthy) and

The yeas and nays being demanded, the vote stood,

Yeas 16; nays 7; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—16.

Those who voted in the negative were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and Wixson.—7.

So the motion was agreed to.

Mr. Curry offered a substitute for house file No. 16, an act in relation to county seats.

Mr. Bramble asked that the bill be read at length for information, which being done,

The chair decided that as the proposed bill contained different subject matter from the original, it could not be received; and the proposed bill was therefore rejected.

By unanimous consent, Mr. Bramble introduced house file No. 30, a memorial to the honorable Alexander Randall, post-master general, U. S., praying that the mail service on route No. 13.801, from Sioux city, Iowa, to Fort Randall, D. T., be increased, which was

Read a first time.

On motion of Mr. Bramble,

The rules were suspended, and the bill read a second and third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg,

LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the memorial passed, and

Its title was agreed to.

Mr. Wixson introduced house file No. 31, an act to amend an act entitled "an act fixing the time of holding the district courts in the first, second and third judicial districts; and the time of holding the court in the county of Union; which was

Read a first time.

Mr. Kellogg introduced 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; which was

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

Mr. Collamer introduced 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, which was

Read a first time.

On motion of Mr. Collamer,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood

Yeas 15; nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Gray, Hoyt, Johnson, Kellogg, LaBell, Stevens (Chas. Mix,) Wilson, Wixson and Mr. Speaker.—15.

Those who voted in the negative, were

Messrs. Austin, Curry, Gunderson, Hanson, Hodgen, McCarthy, Stevens (Union) and Trumbo.—8.

So the memorial passed, and

Its title was agreed to.

Mr. Ash moved that a copy of the memorial be furnished the superintendent of the Sioux city and Fort Randall wagon road.

Which was agreed to.

By unanimous consent, Mr. Collamer introduced house file No. 34, an act to incorporate the Big Horn and Powder river bridge and ferry company, which was

Read a first time.

On motion of Mr. Stevens (Chas. Mix),

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Stevens (Charles Mix),

Mr. Hanson was admitted to a seat within the bar of the house.

Council file No. 10 as amended, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 4; nays 19; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Johnson, Stevens (Chas. Mix,) and Wixson—4.

Those who voted in the negative, were

Nays—Messrs. Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, La-Bell, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson and Mr. Speaker—19.

So the bill was rejected.

House file No. 20, as reported back with amendments, was then taken up, and

Ordered, Engrossed for a third reading.

House file No. 21, a memorial to Congress relative to the western boundary of the Yankton land district, reported back with amendments,

Was then taken up.

Mr. Kellogg moved to lay the amendments on the table.

Which was agreed to.

Mr. Austin offered the following amendments, which were adopted:

Strike out all after the words "James River" in twelfth line and insert—"thence up the main channel of said river to the mouth of maple river; thence due north to the British line; and all lands lying west of said line be styled the *second land district of Dakota*; and the location of the land office of said district be located at the county seat of Charles Mix county; and your memorialists as in duty bound will ever pray."

House file No. 22, an act to incorporate the Dakota manufacturing and mining company; reported back with amendments,

Was then taken up, and the amendments adopted.

The bill as amended, was then

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood:

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt,

Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—23.

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

Mr. Gray asked leave to introduce a bill relative to chapter 37 of the session laws of 1862.

No previous notice having been given, and objection being made, it was rejected.

Mr. Taylor, chairman of the committee on enrollment, submitted the following report :

MR. SPEAKER:—Your committee on enrollment have to report that they did this day at 12 m., present to the governor for his approval, house file No. 6, An act to establish a fence law in Union county.

F. TAYLOR,
Chairman.

On motion of Mr. Taylor,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, January 8th, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of yesterday read and approved.

The committee on engrossment, to whom was referred house file No. 20, submitted the following report :

MR. SPEAKER.—Your committee on engrossment have examined house file No. 20, and find the same correctly engrossed.

GEO. W. KELLOGG,
Chairman.

On motion of Mr. Bramble,

Council file No. 32 was then taken up, and

Read a first time.

Mr. Bramble moved that the rules be suspended, and the bill be read a second and third time and put upon its passage.

Which motion was adopted.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 8th, 1867.

MR. SPEAKER.—I am instructed to inform your honorable body that the council has passed council file No. 28, an act to organize and discipline the militia ; also

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 in Yankton county for the purpose of completing the school house in said district ; also

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 ; also

House file No. 9, joint resolution relative to the Organic Act of Dakota Territory ; also

House file No. 17, an act to organize the county of Pembina and for other purposes ; also

House file No. 19, an act to create and establish the county of Laramie ;

All of which are respectfully transmitted and the house is respectfully requested to favorably consider the council bills.

B. M. SMITH,

Secretary.

The bill was then read a second and third time and put upon its passage.

The yeas and nays being called, the vote stood

Yeas 24 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—24.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Bramble,

House file No. 26 was then taken up, and

Read a second time.

On motion, the rules were suspended and the bill

Read a third time.

Mr. Gore moved to amend the bill so as to read after the words "removed to" in first line "county seat of Yankton county."

Which motion was lost.

Mr. Bramble moved to lay the bill on the table and that council file No. 34 be taken up in its stead.

Which motion was agreed to.

Council file No. 34 was then taken up, and

Read a first time.

Mr. Bramble moved that the rules be suspended and the bill be read a second and third time and put upon its passage.

Which motion was agreed to.

So the bill was read a second and third time.

Mr. Taylor in the chair.

Mr. Todd moved to amend by striking out the words "Fort Randall" and inserting those of "Bath Creek" in lieu thereof.

Which was agreed to.

The yeas and nays being called on the bill as amended, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix.) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and its

Title was agreed to.

Mr. Todd introduced house file No. 28, an act to change the location of the capital of Dakota Territory; which was

Read a first time.

Mr. Todd moved that the rules be suspended and the bill be read a second time and ordered printed.

The yeas and nays being demanded and had, the vote stood,

Yeas 18; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix.) Taylor, Trumbo, Wilson and Mr. Speaker—18.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wixson—6.

So the rules were suspended.

Mr. Bramble moved that the town of Bon Homme be stricken out and that of Vermillion be inserted in lieu thereof.

Mr. Johnson moved to lay the motion of the gentleman from Yankton, (Mr. Bramble,) on the table.

The yeas and nays being demanded and had the vote stood,

Yeas 18; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—18.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wixson.—6.

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

Mr. Bramble moved to postpone the further consideration of the bill until the fourth of July.

Mr. Todd moved to lay the motion of the gentleman from Yankton (Mr. Bramble) on the table.

The yeas and nays being demanded and had, the vote stood, Yeas 17; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—17.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wixson.—6.

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

Mr. Todd moved the previous question.

Mr. Bramble moved to postpone the bill and make it the special order for Friday next, 11 o'clock, a. m.

Mr. Johnson moved to lay the motion of the gentleman from Yankton (Mr. Bramble,) on the table.

The yeas and nays being called, the vote stood;

Yeas 18; nays 6; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.

Those who voted in the negative, were
Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wix-
son.—6.

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

Speaker in the chair.

On motion of Mr. Kellogg,
House file No. 20 was then taken up,
Read a third time and put upon its passage.
The yeas and nays being ordered, the vote stood ;
Yeas 18 ; nays none ; as follows :
Those voting in the affirmative, were
Messrs. Austin, Curry, Fraley, Gore, Gray, Gunderson,
Hanson, Hodgen, Hoyt, Kellogg, LaBell, McCarthy, Stevens
(Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr.
Speaker.—18.

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

Mr. McCarthy moved that house file No. 31, be now taken
up.

Mr. Bramble moved to lay the motion of the gentleman from
Todd (Mr. McCarthy,) on the table.

The yeas and nays being demanded and had, the vote stood ;
Yeas 7 ; nays 17 ; as follows :
Those who voted in the affirmative, were
Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and
Wixson.—7.

Those who voted in the negative, were
Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson,
Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens
(Chas. Mix,) Taylor, Trumbo, Wilson and Mr.
Speaker—17.

So the motion was disagreed to.

Mr. Bramble moved to postpone the consideration of the bill
until Friday next, 11 o'clock a. m.

Mr. McCarthy moved to lay the motion of the gentleman
from Yankton (Mr. Bramble,) on the table.

The yeas and nays being demanded, and had the vote stood ;
Yeas 17; nays 7; as follows :

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson,
Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—17.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and Wixson.—7.

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

Mr. McCarthy moved the previous question.

Mr. Collamer moved to adjourn,
Which motion was lost.

The question then recurring on the motion of the gentleman from Todd, (Mr. McCarthy,) and

The yeas and nays being demanded, the vote stood ;
Yeas 17; nays 7; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—17.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and Wixson.—7.

So the motion was agreed to.

Mr. Collamer moved that the house do now adjourn.

The chair decided the motion out of order.

Mr. Bramble appealed from the decision of the chair.

The question being put "shall the decision of the chair stand as the judgment of the house?"

It was decided in the affirmative.

House file No. 31 was then taken up.

Mr. Bramble moved that the bill be laid on the table.

Mr. Taylor moved (Mr. Bramble withdrawing his motion,) that the bill be indefinitely postponed.

The yeas and nays being called, the vote stood;

Yeas 20; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, McCarthy, Stevens (Union,) Stevens (Charles Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—20.

Those who voted in the negative, were

Messrs. Curry, Kellogg, LaBell and Wixson.—4.

So the bill was indefinitely postponed.

Mr. Taylor moved to reconsider the vote whereby the bill was indefinitely postponed, and to lay that motion on the table.

Which was agreed to.

On motion of Mr. Bramble,

The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, January 9th, 1867.

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Journal of the preceding day read, corrected and approved.

Mr. Kellogg, chairman of the committee on engrossment, submitted the following report:

MR. SPEAKER.—Your committee on engrossment, to whom was referred house file No. 21, have examined the same and report the memorial back to the house correctly engrossed.

GEO. W. KELLOGG,
Chairman.

Mr. Bramble from select committee on rail roads, on leave of the house, introduced house file No. 29, an act to incorporate the Dakota and north western rail road company.

Mr. Austin in the chair.

Mr. Todd moved that the house do now take up house file No. 29.

Which was agreed to.

The bill was then read a first time.

On motion of Mr. Todd,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood ;

Yeas 23; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

•
The speaker resumed the chair.

The following communication was received from his excellency, the governor of Dakota Territory:

EXECUTIVE OFFICE, }
YANKTON, D. T., }
January, 8th, 1867. }

HON. J. B. S. TODD,

Speaker of the House of Representatives,

SIR: I herewith enclose house bill No. —, entitled an act to establish a fence law in Union county; which I have approved and signed.

I have the honor to be,
Your ob't serv't,
A. J. FAULK,
Governor.

The following communications were received from the council:

COUNCIL CHAMBER, }
January 9th, 1867. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council has passed house file No. 3, an act concerning divorce and alimony;

Also council file No. 45, a joint resolution relative to the history of Dakota;

Which are herewith transmitted and the concurrence of the house is respectfully requested in the consideration of council file No. 45.

B. M. SMITH,
Secretary.

COUNCIL CHAMBER, }
January 9th, 1867. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council has passed council file No. 44, a memorial to Gen. U. S. Grant relative to Indian matters in the north west;

Also council file No. 42, an act in relation to the fees of register of deeds;

Which are herewith transmitted and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

Mr. McCarthy introduced house file No. 35, a memorial to the secretary of war praying for the establishment of a military post at the north base of the Black Hills; which was

Read a first time.

On motion of Mr. McCarthy,

The rules were suspended, and the bill read a second and third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19; nays none; as follows:

Those voting in the affirmative, were

Messrs. Ash, Austin, Bramble, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Kellogg, LaBell, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—19.

So the memorial passed, and

Its title was agreed to.

On leave, Mr. McCarthy also introduced house file No. 36, an act regulating the admission of attorneys to the supreme court of this territory; which was

Read a first time.

On motion of Mr. McCarthy,

The rules were suspended, and the bill

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

The yeas and nays being called, the vote stood,

Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—21.

So the bill passed, and

Its title was agreed to.

By consent, Mr. McCarthy offered the following resolution:

Resolved, That the select committee to whom was referred house file No. 16, a bill for an act to locate the county seat of Union county, be and they are hereby directed to report it back to the house this day at 12 o'clock.

On motion of Mr. McCarthy,

The resolution was adopted.

Mr. Bramble moved that the house take a recess of 15 minutes.

Which was agreed to.

House called to order by the
Speaker in the chair.

Quorum present.

Mr. Austin in the chair.

Mr. Todd moved that the house do now take up house file No. 28, an act to change the location of the capital of Dakota territory, and for other purposes ;

Which was agreed to.

Mr. Todd moved that the bill be engrossed and read a third time.

Mr. Bramble moved to amend the bill by striking out sections one (1,) two (2,) three (3,) four (4,) five (5,) and six (6,) and inserting the following in lieu thereof.

Section 1. That the first judicial district of Dakota Territory shall be composed of Union, Clay, Minnehaha, Lincoln and Deuel counties, and the United States district court for said district shall be held at the town of Elk Point, the county seat of Union county, on the first Monday of May and the second Monday of September in each year.

Sec. 2. That all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Mr Todd moved to lay the motion of the gentleman from Yankton, (Mr. Bramble,) on the table.

The yeas and nays being demanded on the motion of the gentleman from Todd, (Mr. Todd,) to lay the motion of the gentleman from Yankton, (Mr. Bramble,) on the table, the vote stood:

Ayes 15; nays 8; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Austin, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—15.

Those who voted in the negative, were

Nays—Messrs. Ash, Bramble, Collamer, Curry, Frick, Hoyt, Kellogg and Wixson.—8.

So the motion was agreed to.

Mr. Todd renewed his motion that the bill be engrossed, read a third time and put upon its passage.

Mr. Bramble demanded that the bill be engrossed.

Mr. Todd moved that the rules be suspended, the bill be informally engrossed, read a third time and put upon its passage.

The ayes and nays being demanded on the last motion of the gentleman from Todd, (Mr. Todd,) the vote stood:

Yeas 16; nays 7; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Austin, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—16.

Those who voted in the negative, were

Nays—Messrs. Ash, Bramble, Collamer, Curry, Frick, Hoyt and Wixson—7.

So the motion was agreed to.

Mr. Todd moved that Mr. Gore be excused for non-attendance to-day on account of sickness.

Which motion prevailed.

Mr. Todd demanded the previous question, which being seconded

It was decided in the affirmative.

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

The yeas and nays being ordered the vote stood:

Yeas 15; nays 8; as follows:

Those who voted in the affirmative, were

Ayes—Messrs. Austin, Bramble, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—15.

Those who voted in the negative, were

Nays—Messrs. Ash, Collamer, Curry, Frick, Hoyt, Kellogg, La Bell and Wixson.—8.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy moved to reconsider the vote whereby house file No. 28 was passed and to lay that motion on the table.

The yeas and nays being demanded on the motion of the gentleman from Todd, (Mr. McCarthy,) to reconsider, the vote stood :

Yeas 20; nays 3; as follows :

Those who voted in the affirmative, were

Yeas—Messrs. Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—20.

Those who voted in the negative, were

Nays—Messrs. Ash, Hoyt and Wixson.—3.

So the motion was agreed to.

Mr. Bramble moved that house file No. 28 be immediately transmitted to the council.

Which motion was lost.

Speaker in the chair.

Mr. Wixson, chairman of select committee to whom was referred house file No. 16, an act providing for the location of the county seat of Union county; made a verbal report, which was required to be submitted in writing.

Mr. Bramble argued that the time specified in the resolution requiring the report on house file No. 16, was vague, indefinite and admitted of different constructions, and moved that the

chairman of said select committee be excused from reporting the bill to-day.

Which was disagreed to.

The Speaker decided that the words "12 o'clock" as specified in the resolution requiring the report, signified "noon."

Mr. Collamer appealed from the decision of the chair.

The question being put "shall the decision of the chair stand as the judgment of the house?" and

The ayes and nays being ordered, the vote stood:

Yeas 16; nays 6; as follows:

Those voting in the affirmative, were

Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo and Wilson.—16.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wixson.—6.

So the decision of the chair was sustained.

Messrs. Wixson and Curry from the select committee to whom was referred house file No. 16, submitted the following report:

MR. SPEAKER:—A majority of your select committee to whom was referred house file No. 16, have had the same under consideration, and return the same back to the house without recommendation.

E. B. WIXSON,
M. CURRY.

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

MR. SPEAKER.—Your committee on enrollment have examined house file No. 19, an act to create and establish the county of Laramie; also, house file No. 17, an act to organize the county of Pembina and for other purposes; also, house file No. 9, joint resolution relative to the Organic Act of Dakota; and find the same correctly enrolled.

F. TAYLOR,
Chairman.

Mr. McCarthy moved that the house do now take up council file No. 27.

Which was agreed to.

The bill was then read a first time.

On motion of Mr. McCarthy,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 21 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Trumbo, Wilson and Mr. Speaker.—21.

So the bill passed, and

Its title was agreed to.

Mr. McCarthy moved that the house do now take up council file No. 29.

Which was agreed to.

Council file No. 29 was then taken up, and

Read a first time.

On motion of Mr. McCarthy,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 21 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Trumbo, Wilson and Mr. Speaker.—21.

So the bill passed, and

Its title was agreed to.

Mr. Bramble moved that the house do now take up council file No. 35.

Which was agreed to.

The bill was then taken up, and

Read a first time.

On motion of Mr. Bramble,

The rules were suspended, and the bill

Read a second time.

Mr. Bramble moved that section one be amended by striking out the words "two thousand" and inserting "one thousand" in lieu thereof;

Also, in same section strike out "as organized originally," and insert "comprising the corporate limits of the town of Yankton as surveyed in 1859."

Mr. Todd moved to amend the amendment by striking out the word "corporate."

Which was agreed to.

The amendment as amended was then agreed to.

The bill as amended was then

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—22.

So the bill passed, and

Its title was agreed to.

Mr. McCarthy moved that the house now take up house file No. 13, an act in relation to the fees of officers.

Which was agreed to.

The bill was accordingly taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 7; nays 16; as follows:

Those who voted in the affirmative, were

Messrs. Curry, Fraley, Gray, Hoyt, McCarthy, Stevens (Chas. Mix) and Wixson.—7.

Those who voted in the negative, were

Messrs. Ash, Austin, Bramble, Collamer, Frick, Gunderson,

Hanson, Hodgen, Johnson, Kellogg, LaBell, Stevens (Union,) Taylor, Trumbo, Wilson and Mr. Speaker.—16.

So the bill was rejected.

Mr. McCarthy moved that the house do now take up house file No. 16, an act to provide for the location of the county seat of Union county.

Which was agreed to.

The bill was then taken up, and

Ordered, Engrossed for a third reading.

On motion of Mr. Bramble,

Council file No. 42 was then taken up, and

Read a first and second time.

Mr. McCarthy moved to amend section two of the bill by striking out "12½" cents, and inserting "15" cents in lieu thereof.

Which was disagreed to.

Mr. Wixson moved that the bill be laid upon the speaker's desk.

Which motion was lost.

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

The yeas and nays being ordered, the vote stood,

Yeas 19; nays 4; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, Stevens (Union,) Taylor, Trumbo, Wixson and Mr. Speaker.—19.

Those who voted in the negative, were

Messrs. Curry, McCarthy, Stevens (Charles Mix,) and Wilson.—4.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Bramble,

Council file No. 44, a memorial to Gen. U. S. Grant relative to Indian matters in the north west;

Was then taken up, and

Read a first time.

On motion of Mr. Bramble,

The rules were suspended, and the memorial

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

The yeas and nays being ordered, the vote stood,

Ayes 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick,
Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg,
LaBell, McCarthy, Stevens (Union,) Stevens (Charles Mix,)
Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—22.

So the memorial passed, and

Its title was agreed to.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did this day at 1 o'clock p. m., present to the governor for his approval, house file No. 19, an act to create and establish the county of Laramie; also house file No. 17, an act to organize the county of Pembina and for other purposes;

Also house file No. 9, joint resolution relative to the organic act of Dakota territory.

F. TAYLOR,

Chairman.

Mr. McCarthy moved that all committees to whom bills had been referred be instructed to report the same back to the house to-morrow, beginning at 10½ o'clock, a. m.

Which motion was agreed to.

Mr. Bramble moved that the house now take up council file No. 28, an act to organize and discipline the militia; and lay the bill on the table.

The motion being seconded, and

The ayes and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill was laid on the table.

On motion of Mr. Bramble,
Council file No. 37, a memorial to the commissioner of the
general land office, &c.;

Was then taken up, and
Read a first time.

On motion of Mr. Bramble,
The rules were suspended, and the memorial
Read a second and third time and put upon its passage.
The yeas and nays being ordered, the vote stood ;
Yeas 23 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley,
Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson,
Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas.
Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

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

On motion of Mr. Johnson,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
 Thursday, January 10th, 1867. }

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

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all in their seats.

Journal of yesterday read and approved.

Mr. Taylor introduced the following resolution :

Resolved, That the chief clerk be requested to wait on the honorable council and request the delivery of house file 28, as the same has been transmitted in direct violation of the house and its presiding officer.

On which the yeas and nays being demanded, the vote stood ;

Yeas 14 ; nays 10 ; as follows :

Those who voted in the affirmative, were

Messrs. Austin, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—14.

Those who voted in the negative, were

Messrs Ash, Bramble, Collamer, Curry, Frick, Gore, Hoyt, Kellogg, LaBell and Wixson.—10.

So the resolution was adopted.

The following communication was received from his excellency the governor of Dakota:

EXECUTIVE OFFICE,
YANKTON, D. T.,
January, 10th, 1867. }

HON. J. B. S. TODD,

Speaker of the House of Representatives,

SIR: I have the honor to transmit house bill No. 9, entitled a "joint resolution relative to the organic act of Dakota territory."

Also, house bill No. 17, entitled "an act to organize the county of Pembina, and for other purposes."

Also, house bill No. 19, entitled "an act to create and establish the county of Laramie."

All of which I have approved and signed.

I have the honor to be,

Your ob't serv't,

A. J. FAULK,

Governor.

Mr. Taylor from the committee on enrollment submitted the following report:

MR. SPEAKER.—Your committee on enrollment have examined house file No. 3, an act concerning divorce and alimony, and find the same correctly enrolled.

F. TAYLOR,

Chairman.

The committee on federal relations, to whom was referred council file No. 21, an act defining lands subject to taxation, submitted the following report:

MR. SPEAKER.—Your committee on federal relations has had council file No. 21 under consideration, and beg leave to report the same back, recommending that it be laid on the table.

N. C. STEVENS,

H. FRALEY,

K. WILSON.

Mr. Bramble moved that the report be adopted, and that council file No. 21 be laid on the table.

The yeas and nays being ordered on the motion to table, the vote stood ;

Yeas 20 ; nays 3 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, Stevens (Union,) Trumbo, Wilson and Mr. Speaker.—20.

Those who voted in the negative, were

Messrs. McCarthy, Stevens (Charles Mix) and Wixson.—3.

So the report was adopted and the bill laid on the table.

Mr. Stevens (Charles Mix,) chairman of committee on highways, ferries and bridges, submitted the following report :

MR. SPEAKER.—Your committee on highways, ferries and bridges, have had council file No. 14 under consideration, and report the bill back without recommendation.

WM. STEVENS,
Chairman.

On motion of Mr. Taylor,
The report was adopted.

Mr. McCarthy, from the committee on engrossment, submitted the following report :

MR. SPEAKER.—Your committee on engrossment to whom was referred house file No. 16, an act to provide for the location of the county seat of Union county, have examined the same, and report the bill back to the house correctly engrossed.

C. H. MCCARTHY,
Chairman.

The bill, (house file No. 16,) was then taken up, and
Read a third time.

Mr. Wixson offered the following amendments :

After section three insert the following :

“Provided, That if the house known as the court house, at Elk Point, shall be completed prior to the first day of August, A. D., 1867, in such manner as is specified in the bond now on

file in the office of the register of deeds, of Union county, there shall be no vote taken on the removal of the county seat of said county; but the same shall be and remain at Elk Point, as now located."

Messrs. Stevens and Gray, of Union county, objected to the amendment being received.

The bill, without amendments, was then put upon its passage, and

The yeas and nays being ordered, the vote stood;

Yeas 17; nays 7; as follows;

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—17.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Frick, Gore, Hoyt and Wixson.—7.

So the bill passed, and its

Title was agreed to.

On motion of Stevens (Chas. Mix,)

The house took a recess of 15 minutes.

House called to order.

Speaker in the chair.

Quorum present.

By permission, Mr. Kellogg introduced house file No. 87, An act in relation to ferries on the Big Sioux river, in Union county, which was

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time.

Mr. Bramble offered the following amendments:

At the conclusion of section one, add the following:

Provided, That the provisions of this bill shall not apply to

those parties holding ferry charters under the authority of the legislative assembly of this Territory; and further,

Provided, That this act shall not be construed to apply to any lands beyond the limits of this Territory.

Which were agreed to.

The bill as amended, was then

Read a third time and put upon its passage.

The yeas and nays being demanded, the vote stood;

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Yeas—Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Wixson.—23.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy submitted the following resolution:

Resolved, That when this house adjourn it adjourn to-morrow, Friday, the 11th inst., at twelve o'clock, meridian, *sine die*.

Resolved, That a copy of this resolution be submitted forth-to the council and ask their concurrence therein.

Mr. Bramble offered the following as a substitute:

Resolved, The council concurring, that this house will adjourn *sine die* on to-morrow, (Friday,) at 12 o'clock meridian.

Which was agreed to.

The following communication was received from the council:

COUNCIL CHAMBER,
January 10th, 1867. }

MR. SPEAKER:—I am instructed to inform your honorable body that the council has passed the following house files, viz:

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;

Also, 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, with the accompanying amendments;

House file No. 18, A memorial to Congress praying for an

appropriation to erect a penitentiary at Bon Homme, in Dakota Territory ;

Also, 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 attached amendment, respectfully requesting the concurrence of the house therein.

Also, house file No. 36, An act regulating the admission of attorneys to the supreme court of this Territory ;

Also, house file No. 22, An act to incorporate the Dakota manufacturing and mining company ; with the accompanying amendments, respectfully requesting the concurrence of the house therein.

The council has also passed the following council files ; and respectfully request the concurrence of the house therein.

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 ;

Also, council file No. 41, An act to amend chapter 26 of the laws of 1865-66 ;

Also, council file No. 39, An act to provide for the removal of county seats by vote of the people ;

Also, council file No. 40, An act to provide for the admission of children of color into the public schools of this Territory ;

Also, council file No. 47, A memorial to Major General Terry asking for the re-occupancy of Fort James in Dakota Territory ;

All of which bills are herewith transmitted.

B. M. SMITH,

Secretary.

Mr. Kellogg moved that the house now take up 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.

Which was agreed to.

The bill was then taken up, and

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill
Read a second time.

Mr. Bramble offered the following amendment :

In section first add to said section the words ;

“ *Provided*, That the said parties shall be liable for damages
caused by the erection of said mill dam.”

Which was agreed to.

Council file No. 43, as amended, was then

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 22 ; nays none ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley,
Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg,
La Bell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,)
Taylor, Trumbo, Wilson, Wixson and Mr. Speaker—22.

So the bill passed, and

Its title was agreed to.

Mr. Taylor, chairman of the committee on enrollment, sub-
mitted the following report :

MR. SPEAKER.—Your committee on enrollment did this day
at 12 o'clock, m., present to his excellency, the governor, for
his approval, house file No. 3, an act concerning divorce and
alimony.

F. TAYLOR,
Chairman.

Mr. Bramble moved that the house now take up 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.

Which was agreed to.

The bill as amended by the council, was then taken up,

Mr. Taylor in the chair.

Mr. Todd moved that the house do not concur in the council
amendment to the bill, as by concurring with the council the
facts as stated and known would be changed ; and as it further
believes that the council labors under a misapprehension as to

the expressions used by the house, locating the boundaries of certain portions of the reserve prayed to be vacated.

Which was agreed to.

Speaker resumed the chair.

Mr. Kellogg moved that the house do now take up council file No. 41, an act to amend chapter 26 of the laws of 1865-66.

Which was agreed to.

The bill was then taken up, and

Read a first time.

On motion of Mr. Kellogg,

The rules were suspended, and the bill

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

The yeas and nays being ordered, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the bill passed, and

Its title was agreed to.

Mr. Ash moved that the house do now take up council file No. 47, a memorial to major general Terry asking for the re-occupancy of Fort James, in Dakota territory.

Which was agreed to.

Council file No. 47, was then taken up, and

Read a first time.

On motion of Mr. Curry,

The rules were suspended, and the memorial

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

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

Yeas 22; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—22.

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

On motion of Mr. Johnson,
Council file No. 39 was then taken up, and
Read a first time.

On motion of Mr. Johnson,
The bill was referred to a select committee of three, and
Messrs. Johnson, Collamer and Hanson were designated as
such committee.

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
Read a first time.

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

Mr. Curry moved to lay the bill on the table.

The yeas and nays being ordered on the motion to table the
bill, the vote stood,

Yeas 14; nays 9; as follows:

Those who voted in the affirmative, were

Messrs. Collamer, Curry, Fraley, Gray, Kellogg, LaBell,
McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor,
Trumbo, Wilson, Wixson and Mr. Speaker.—14.

Those who voted in the negative, were

Messrs. Ash, Austin, Bramble, Frick, Gunderson, Hanson,
Hodgen, Hoyt and Johnson.—9.

So the bill was laid upon the table.

On motion of Mr. Bramble,
The house adjourned.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, January 11th, 1867. }

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

Speaker in the chair.

Mr. Bramble moved that the house employ an enrolling clerk for this day,

Which was agreed to.

The chair appointed Mr. Wm. Bordino, who came forward and took the oath of office.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable house that the council has passed house file No. 20, an act to amend an act entitled an act in relation to territorial and county revenue, approved January 12th, 1866.

Also, house file No. 29, an act to incorporate the Dakota and Northwestern Rail Road company, with attached amendments.

Also, council file No. 48, a joint resolution authorizing the county commissioners of Yankton county to hold extra meetings for special purposes.

All of which are herewith transmitted, and the concurrence of the house is respectfully requested.

B. M. SMITH,
Secretary.

The following communication was received from his excellency, the Governor of Dakota:

EXECUTIVE OFFICE, }
YANKTON, D. T., }
January 10, 1867. }

HON. J. B. S. TODD,

Speaker of the House of Representatives:

SIR:—I have the honor to return herewith house bill No. 3, entitled "an act concerning divorce and alimony," which I have approved and signed.

I have the honor to be,

Your ob't servant,

A. J. FAULK,

Governor.

On motion of Mr. Bramble,
House file No. 29, an act to incorporate the Dakota and Northwestern Rail Road company, as amended by the council,
Was then taken up, and
The amendments concurred in.

The following communication was received from the council:

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable house that the council insists upon their amendment to house file No. 27, which is attached to the bill, and herewith return the same, and respectfully request the concurrence of the house therein.

B. M. SMITH,

Secretary.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company, as amended by the council,
Was then taken up, and
The amendments concurred in.

The following communication was received from the council:

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable

house that the council has passed 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.

Also, house file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864-5, approved Jan. 2nd, 1865, and for other purposes.

Also, house file No. 37, an act in relation to ferries on the Big Sioux river, in Union county.

All of which are herewith transmitted.

B. M. SMITH,
Secretary.

Mr. Bramble moved that the house reconsider the vote whereby it refused to concur in council amendment to house file No. 27 ;

Which was agreed to.

On motion of Mr. Bramble,

The council amendments to house file No 27 were then concurred in.

On motion of Mr. Bramble,

House file No. 25, a memorial to the secretary of the Interior, asking that the surplus funds of the appropriation for locating 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, and

Read a second time.

On motion, the rules were suspended, and the bill

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood ;

Yeas 16 ; nays 6 ; as follows :

Those who voted in the affirmative, were

Messrs. Ash, Bramble, Collamer, Curry, Frick, Gore, Gray, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Taylor, Wixson and Mr. Speaker—16.

Those who voted in the negative, were

Messrs. Austin, Fraley, Gunderson, Hanson, Hodgen and Trumbc.—6.

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

On motion, council file No. 45, a joint resolution in relation
to Dakota territory,

Was then taken up, and
Read a first time.

On motion of Mr. McCarthy,
The rules were suspended, and the bill was
Read a second and third time, and put upon its passage.
The yeas and nays being ordered the vote stood;
Yeas 21; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Curry, Fraley, Frick Gore,
Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg,
LaBell, McCarthy, Stevens (Union,) Taylor, Trumbo,
Wilson and Mr. Speaker.—21.

So the joint resolution passed, and its
Title was agreed to.

On motion of Mr. Ash,

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 time.

On motion of Mr. Ash,
The rules were suspended, and the joint resolution was
Read a second and third time and put upon its passage.
The yeas and nays being ordered, the vote stood;
Yeas 22; nays 2; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley,
Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg,
LaBell, McCarthy, Taylor, Trumbo, Wilson, Wixson,
and Mr. Speaker.

Those who voted in the negative, were
Messrs. Stevens (Union,) Stevens (Chas. Mix.)—2.

So the joint resolution passed, and its
Title was agreed to.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable house that the council has passed the following resolution by a majority vote of five (5).

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 and final action of the council has been had.

B. M. SMITH,
Secretary.

Mr. Kellogg, from the joint committee appointed to prepare and submit a full report of the mineral and agricultural resources of Dakota; and Mr. Bramble from the joint committee on wagon and rail roads; and Mr. M. U. Hoyt, from the joint committee appointed to prepare a report on the Black Hills of Dakota territory; submitted the following consolidated reports :

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 con-

fidant 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.

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.

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.	Degrees of heat.		Inches of snow & rain.		No. wet	Prevailing
Months.	max.	min.	rain.	snow.	days.	winds.
Jan'y	53°	*16°	1½	7¾	3	n. w.
Feb'y	55	*20½	¾	5¾	2½	n. w.
March	69	*4	5¾	4½	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	6⅝	0	7	south.
Sept.	83	41	3⅞	0	3½	south.
Oct.	84	19	4⅝	2¾	11½	n. w.
Nov.	67	29	¾	⅝	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, running 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 inexhaustible 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 80,000, 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 108d

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	314,000
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 Terri-
 tory.*

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, melkns, 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.

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 LABBEECHE.

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 of a 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,

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 paricide 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 mistake 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 intend-

ed. 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.

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. It

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} 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 su-

perstitious 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 Banneck 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, resembling 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 sus-

tained 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.

On motion of Mr. McCarthy,

The consolidated reports were adopted, and 1000 copies of the same ordered printed for the use of the members of the house.

Mr. Taylor, chairman of the committee on enrollment, submitted the following report:

MR. SPEAKER.—Your committee on enrollment, have examined house file No. 36, an act regulating the admission of attorneys to the supreme court of this territory; also, 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; also house file No. 18, a memorial to congress praying for an appropriation to erect a penitentiary in Dakota territory; also, house file No. 20, an act to amend an act, entitled an act in relation to territorial and county revenue; also house file No. 27, a memorial to the secretary of war requesting that the military

reservation of Fort Randall on the north side of the Missouri river be reduced; and find the same correctly enrolled.

F. TAYLOR,
Chairman.

Mr. Johnson, from the select committee to whom was referred council file No. 39, an act to provide for the removal of county seats by vote of the people; reported the bill back with attached amendments, with recommendation that it do pass.

On motion of Mr. Wixson,
The report was adopted.

Council file No. 39 as amended,
Was then taken up, and
Read a second time.

On motion of Mr. Kellogg,
The rules were suspended and the bill,
Read a third time and put upon its passage.
The yeas and nays being ordered the vote stood,
Yeas 21; nays 3; as follows:

Those who voted in the affirmative, were

Messrs. Austin, Bramble, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—21.

Those who voted in the negative, were
Messrs. Ash, Collamer and Hoyt.—3.

So the bill passed, and
Its title was 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, with council amendments;

Was then taken up, and
The amendments concurred in.

The following communication was received from the council:

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable

house, that the council has passed house file No. 25, a memorial to the secretary of the Interior asking that the surplus funds of the appropriation for locating a wagon road from the Minnesota line to the Missouri river, be applied to grading and bridging the road from Sioux Falls to Yankton;

Also 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;

Which are herewith transmitted.

B. M. SMITH,
Secretary.

Council file No. 31, a petition to the general land office ;
Was then taken up, and
Read a first time.

On motion of Mr. Johnson,

The rules were suspended and the petition

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

The yeas and nays being ordered the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were,

Messrs. Ash, Austin, Bramble, Collamer, Curry, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—23.

So the petition passed, and its

Title was agreed to.

On motion, council file No. 30, an act to incorporate the Big Horn bridge and ferry company ;

Was then taken up, and

Read a first time.

Mr. Curry moved that the rules be suspended and the bill be read a second and third time and put upon its passage.

Mr. Collamer moved that the bill be indefinitely postponed.

The yeas and nays being ordered on the motion to indefinitely postpone, the vote stood,

Yeas 23; nays none; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Curry, Fraley, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy. Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.

So the bill was indefinitely postponed.

On motion, Council file No. 33, a memorial to the secretary of war praying that all that portion of the Fort Randall military reservation north of the Missouri river and west of the Yankton Sioux reservation may be vacated and opened for settlement;

Was taken up, and

Read a first time.

Mr. Wilson moved that the memorial be indefinitely postponed.

The yeas and nays being ordered on the motion to indefinitely postpone, the vote stood,

Yeas 22; nays 2; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Collamer, Fraley, Frick, Gore, Gunderson, Hanson, Hodgen. Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson, Wixson and Mr. Speaker.—22.

Those who voted in the negative, were

Messrs. Curry and Gray.

So the memorial was indefinitely postponed.

On motion house file No. 24, an act to amend chapter 71 of the session laws of 1862, conferring powers on the boards of county commissioners respecting roads;

Was then taken up, and

Read a second time.

On motion of Mr. Curry,

The rules were suspended and the bill was

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 22; nays 2; as follows:

Those who voted in the affirmative, were

Messrs. Ash, Austin, Bramble, Curry, Fraley, Frick, Gore, Gray, Gunderson, Hanson, Hodgen, Hoyt, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—22.

Those who voted in the negative, were

Messrs. Collamer and Wixson.—2.

So the bill passed, and its

Title was agreed to.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed by the council, to wait upon the honorable house and ascertain if it has any further communications to make to the council, and also, to ascertain at what hour it will suit the house to adjourn *sine die*.

B. M. SMITH,

Secretary.

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district ;

Was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 18 ; nays 6 ; as follows :

Those who voted in the affirmative, were

Messrs. Austin, Curry, Fraley, Frick, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker.—18.

Those who voted in the negative, were

Messrs. Ash, Bramble, Collamer, Gore, Hoyt and Wixson.

—6.

So the memorial passed, and its

Title was agreed to.

Mr. McCarthy offered the following resolution :

Resolved, That this house do adjourn this day at six o'clock p. m., *sine die* the council concurring.

That a copy of this be transmitted to the council.

Mr. Kellogg moved that the resolution be adopted.
Which was disagreed to.

Mr. Bramble moved that the hour for adjournment be fixed at five o'clock p. m., and that the clerk notify the council accordingly.

Which was also disagreed to.

Mr. Taylor, chairman of the committee on enrollment, submitted the following report :

MR. SPEAKER.—Your committee on enrollment, have examined house file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864-65; also, 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: also, house file No. 37, an act in relation to ferries on the Big Sioux river in Union county.

F. TAYLOR,
Chairman.

On motion of Mr. Curry,
The house took a recess till half past two o'clock p. m.

AFTERNOON SESSION.

At 2½ o'clock p. m., the house was called to order by the Speaker in the chair.

The following communications were received from the council :

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform your honorable body, that the council has passed house file No. 21, a memorial to congress relative to the western boundary of the Yankton land district;

Also, house file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners respecting roads.

B. M. SMITH,
Secretary.

COUNCIL CHAMBER, }
January 11th, 1867. }

MR. SPEAKER.—I am instructed to inform the honorable house, that the council has also passed the following resolution :

Resolved by the council, (the house concurring.) That this legislative assembly will adjourn *sine die*, at 4 o'clock this day p. m.

B. M. SMITH,
Secretary.

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

MR. SPEAKER.—Your committee on enrollment, have examined house file No. 25, a memorial to the secretary of the Interior asking that the surplus funds of the appropriation for locating a wagon road from the Minnesota line to the Missouri river, be applied to grading and bridging the road from Sioux Falls to Yankton; also

An act supplementary, entitled an act for the printing and distribution of the laws and journals; also

House file No. 30, to honorable Alexander Randall, relative to the increase of mail service on route 12801; also

House file No. 29, an act to incorporate the Dakota and northwestern railroad company; also

House file No. 22, an act to incorporate the Dakota manufacturing and mining company; also

House file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners respecting roads; also

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district.

F. TAYLOR,
Chairman.

The following communication was received from the council :

COUNCIL CHAMBER, }
January 11, 1867. }

MR. SPEAKER:—I am instructed to inform the honorable house that the council has adopted the following resolution :

Resolved, That a committee of two be appointed by the Pres-

ident 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 Messrs. Turner and Thompson have been appointed as such committee.

B. M. SMITH,
Secretary.

On motion of Mr. McCarthy,
The resolution was concurred in; and

The chair appointed as a like committee on the part of the house, Messrs. McCarthy and Curry.

The committee withdrew, and after a brief absence returned, and reported that they had pursuant to resolution, waited upon his excellency, and that he desired the two houses to postpone the adjournment for 30 minutes, by which time he would communicate to the two houses.

Mr. Taylor, chairman of the committee on enrollment, submitted the following report :

MR. SPEAKER:—Your committee on enrollment have to report that at three o'clock, p. m., this day, they presented to his excellency, the governor for his approval, house file No. 36, an act regulating the admission of attorneys to the supreme court of this Territory; also

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; also

House file No. 20, an act in relation to territorial and county revenue; also

House file No. 23, an act to repeal certain sections of chapter eighteen, of session laws of 1864-65; also

House file No. 37, an act in relation to ferries on the Big Sioux river; also

House file No. 32, an act supplementary to an act entitled for the printing and distribution of the laws and journals; also

House file No. 22, an act to incorporate the Dakota mining and manufacturing company; also

House file No. 24, an act to amend chapter 71, session laws

of 1862, conferring powers upon the board of county commissioners respecting roads.

F. TAYLOR,
Chairman.

Mr. McCarthy in the chair.

Mr. Todd rose to a question of privilege, and introduced the following preamble and resolution :

WHEREAS, The council did on Wednesday, the 9th inst., pass a preamble and resolution in the following words and figures to-wit :

*“ Preamble.—*WHEREAS, A bill is pending in the house of representatives of this legislative assembly providing for a change of the location of the capitol of this Territory.

“ Therefore be it 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.”

Which preamble and resolution infringes upon the privileges and prerogatives of this house as a co-ordinate and independent branch of the legislative assembly of this Territory, pending its consideration of, and action upon a bill then before it, which bill had not been presented to the council for its action :

AND WHEREAS, Such action upon the part of the council, anticipatory of the final action of this house upon a bill before it, was calculated to unduly influence or intimidate the opinions of its members in casting their votes upon the passage of a bill thus pending, and thus touching upon the rights of, dignities and franchises of the house, violating its privileges, and unwarrantably and unparliamentary interfering with its prerogatives ; therefore be it

Resolved, That this house is of the opinion that this unprecedented action on the part of the council infringes its rights, dignities and privileges as an independent and co-ordinate branch of the legislative assembly of this territory.

Mr. Todd moved that the resolution be adopted, which being seconded, and

The yeas and nays being demanded on the previous question, the vote stood :

Yeas 17 ; nays 6 ; as follows :

Yeas—Messrs. Austin, Curry, Fraley, Gray, Gunderson, Hanson, Hodgen, Johnson, Kellogg, LaBell, McCarthy, Stevens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo, Wilson and Mr. Speaker—17.

Nays—Messrs. Ash, Bramble, Collamer, Frick, Hoyt and Wixson—6.

So the resolution was adopted.

The following communication was received from his excellency the governor:

EXECUTIVE OFFICE,
YANKTON, D. T.,
January 11th, 1867. }

HON. J. B. S. TODD:

Speaker of the House of Representatives:

SIR:—I herewith transmit house bill No.—, entitled “an act regulating the admission of attorneys to the supreme court of this territory ;”

Also, house bill No. —, entitled “an act to repeal certain sections of chapter 18, of the session laws of 1864-65, approved January 2, 1865, and for other purposes ;”

Also, house bill No. 20, entitled “an act to amend an act entitled an act in relation to territorial and county revenue ;”

Also, house bill No. 37, entitled “an act in relation to ferries on the Big Sioux river ;”

Also, house bill No. 29, entitled “an act to incorporate the Dakota and northwestern railroad company ;”

Also, house bill No. 22, entitled “an act to incorporate the Dakota manufacturing and mining company ;”

Also, house bill No. 24, entitled “an act to amend chapter 71, of the session laws of 1862, conferring powers on the board of county commissioners respecting roads ;”

Also, house file No. 32, entitled “an act supplementary to

an act for the printing and distribution of the laws and journals;"

Which I have approved and signed.

I am sir, respectfully,

Your ob't serv't,

A. J. FAULK,

Governor.

Mr. Hanson introduced the following resolutions:

Resolved, That we acknowledge our obligation to our presiding officer, J. B. S. Todd, for the promptness and impartiality and ability with which he has discharged the duties of his responsible office during the present session. While the uniform courtesy of his official intercourse has won our warmest personal regards.

That our thanks are hereby tendered to our patient and efficient clerk, Dr. F. Wixson, for his devotion to the duties of his position, his obliging deportment, and for the correctness of his journal of the proceedings of this body.

That the genial qualities of our assistant clerk, D. P. Mowrer, have won for him our lasting esteem, while his clerical abilities as displayed in his model record challenge the admiration of the public.

That the Rev. Mr. Batcheller, chaplain of this body, by his unostentatious piety and gentlemanly deportment has secured our respect, confidence and esteem.

And that Hon. John Stanage, sergeant-at-arms; Christian Lewison, messenger, and George Rounds, fireman, for the faithfulness in the discharge of the duties of their respective offices, and their obliging conduct merit our thanks, which are hereby freely tendered, and that toward our officers, one and all, we entertain only the kindest feelings, and in severing our official connection with them we unite in wishing them and theirs, health, happiness and prosperity.

Mr. McCarthy moved the adoption of the resolution.

The yeas and nays being demanded the vote stood,

Yeas 16; nays 5; as follows:

Yeas—Messrs. Curry, Fralby, Frick, Gray, Gunderson, Hanson, Hodgins, Johnson, Kellogg, LaBell, McCarthy, Ste-

vens (Union,) Stevens (Chas. Mix,) Taylor, Trumbo and Wilson—16.

Nays—Messrs. Ash, Bramble, Collamer, Hoyt and Wixson—5.

So the resolution was adopted.

The speaker then resumed the chair, rose and said:

Gentlemen of the House of Representatives:

The time fixed by the concurrent resolution of the two houses, for their adjournment, has arrived, and in announcing the moment when we are about to part, I sincerely wish you, each and all of you, a happy re-union with family and friends, in the beloved circle at home. I can not, in bidding you good bye, refrain from expressing the feeling I entertain, that in performing the duties involved upon me, I may have fallen short of your just expectations; but, if in the discharge of those difficult and arduous duties I have erred, I most regret it. "To err is human, to forgive, divine." Thanking you for the kind and generous manner in which you have sustained me in the administration of the duties of the chair, and hoping and trusting that you may have a pleasant return to kindred and home, I do now declare the sixth session of the house of representatives, of the legislative assembly, of the Territory of Dakota, adjourned *sine die*.

J. B. S. TODD,
Speaker.

F. WIXSON,
Chief Clerk.

INDEX

TO

House Journal.

1866-67.

GENERAL INDEX.

GENERAL INDEX.

ASH, H. C.

took oath of office, 4.
motions made by, 4, 6, 52, 58, 60, 79, 81, 114, 118,
134, 140, 169, 174.
resolutions introduced, 7, 38.
gave notice of bills, 115.
submitted reports, 56, 136.
introduced bills, 127.

AUSTIN, H. J.

took oath of office, 4.
motions made by, 40, 71, 81, 101, 111.
introduced bills, 73.
submitted reports, 103, 114, 136.
offered resolutions, 80.
submits reports from the committee of the whole, 99.

BATCHELLER, REV. C. W.

elected chaplain, 6.
took oath of office, 6.

BRAMBLE, D. T.

took oath of office, 4.
motions made by, 4, 6, 8, 12, 23, 33, 41, 54, 58, 61, 62, 65,
66, 67, 68, 71, 73, 74, 77, 79, 90, 93, 94, 95, 96, 98,
99, 100, 103, 106, 108, 110, 111, 112, 116, 117, 121,
123, 124, 126, 132, 133, 137, 143, 144, 145, 146, 147,
149, 152, 155, 157, 158, 159, 160, 161, 163, 168, 170,
171, 172, 173, 202.

BRAMBLE, D. T.

introduced resolutions, 6, 7, 32, 33, 36, 166.
 reports from committee of the whole, 65, 89.
 introduced bills, 66, 115, 126, 138, 150.
 submitted reports, 72, 97, 113, 135.
 gave notice of bills, 88.

COLLAMER, W. N.

took oath of office, 4.
 motions made by, 5, 38, 73, 81, 86, 91, 123, 148, 199.
 submitted reports, 136.
 introduced resolutions, 59.
 gave notice of bills, 115.
 submits reports from committee of the whole, 107, 70.
 introduced bills, 121, 139, 140.

COMMITTEE OF THE WHOLE.

on the governor's message, 40.
 do do 65.
 on council file No. 5, 66.
 on report of clerk of the board of education, 69.
 report of, 70.
 on house file No. 9, 77.
 on house file No. 2, 82.
 on house file No. 11, 83.
 on house file No. 3, 89.
 on council file No. 6, 99.
 on house file No. 2, 107.
 on council file No. 8, 123.

COMMITTEES APPOINTED.

select to escort the speaker to the chair, 4.
 select to draft rules for the house, 6.
 select on joint rules, 6.
 joint to inform governor of organization, 7.
 to conduct council to hall of house, 12.
 to inform governor of meeting of joint convention, 13.
 standing committees, 24.
 select to consider printing of standing rules, 33.
 joint on wagon and railroads, 33.

COMMITTEES APPOINTED.

on agricultural and mineral resources, 57.
 to escort council to hall of house, 84.
 select on council file No. 6, 99.
 joint to report on Black Hills, 101.
 select on house file No. 15, 108.
 select on council file No. 20, 128.
 select on house file No. 16, 129.
 select on house file No. 20, 131.
 select on council file No. 10, 132.
 select on house file No. 22, 133.

CONVENTION, JOINT, 13, 85.**COUNCIL, COMMUNICATIONS FROM.**

announcing election of officers, 7.
 relative to appointment of joint committee to draft rules,
 9.
 informing house of appointment of committee to wait up-
 on the governor, 9.
 relative to council file 1, 34
 relative to standing committees, 35.
 relative to George Stickney, 40.
 relative to council file 5, 52.
 relative to council file 3, 53.
 relative to council file 3, 53.
 relative to council file 9, 54.
 requesting concurrence of resolution, 57.
 informing house of appointment of committee to report
 on the agricultural and mineral resources, 61.
 giving notice of the passage of council file 11, 63.
 relative to joint rule No. 8, 67.
 relative to substitute to council file 7, 69.
 in relation to territorial armory, 69.
 relative to council file 12, 76.
 relative to council file 10, 77.
 relative to council file 13, 80.
 relative to report of select committee to investigate the
 revenue laws of Dakota, 83

COUNCIL COMMUNICATIONS FROM.

- informing the house of their readiness to meet in joint convention, 84.
- relative to house file 1, 90.
- relative to council file 8, also council file 14, 95.
- relative to the Black Hills, 98.
- relative to council file 6, 98.
- relative to house files 4 and 12, 99.
- relative to council file 10, 100.
- relative to council file 22, an act to organize a system of township government in the county of Union; also 23 and 21, 107.
- relative to council file 24 and house file 6, 110.
- relative to council file 26, 116.
- relative to council file 20, 118.
- relative to house file 3, 121.
- relative to council files 29, 30, 31, 32, 33, 134.
- relative to council files 34, 35, 37, and house file 9, 143.
- relative to house files 17 and 19, 144.
- relative to house file 3, also council file 45, 151.
- relative to council files 42 and 44, 151.
- relative to house files 35, 32, 18, 27, 36, 22, also council files 43, 41, 39, 40, 47, 166.
- relative to house file 20, 29, also council file 48, 171.
- relative to house file 27, 172.
- relative to house file 22, 172.
- relative to house files 33, 23, 37, 173.
- announcing the passage of house files 25 and 30, 199.
- relative to adjournment *sine die*, 201.
- announcing passage of house files 21 and 24, 202.
- relative to adjournment *sine die*, 203.
- informing house of appointment of joint committee to wait on governor, 204.

COUNCIL BILLS, FIRST, SECOND AND THIRD READING OF.

- council file No. 1—35, passed.
- 2—41, 52, 58.
- 5—52, 60, 64, indefinitely postponed.

COUNCIL BILLS, FIRST, SECOND AND THIRD
READING OF.

council file No. 3—54.

9—55, 125, passed.

11—64, 77, passed.

7—74, 76, referred to committee.

12—79, 86, 90.

13—81.

10—103, 104, 140, rejected.

21—115, referred to committee.

6—93, rejected 94, reconsidered.

8—96, 123, laid on table.

14—96.

22—115, 116.

23—116, 117 passed.

24—117, 118, referred to committee

120 passed.

26—122, passed.

20—123, laid on table 128, referred to
special committee, reported back

137, laid on table 138.

13—128, passed.

32—143, passed 144.

34—144, passed 145.

27—157, passed.

29—157, passed.

35—157, 158, passed.

42—159, passed.

44—159, 160, passed.

28—160, laid on table.

37—161, passed.

43—167, 168, passed.

41—169, passed.

47—167, passed.

39—170, passed 198.

40—170, laid on the table.

45—174, passed.

48—174, passed.

31—199, passed.

**COUNCIL BILLS, FIRST, SECOND AND THIRD
READING OF.**

council file No. 30—199, indefinitely postponed.
33—200, do do

COUNCIL BILLS REFERRED.

council bill No. 2, to public lands, 52.
3, to elections, 54.
11, to select committee of three, 64.
- to elections, 87.
8, to towns and counties, 96.
20, to special committee, 128.
10, to special committee, 132.

CURRY, MICHAEL.

took oath of office, 4.
motions made by, 25, 33, 37, 53, 54, 55, 59, 64, 70, 71, 75,
78, 82, 94, 99, 109, 133, 169, 199, 200, 202.
gave notice of bills, 73, 86.
introduced bills, 76, 89.
submits reports, 156.

EDUCATION, BOARD OF.

report of clerk, 43.
one thousand copies ordered printed, 51.
committee of the whole on clerk's report, 69.
report referred, 70.

FAULK, A. J., GOVERNOR.

delivers annual message, 13.
joint resolution relative to, 35.
communication approving an act to establish a fence
law in Union county, 151.
communication approving an act limiting the time for
collection of debts, 135.
approves an act to repeal chapter two of the special and
private laws of 1865-66; also, an act entitled an
act to amend chapter 27 of the laws of 1865-66, 126.

FAULK, A. J., GOVERNOR.

approves joint resolution relative to the organic act of Dakota territory; also, an act to organize the county of Pembina, and for other purposes; also an act to create and establish the county of Laramie, 163.

approves an act concerning divorce and alimony, 172.

approves an act regulating the admission of attorneys to the supreme court of this territory; also, an act to repeal certain sections of chapter 18, of the session laws of 1864-65, approved January 2, 1865, and for other purposes; also, an act to amend an act entitled an act in relation to territorial and county revenue; also, an act in relation to ferries on the Big Sioux river; also, an act to incorporate the Dakota and northwestern railroad company; also, an act to incorporate the Dakota manufacturing and mining company; also, an act to amend chapter 71, of the session laws of 1862, conferring powers on the board of county commissioners respecting roads; also, an act supplementary to an act for the printing and distribution of the laws and journals, 206.

FOSTER, GEORGE I.

called house to order, 3.

FRALEY HUGH.

took oath of office, 4.

excused from attendance, 39, 134.

FRICK, THOMAS.

took oath of office, 4.

gave notice of bills, 113, 120.

introduced bills, 127.

GORE, I. T.

took oath of office, 4.

submitted reports, 25, 56.

motions made by, 39, 144.

GORE, I. T.

gave notice of bills, 39.
introduced bills, 63.
excused from attendance, 126.

GOVERNOR'S ANNUAL MESSAGE, 13.

reports of committees on, 65.

GRAY, WM.

took oath of office, 4.
submitted reports, 86.
gave notice of bills, 89.
introduced bills, 103.

GUNDERSON, HANS.

took oath of office, 4

HANSON, AMON.

took oath of office, 4.
offered resolution, 207.

HISTORICAL ASSOCIATION.

officers and members of legislature invited to attend lectures of, 37.

HODGEN, DANIEL.

took oath of office, 4.
motions made by, 85.

HOYT, M. U.

took oath of office, 4.
resolutions introduced by, 33.
motions made by, 65.

HOUSE FILES REFERRED.

House file No. 1, to highways, ferries and bridges, 60.
5, to committee of the whole, 68.
7, to select committee, 74.
8, to judiciary, 75.
9, to Indian affairs, 75.

HOUSE FILES REFERRED.

- house file No. 11, to ways and means, 83.
- 13, to judiciary, 98.
- 14, to select committee, 98.
- 15, to select committee, 108.
- 10, to judiciary, 104.
- 16, to select committee, 129.
- 20, to do 131.

INTRODUCTION AND FIRST READING OF HOUSE FILES.

- House file No. 1, an act to amend chapter 27 of the laws of 1865-66, 57.
- House file No. 2, an act to change the name of Union county to Anna Bell, 60.
- House file No. 3, an act concerning divorce and alimony, 61.
- House file No. 4, a memorial to congress requesting the establishment of a military road from Elk Point to Sioux Falls, 63.
- House file No. 5, a memorial to the secretary of the Interior asking that a portion of the wagon road fund of Dakota be used to turnpike the Sioux Falls and Fort Randall wagon road, 63.
- House file No. 6, an act to establish a fence law in Union county, 66.
- House file No. 7, an act limiting the time for the collection of debts, 66.
- 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, 66.
- House file No. 9, joint resolution relative to the organic act of Dakota, 66.
- House file No. 10, joint resolution to repeal council file No. 9, 70.
- House file No. 11, an act to restrain certain animals from running at large, 73.
- House file No. 12, an act to repeal chapter two of the private laws of 1865-66, 76.

INTRODUCTION AND FIRST READING OF HOUSE FILES.

House file No. 13, an act in relation to the fees of officers, 89.

House file No. 14, an act to provide for the election of road supervisors and to prescribe the duties of the same, 89, made special order, 94.

House file No. 15, an act to regulate the practice of medicine in Dakota, 103.

House file No. 16, an act to provide for the location of the county seat of Union county, 106.

House file No. 17, an act to organize the county of Pembina and for other purposes, 109.

House file No. 18, a memorial to congress praying for an appropriation to erect a penitentiary at Bon Homme in Dakota, 109.

House file No. 19, an act to create and establish the county of Laramie, 115.

House file No. 20, an act to amend an act, entitled an act in relation to territorial and county revenue, 120.

House file No. 21, a memorial to congress relative to the western boundary of the Yankton land district, 121.

House file No. 22, an act to incorporate the Dakota manufacturing and mining company, 121.

House file No. 23, an act to repeal certain sections of chapter eighteen of the session laws of 1864-65, approved January 2nd, 1865, and for other purposes, 126.

House file No. 24, an act to amend chapter 71, session laws of 1862, conferring powers upon the board of county commissioners respecting roads, 127.

House file No. 25, a memorial to the secretary of the Interior asking that the surplus funds of the appropriation for locating a wagon road from the Minnesota line to the Missouri river, be applied to grading and bridging the road from Sioux Falls to Yankton, 127.

INTRODUCTION AND FIRST READING OF HOUSE FILES.

- House file No. 26, a memorial to the President of the United States asking for the removal of the Santee Indians from their present location at the mouth of the Niobrara river, 127.
- 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, 127.
- House file No. 30, a memorial to the honorable Alexander Randall, postmaster general, praying that the mail service on route No. 13801, from Sioux city, Iowa, to Fort Randall, D. T., be increased, 138.
- House file No. 31, an act to amend an act, entitled an act fixing the time of holding the district courts in the first, second and third judicial districts, and the time of holding the court in Union county, 139.
- 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, 139.
- 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, 139.
- House file No. 34, an act to incorporate the Big Horn and Powder river bridge and ferry company, 140.
- House file No. 28, an act to change the location of the capital of Dakota territory, 145.
- House file No. 29, an act to incorporate the Dakota and northwestern railroad company, 150,
- 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, 152.
- House file No. 36, an act regulating the admission of attorneys to the supreme court of this territory; 152.

INTRODUCTION AND FIRST READING OF HOUSE FILES.

House file No. 28, an act to change the location of the capitol of Dakota Territory and for other purposes, 153.

House file No. 37, an act in relation to ferries on the Big Sioux river in Union county, 165.

JOHNSON, R. M.

took oath of office, 4.

motions made by, 5, 34, 70, 71, 72, 78, 81, 96, 134, 145, 146, 161, 170, 199.

resolutions introduced, 6.

submitted report, 25, 82, 198.

gave notice of bills, 38, 103.

introduced bills, 70, 109.

excused from attendance, 39.

KELLOGG, GEO. W.

took oath of office, 4.

motions made by, 5, 23, 37, 38, 40, 57, 61, 70, 73, 74, 75, 76, 78, 81, 83, 90, 100, 103, 106, 111, 112, 113, 116, 124, 129, 147, 167, 169, 198, 202.

offered resolutions, 33, 39, 57.

reports from committee of the whole, 40.

notice of bills, 35, 37, 57, 103.

submitted reports, 60, 80, 88, 102, 110, 130, 131, 134, 143, 150.

introduced bills, 60, 63, 89, 120, 139, 165.

introduced amendments, 78.

KIDDER, JUDGE J. P.

administered oath of office to members, 4.

administered oath to officers, 6.

LABELL, VINCENT.

took oath of office, 4.

gave notice of bills, 51.

introduced bills, 66.

excused from attendance, 100.

LEWISON, CHRISTIAN.

elected messenger, 5.
took oath of office, 6.

McCARTHY, C. H.

took oath of office, 4.
motions made by, 4, 12, 25, 35, 51, 52, 59, 70, 71, 72, 73,
74, 78, 81, 84, 88, 91, 95, 102, 108, 128, 137, 147, 148,
152, 155, 157, 158, 159, 160, 197, 204, 207.
offered resolutions, 6, 51, 52, 152, 166, 201.
gave notice of bills, 40.
introduced bills, 66, 152.
submitted reports, 137, 164, 204.
called to chair, 205.

MEMBERS, list of, 3.

MESSAGE FROM THE GOVERNOR, 13.

MOWREER, D. P.

elected assistant clerk, 4.
took oath of office, 6.

OFFICERS, list of, 6.

took oath of office, 6.

ORGANIZATION OF THE HOUSE, 7.**REPORT of clerk board of education, 42.**

one thousand copies ordered printed, 51.

RESOLUTIONS.

that committee be appointed to draft rules, 6.
relative to joint committee to draft standing rules, 6.
that a committee be appointed to wait on the governor, 7.
informing council of time of joint convention, 7.
that all resolutions shall be reduced to writing, 32.
requesting clerk of board of education to furnish
report, 33
ordering joint rules printed, 33.
to appoint committee on wagon and railroads, 33.
relative to bills, memorials, &c., 33.

RESOLUTIONS.

- to regulate time of meeting of house, 34.
- relative to ayes and noes, 36.
- to appoint committee to investigate revenue law, 38.
- relative to forty-third rule, 39.
- relative to the secretary of the territory, 51.
- relative to No. 8 of joint rules, 54.
- to appoint committee on agricultural and mineral resources, 57.
- requesting chairs to be furnished, 59.
- tendering hall to religious denominations, 80.
- tendering hall for festival, 82.
- ordering committee to report on house file No. 16, 152.
- requesting return from council of house file 28, 162.
- relative to adjournment, 166.
 - do do do
 - do final adjournment, 201.
- relative to certain proceedings of the council, 205.
- tendering thanks to officers, 207.

ROSSTEUSCHER, C. F.

- arrested for contempt, 85.

ROUNDS, GEORGE.

- elected fireman, 5.
- took oath of office, 6.

RULES.

- temporarily adopted, 6.
- joint rules, 9.
- standing rules for government of house, 52.

SECOND AND THIRD READING OF HOUSE FILES.

- House file No. 1—60, 78.
 - 4—63, amendments concurred, 91.
 - 2—64, made special order, 107.
 - 5—68, made special order.
- 10—70.
 - 7—74, 95 passed.
 - 8—75, 91 passed.

SECOND AND THIRD READING OF HOUSE FILES.

House file No.9—65, ordered engrossed 101, passed 104.

3—77, made special order, 89 amended;
94 passed.

11—78, 101.

12—81, passed.

6—78.

14—98.

15—108 referred to committee, 120 passed.

13—98, 150 rejected.

22—121.

23—126, passed.

27—127, passed.

3—128, engrossed and returned to the
council.

16—128, referred to special committee 165,
passed.

17—129, passed.

18—130, passed.

20—131, referred to special committee,
passed 147.

21—132, referred to select committee, 201
passed.

22—133, referred to select committee.

30—138, passed.

33—139, passed.

34—140, passed.

20—141, engrossed for third reading.

21—141, laid on table.

22—141, passed.

26—144.

28—145.

31—148, indefinitely postponed 149.

29—150, passed.

35—152, passed.

36—152, passed.

28—154, passed,

37—165, 166 passed.

25—163, passed.

24—200, passed.

SECRETARY OF TERRITORY. see SPINK, S. L.

SPINK, S. L.

requested to furnish map and curtains, 51.

do do chairs, 59.

STANDING COMMITTEES, list of, 24.

STANDING COMMITTEES, REPORTS OF.

judiciary, 60, 130.

highways, ferries and bridges, 72, 164.

enrollment, 156, 160, 163, 102, 134, 142, 168, 197,
202, 203, 204.

ways and means, 97.

engrossment, 102, 134, 143, 80, 150, 164.

towns and counties, 103.

federal relations, 163.

SELECT COMMITTEES, REPORTS OF.

relative to the adoption of joint rules, 9.

that the governor would report in person, 13.

to draft joint rules, 28.

on council file No. 7, 86.

do do 3, 113.

do do 13, 114.

on house file No. 15, 119.

on council file No. 24, 119.

do do 10, 135

on house file No. 20, 136.

do do 21, 136:

do do 22, 136.

on council file No. 20, 137.

on house file No. 16, 155.

on council file No. 39, 198.

STANAGE, JOHN.

elected sergeant-at-arms, 5.

took oath of office, 6.

STEVENS, N. C.

took oath of office, 4.
gave notice of bills, 51, 100.
introduced bills, 60, 106.
motions made by, 79, 82, 108.
submitted reports, 163.

STEVENS, Wm.

took oath of office, 4.
motions made by, 38, 39, 60, 100, 101, 113, 117, 120,
122, 140, 165.
reports submitted, 72, 164.

TAYLOR, FRANK.

took oath of office, 34.
submitted reports, 52, 56, 88, 105, 102, 92, 122, 134,
135, 142, 149, 156, 160, 163, 168, 197, 202, 203,
204.
offered resolutions, 162.
reports from committee of the whole, 66, 73, 83.
gave notice of bills, 115, 120.
elected speaker, *pro tem*, 96.
introduced bills, 127.
motions made by, 142, 164.

TODD, J. B. S.

took oath of office, 4.
nominated speaker and elected, 4.
submits resolutions, 54, 105.
motions made by, 79, 110, 111, 146, 150, 153, 154,
168, 205.
gave notice of bills, 92.
introduced bills, 109, 221, 145.
made remarks, 208.

TRUMBO, JOHN.

took oath of office, 4.

TURNER, JOHN W.

motions made by, 85.

VAN OSDEL, A.

motions made by, 85.

WILSON, KERWIN.

took oath of office, 4.

resolutions introduced by, 33.

motions made by, 87, 200.

reports submitted, 97.

WIXSON, E. B.

took oath of office, 4.

gave notice of bills, 57.

motions made by, 67, 93, 92, 126, 129, 159, 198.

submits reports, 105, 123, 155, 156.

introduced bills, 127, 139.

WIXSON, F.

elected chief clerk, 4.

took oath of office, 6.