

COUNCIL JOURNAL

OF THE

seventh

SIXTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA.



BEGUN AND HELD AT YANKTON, THE CAPITAL OF SAID
TERRITORY, ON MONDAY, DECEMBER 2d. A. D. 1867.
AND CONCLUDED JANUARY 10th, A. D. 1868.



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YANKTON, DAKOTA TERRITORY,

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COUNCIL JOURNAL.

FIRST DAY.

TERRITORY OF DAKOTA, COUNCIL CHAMBER, }
YANKTON, Monday, December 2, 1867. }

On the second day of December, A. D. 1867, being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota,

The members of the Council of said Assembly met in the Council Chamber of the Capitol at Yankton, at 12 o'clock M. and proceeded to a temporary organization in the following order, to wit:

Mr. Brookings called the council to order, and

Nominated Mr. C. F. Rossteuscher for temporary president, and

A vote being taken,

Mr. Rossteuscher was declared elected temporary president of the Council;

Whereupon the temporary president took the chair, and Called the roll of members.

The following gentlemen responded to their names, to wit:

First District.—D. M. Mills, G. W. Kellogg and R. R. Green.

Second District.—Messrs. H. J. Austin, Aaron Carpenter, A. H. Hampton.

Third District.—W. W. Brookings, Charles F. Rossteuscher, Charles H. McIntyre, W. W. Benedict.

Fourth District.—Hugh Fraley.

Fifth District.—R. I. Thomas.

Sixth District.—J. A. Lewis.

Mr. Brookings nominated Mr. Geo. I. Foster for temporary secretary, and

A vote being taken,

Mr. Foster was declared duly elected temporary secretary of the council.

A temporary organization being effected,

The members present rose in their seats, and

The usual oath was administered to them by his honor, Ara Bartlett, Chief Justice of the Territory

Prayer by Rev. C. W. Batcheller

The council then proceeded to a permanent organization

Mr. Brookings nominated the Hon. H. J. Austin for president, and

Mr. Mills nominated the Hon. R. I. Thomas for the same office, and the roll being called

Mr. Austin received 7 votes, and

Mr. Thomas 4 votes; as follows:

Those voting for Mr. Austin, were

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre and Rossteuscher.

Those voting for Mr. Thomas, were

Messrs. Fraley, Kellogg, Lewis and Mills.

Messrs. Austin and Thomas were excused from voting.

It appearing that Mr. Austin had received a majority of all the votes cast, he was declared duly elected president of the council.

The president *pro tem.* appointed Mr. Thomas to wait upon the president to the chair.

The committee having discharged that duty

The president took the chair, and returned his thanks to the council, as follows:

GENTLEMEN OF THE COUNCIL:

The confiding kindness and partiality you have been pleased to manifest in my behalf upon this occasion is accepted with mingled feelings of gratitude and anxiety.

I am not unmindful of the many arduous and responsible duties which appertain to the position I am called to occupy.

But having full confidence in your kindness and co-operation I shall enter upon the discharge of the responsible duties you have conferred upon me with a determination to act with impartiality towards all, hoping that all we may do here will redound to the present and permanent prosperity of our Territory.

Again permit me to thank you for your kindness.

The usual oath was then administered to the president, by the honorable Ara Bartlett.

The president then announced as the order of business, the election of officers of the council for the present session, whereupon

Mr. Rossteuscher nominated Geo. I. Foster for secretary, and Mr. Fraley nominated D. P. Mowrer, for the same office.

The roll being called

Mr. Foster received 8 votes; and

Mr. Mowrer 5 votes; as follows:

Those voting for Mr. Foster, were

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those voting for Mr. Mowrer, were

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

It appearing that Mr. Foster had received a majority of all the votes cast, he was declared duly elected secretary of the council.

Mr. Hampton nominated Mr. Lucian O'Brian for assistant secretary

No other nomination being made and a vote being taken
Mr. O Brian was declared duly elected assistant secretary of
the council.

Mr. Green nominated Mr. T. M. Bryan for sergeant-at-arms.
No other nomination being made, and a vote being taken
Mr. Bryan was declared duly elected sergeant-at-arms of the
Council.

Mr. Brookings nominated Mr. Root for messenger, and
Mr. Kellogg nominated Mr. R. Andeau for the same office.
The roll being called,

Mr. Root received 7 votes ; and
Mr. Andeau 6 votes ; as follows :

Those voting for Mr. Root, were
Messrs. Benedict, Brookings, Carpenter, Hampton, McIn-
tyre, Rossteuscher and Mr. President.

Those voting for Mr. Andeau, were
Messrs. Fraley, Green, Kellogg, Lewis, Mills and Thomas.

It appearing that Mr. Root having received a majority of all
the votes cast, he was declared duly elected messenger of the
council.

Mr. Hampton nominated Mr. Antoine Bruniche for fireman.
Mr. Mills nominated Mr. James McMillen for the same office.

The roll being called,

Mr. Bruniche received 8 votes ; and
Mr. McMillen received 5 votes ; as follows :

Those voting for Mr. Bruniche, were
Messrs. Benedict, Brookings, Carpenter, Green, Hampton,
McIntyre, Rossteuscher and Mr. President.

Those voting for Mr. McMillen, were
Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

It appearing that Mr. Bruniche had received a majority of all
the votes cast he was declared duly elected fireman of the
council.

Mr. Brookings nominattd Mr. Batcheller for chaplain, and

No other nomination being made, and a vote being taken, Mr. Batcheller was declared duly elected chaplain of the council.

The election of permanent officers being concluded

The officers elect, present, came forward and took the oath of office, which was administered by his honor, Ara Bartlett, Chief Justice of this Territory, and they severally entered upon the duties of their respective offices.

Mr. Brookings submitted the following resolution :

Resolved, That the secretary of the council be instructed to inform the house that the council is permanently organized.

The resolution was adopted.

Mr. Brookings introduced council bill No. 1, a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory.

Read a first time and ordered printed.

Mr. Brookings introduced council bill No. 2, a memorial on Indian affairs.

Read the first time and ordered printed.

Mr. Mills reported the following resolution :

Resolved, That the rules of the last session of the council be adopted for the temporary government of this body.

Which resolution was adopted.

Mr. Brookings submitted the following resolution :

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

Which resolution was adopted; whereupon

The chair appointed Messrs. Brookings, Mills and Lewis such committee.

Mr. Rossteuscher submitted the following resolution :

Resolved, That a committee of three be appointed to meet a like committee on the part of the house to draft joint rules for the government of the two houses.

Which resolution was adopted.

The president appointed Messrs. Rossteuscher, Kellogg and Hampton as such committee.

On motion of Mr. Brookings,

The council took a recess of fifteen minutes.

At the expiration of which time the council was called to order, and

Mr. Brookings submitted the following resolution :

Resolved, That the secretary be instructed to request the House to specify the time for the meeting of the two houses in joint convention to receive any communication his excellency, the Governor may be pleased to make.

Which resolution was adopted.

Mr. Brookings submitted the following resolution :

Resolved, That the honorable Secretary of the Territory, be requested to furnish the members and officers of the council five copies of the *Union and Dakotaian* and *Dakota Republican*, each.

Which resolution was adopted.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session he will introduce a bill for an act to define the judicial districts of this Territory.

Mr. Brookings submitted the following resolution :

Resolved, That the hour for the meeting of the council be fixed at 10 o'clock A. M., until otherwise ordered.

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,

President.

Attest :

GEO. I. FOSTER,

Secretary.

SECOND DAY.

COUNCIL CHAMBER, }
 YANKTON, Tuesday, December 3, 1867. }

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

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of the 2d inst. read and approved.

The fireman elect then came forward, and the oath of office was administered by the president.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
 Monday, Dec. 2, 1867. }

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

Enos Stutsman—*Speaker.*

Pack Halnan—*Chief Clerk.*

Silas W. Kidder—*Assistant Clerk.*

R. A. Wall—*Sergeant-at-Arms.*

Joseph Reandeau—*Messenger.*

Israel Bruett—*Fireman.*

M. S. Woodruff—*Chaplain.*

H. J. Brisbane—*Chief Clerk, pro tem.*

John Lawrence—*Assistant Chief Clerk.*

H. J. BRISBINE,
Chief Clerk, pro tem.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow or some sub-

sequent day of the session he will ask leave to introduce a memorial to congress for a land grant, to aid in the construction of a railroad from Sioux City via Elk Point, Vermillion and Yankton to the Upper Missouri.

Mr. Mills gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a bill to amend an act, entitled "an act to organize a system of township government for Union county."

Mr. Rossteuscher gave notice that on to-morrow or some subsequent day of the session he will introduce a bill entitled an act to regulate the disposal of town lots to claimants on the public domain.

Mr. Mills submitted the following resolution :

Resolved, That a committee of three be appointed by the chair, to wait upon the honorable Secretary and request him to provide the necessary furniture for the convenience of the members of the council.

The resolution was adopted.

The chair appointed Messrs. Mills, Benedict and Fraley as such committee.

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

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

The resolution was adopted.

The president appointed Messrs. Mills, Benedict and Carpenter as such committee.

Mr. Brookings moved that the council take an indefinite recess,

Which motion was agreed to.

The president called the council to order.

When the following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
December 3, 1867. }

MR. PRESIDENT:—I am instructed by the house to inform this honorable body of the passage of the following resolution, to-wit:

Resolved, That the house will meet that body in joint convention this afternoon at two o'clock, 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 properly come before the joint convention.

H. J. BRISBINE,
Chief Clerk, pro tem.

HOUSE OF REPRESENTATIVES, }
December 3, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has adopted the following resolution :

Resolved, That a committee of three be appointed to act in conjunction with a like committee on the part of the council, to wait upon his excellency, the Governor, and inform him that the two houses are now fully organized, and will be ready to receive any communication he may have to make to them in joint convention, in the hall of representatives, this day at two o'clock, P. M.

Messrs. Jolly, Gregory and Farris, committee.

H. J. BRISBINE,
Chief Clerk, pro tem.

HOUSE OF REPRESENTATIVES, }
December 3, 1867. }

MR. PRESIDENT:—I have the honor to inform the council that a committee consisting of Messrs. Jolley, Dewitt and Watson, have been appointed on the part of the house, to act in conjunction with a like committee on the part of the council to prepare and report joint standing rules for the government of the two houses and to request the action of the council.

H. J. BRISBINE,
Chief Clerk, pro tem.

Mr. Brookings, by permission of the council, introduced, by printed bill,

Council bill No. 3, an act to regulate the criminal procedure in Dakota Territory.

Read a first time, and ordered printed.

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

MR. PRESIDENT:—Your committee appointed to act in conjunction with a similar committee on the part of the house, to wait upon his excellency, the Governor, and inform him that the two houses will meet in joint convention to-day at two 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.

D. M. MILLS,
Chairman.

On motion of Mr. Brookings,

The Secretary was instructed to inform the house that the council will meet the house in joint convention at the hour indicated by them.

On motion of Mr. Brookings,

Maj. J. R. Hanson was admitted to a seat within the bar of the council.

On motion of Mr. Brookings,

The council resolved itself into a committee of the whole on the state of Indian affairs.

After some time spent therein,

The committee arose,

The president resuming the chair, and

Through their chairman submitted the following report:

MR. PRESIDENT:—The committee of the whole have had under consideration the state of Indian affairs, and beg leave to report progress and ask leave to sit again.

On motion of Mr. Fraley,
The council took a recess until half past one o'clock this
P. M.

AFTER RECESS.

At the hour of half past one o'clock, P. M.,
The president resumed the chair, and
The council was called to order.

On motion of Mr. Brookings
The calling of the roll was dispensed with.

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

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

Thereupon the council took a recess to meet the house in
joint convention.

IN JOINT CONVENTION.

The speaker of the house acted as chairman of the joint con-
vention.

The chief clerk of the house and secretary of the council,
were

On motion of Mr. Moody,
Instructed to act as clerks of the joint convention.

The roll being then called

The following gentlemen answered to their names :

Members of the House—Messrs. Brady, Blair, Bronson,
Brown, Cummings, Curry, Dewitt, Fallas, Farris, Gore, Greg-
ory, Gunderson, Hanson, Hoyt, Jolley, Kegan, Moody, Nelson,
Shaw, Thompson, Tucker, Watson and Mr. Speaker.

Members of the Council—Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

A quorum of each house being present,

The chair proclaimed the joint convention fully organized, and ready for the business for which it was convened ;

Whereupon Mr. Gregory moved

That a committee of two from each house be appointed to wait upon his excellency, the Governor, and inform him that the two houses have assembled in joint convention, and await his pleasure.

Which motion was agreed to, and

The chairman appointed Messrs Gregory, Moody, Thomas and McIntyre, as such committee.

After a brief absence

The committee returned and reported as follows :

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

The Governor then made his appearance accompanied by the Secretary of the Territory, and Justices of the Supreme Court and being announced by the chair, read his second annual message, as follows, to wit :

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives :

After the lapse of a year you again have met to discharge the duties imposed upon you by the Organic Act. Our first duty should be to give expression to our feelings of gratitude to the Giver of all good for the favorable circumstances which

surround us. The blessings of health, to a degree almost unknown in other parts of the Union, have been vouchsafed to us during the whole of the past year; while the season of crops has been more than usually favorable. Immigration has added largely to our numbers, and the most favorable evidences of prosperity and increase are springing up everywhere within our borders. I have heretofore expressed unbounded confidence in our natural advantages; in the salubrity of the climate, and the inexhaustible fertility of the soil of Dakota. And others from abroad, also, are beginning more clearly to realize and appreciate these important truths. Within the past twelve months it has been estimated that the population of the Territory has been more than doubled by immigration. A sober, industrious, and intelligent population are coming among us, whose influence and capital are being felt in every department of trade and enterprise, adapted to our present condition and wants. From all these suspicious omens we may justly congratulate ourselves; and, taking fresh courage from past success, renew and continue the efforts so well and effectually made by past Executives, Legislatures, and People, for the general prosperity and rapid growth of the Territory.

During my unavoidable absence from Dakota, embracing about one-third of the past year, the duties of the Executive office devolved upon, and were discharged, by the Hon. Secretary of the Territory; and I am pleased to say, with that promptness and ability for which his well known legal and practical training so highly qualify him.

OUR INDUSTRIAL INTERESTS.

While it should be our aim to foster and encourage all branches of industry, yet agriculture may justly be considered the real basis of our future hopes and prosperity. In this department of labor probably rests our best hope of the future, in the pursuit of which we will in time build up a thrifty population, the bone and sinew of our future commonwealth. Millions of acres of the richest grasses, and most prolific soil, here await the industrious emigrant, almost "without money and without price." Here labor is dignified; and we look with pride upon those of our neighbors who make to themselves homes and fortunes by honest and ennobling toil. Here, on

these broad, lovely, and fertile prairies, there is a vast field for industrial development, while there is ample room and work for all, and a bountiful reward for all who do not despise the day of small things; but who, with the cheerful faith, courage and patience of the true pioneer, beginning low down at the bottom of the ladder, ascend its rounds by slow and sure degrees.

It would be well to consider whether there is any way by which you may, by your deliberations, create an increased interest in this branch of industry. Societies might be encouraged, local and territorial, through which agricultural science might be advanced. These would soon become the receptacles of practical knowledge, well calculated to stimulate enterprise in the importation and improvement of stock, cereals, plants, fruits, and everything pertaining to agriculture, in all its important ramifications.

INDIAN RELATIONS.

The past year has been one of peace with the Indians, so far as concerns the settled portions of eastern and southern Dakota. In the west, owing chiefly to the hostility of certain Indians to the Powder river wagon road, which, to the white race, has become a convenient if not indispensable thoroughfare to and from the mining regions of Montana, war has until recently existed, accompanied with its attendant horrors. But the travel and rapidly growing trade on the Missouri river, have scarcely met with any opposition whatever, in the past year, from this cause—while, on the contrary, the tribes having their homes in the neighborhood of this stream, manifest an increased anxiety to abandon their nomadic habits, and obtain their future subsistence, under the guardianship of the government, by means of pastoral or agricultural pursuits.

TERRITORIAL LIBRARY.

Congress, a few years since, appropriated \$2,500 to purchase a Territorial Library for Dakota, in common with other Territories. These books are of course the exclusive property of the Territory, and as such under the control of the legislature. I would recommend that an appropriation be made out of the Territorial treasury, for the purpose of paying some com-

petent person to catalogue these books, and for the purpose of printing such catalogue.

TERRITORIAL ARMS AND ARMORY.

In my last message I called your attention to the importance of providing for the reception and safe-keeping of certain government arms due this Territory, and to the propriety of collecting and preserving those already entrusted to our charge, with the view to be thoroughly prepared for our own defence, against any apprehended attacks of hostile Indians. Nothing, however, was done by the Legislature to meet the emergency. Since then one thousand stand of arms, with the necessary fixed ammunition, together with equipments sufficient for four hundred cavalry, were received by the Adjutant-General, from the Secretary of War, on my requisition; a portion of which he has issued out to military companies, which, with a most laudable and patriotic zeal, on the part of the citizens of the Territory, were promptly organized and officered, under the militia law, approved May 8, 1862. The cost of transportation was charged to the public treasury, and but little expense to the Territorial treasury was incurred in connection with their delivery. Still a large portion of the arms and ammunition yet remain on hand, without any suitable provision for their storage or safe-keeping. It would be well for you to consider whether, since the government has dealt toward us with such a liberal hand, you cannot devise some appropriate means by which the remainder can be securely kept for future use; and whether some amendments to the militia law, above referred to, may not be required to make it more efficient and useful.

For further information on this subject I respectfully refer you to the report of the Adjutant General. I also refer you to the reports of the Territorial Auditor, Treasurer, and Superintendent of Public Instruction, for much useful and gratifying information connected with the finances of the Territory, and with the condition and progress of the public schools.

EDUCATION.

Considering the obstacles to be overcome in a new and sparsely settled country like this—the straightened means of an infant Territory—the schools already seem to be in a flourishing

condition. The progress made, the good accomplished and in prospect, amply vindicate the wisdom and forecast of the men, who, at the session of the first Legislature, convened in the spring of 1862, laid the foundation of this system of education. Its beneficent results to be realized in future years, in a moral, social, and political aspect, can scarcely be foretold or even appreciated. Its impartial diffusion of knowledge gives it the pre-eminence over all older systems; and I apprehend we must adhere to it, so long as we base the preservation of our constitutional liberty, and free institutions, on the intelligence of the masses, or sincerely believe in man's capacity for self-government. The provision made by congress, and approved March 2, 1861, for the future education of the people of this Territory, is most ample, and will produce a school fund of infinite value, when we have thrown off our present condition, and assumed the proud position of a State in the Union. The liberal grant seems to have been inspired by the great example set by our illustrious fore-fathers, in the congress of 1787, when on the 20th of May, speaking in reference to the munificent land grants for the then Northwestern Territory, they declared: "That religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools, and the means of education, shall be forever encouraged."

OUR RAILROADS.

At the last session of the legislature, acts were passed incorporating the Dakota and Northwestern, and the Minnesota and Missouri river railroad companies, the corporators of which have since met and fully organized, according to the provisions of the acts named. Interest, in regard to these important projected improvements, has been considerably awakened during the course of the last year, and it may be presumed that Congress will be applied to, at the coming session, for grants of land to aid and encourage the said companies in their construction. Whether or not the Legislature should memorialize Congress in behalf of these grants, is a matter for you to decide. It is presumed that we have, in the vast bounds of Dakota, rich and valuable lands enough to fully indemnify capitalists for the investment of their money in these enterprises; and if we sufficiently consider the effect, when made, upon the

future of this Territory, we will not withhold an expression of sympathy in behalf of such a donation. Congress has given liberally, as well of the public money as the public lands, to aid in constructing the great Pacific road across the continent, including its branches. It is therefore not to be presumed that land grants will be denied to these roads, which are almost national improvements in point of importance, if the subject is properly brought to their attention.

Two important railroads will soon be completed to Sioux City, Iowa: one a branch of the Pacific road, to which I referred in my last annual message; and the other the Dubuque and Sioux City, which has been leased for twenty years to the Illinois Central. The benefits of these improvements will rapidly be felt beyond their western termini, by the stimulus thus given to immigration, agriculture, and all branches of industry in southern Dakota; and will thus daily add to the already increasing demand for a similar road, from Sioux City, up the valley of the Missouri, to Yankton, a distance of sixty-five miles. As our population increases, and the business expands, cheaper and speedier communication between the west and the east will be demanded; therefore, in pressing this subject upon the attention of the Government, and of capitalists, we are only anticipating the wants and wishes of the people who are soon to inhabit this Territory.

I have spoken of our own contemplated roads as being almost national improvements in point of value. The time is coming when such language will be viewed as timid to a fault, and when the military and commercial wants of the country, east and west, will demand a railroad through the valley of the Missouri, and by way of the Black Hills, to Montana and Idaho, and thence to the Pacific States and Territories. And capitalists cannot, if they would, ignore the advantages of the route, or its influence in developing the rich resources of the country through which it will be located. And the Government cannot, if it would, ignore the fact of its great national advantages, in establishing a military road by this route, and by cementing, by ties of mutual interest, the Pacific and the Atlantic States.

LARAMIE COUNTY.

Your attention is invited to that large part of Dakota, known

in our statutes as Laramie county, lying west of the 104th meridian. The extension of the Union Pacific railroad through the southern portion of this county, has given a strong impetus to immigration in this direction, and it would be well to consider whether we have it in our power, by legislative enactment, to afford them the benefits of civil protection. Experience demonstrates that our courts, as at present organized and located, at such a remote distance from their settlements, can be of but little service to them in the administration of justice. The civil cases which will continually arise, must be attended to; and crime, which now goes unwhipt of justice, must be punished. We may render aid, to the extent of the authority given us, under the organic law; but if this is not sufficient in their opinion, I know of no good reason why they may not be clothed with all the blessings and protection of a separate organization. The lines embracing the limits of a new Territory would most likely be identical with those which now embrace this new county, and I know of no policy of our own, counterbalancing the benefits of such an organization to them, for opposing such a measure. It is certainly important that the arm of the law should be sufficiently convenient, and sufficiently powerful, for the protection of life and property; and that the unrestrained and unpunished criminals of that neighborhood may not give rise to an apparent necessity for the citizens, in their own names, and without the authority of law, to undertake the administration of justice. Where the Territorial courts are located, a feeling of security exists. The law is wisely interpreted and promptly applied by an upright, able, and faithful judiciary, and we are in duty bound to aid in the extension of these indispensable benefits and blessings to the remotest corners of our Territory. Besides, as regards the friendly Indians in that country, until courts are brought within their immediate reach, the trade and intercourse laws of Congress will be a dead letter. Unprincipled white men will, with impunity, introduce among them spirituous liquors and other unlawful traffic, always demoralizing to the Indian, and dangerous to the peace and safety of the inhabitants.

MODIFICATION OF LAWS.

I have but few recommendations to make in regard to the

legislation required at the present session. With but slight exceptions, it is believed that the present laws are amply sufficient for our present necessities. What we probably need now, more than new laws or amendments—which serve in many instances only to complicate and render the whole difficult of application—is a codification or revision of those already enacted, and a remodeling of the act known as the Code of Civil Procedure. A memorial to Congress was passed at the last session, praying for authority to codify our laws, but I regret to say was not successful. Whether another similar application be advisable, at this time, is a question for you to determine. But to remodel the Civil Code is a work altogether at your own option. After years of experience, I am informed, it has proved to be very defective, uncertain in its meaning, and difficult of correct application. Therefore your attention is respectfully invited to this subject, being fully impressed with the belief that it would be a work highly appreciated by all who are now, or may hereafter be, interested in the administration of our civil laws.

Your attention is also invited to the propriety of passing a general incorporation act to meet the growing demands of the Territory. By an act of the 39th Congress, approved March 2, 1867, it is provided as follows:

“That the legislative assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or especial privileges; but they may, by general incorporation acts, permit persons to associate themselves together, as bodies corporate, for mining, manufacturing, and other industrial pursuits.”

Acts granting private charters, or special privileges, except for municipal purposes, or in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws, have, in some of the states, been prohibited by constitutional provision. This power, in too many instances, became the fruitful source of favoritism and corruption in many legislative bodies, at the expense of the just rights of the whole people, and at the sacrifice of the veneration and respect due to the law-making power; while all the legitimate objects sought for, in these special privileges, consistent with the ends of justice, might have been as effectually secured un-

der the provisions of a general law. In this case, argument is cut off as to the merits or demerits of a general or special act, by the act of Congress above named; and you have no power left in the premises, by which you can legislate for the benefit of your constituents, but to mature such a general incorporation act as will meet their wants and expectations.

Under the Organic Act of this Territory, approved March 2, 1861, section 5, it was ordained as follows:

“That every free white male inhabitant of the United States, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States.”

This section of our Organic Act was modified at the second session of the 39th Congress, January 24, 1867, so far as to prohibit the legislatures of any of the Territories of the United States from denying the elective franchise to any of the citizens thereof on account of their race, color, or previous condition of servitude. Therefore, so far as our Territorial election laws may prove to be inconsistent with the provisions of this last act, they are null and void, and will necessarily require your supervision.

PUBLIC BUILDINGS.

At the last session of the legislature, memorials to Congress were adopted, praying for appropriations to erect a capitol building and penitentiary, which, I regret to say, were not successful. A building for the safe keeping of prisoners previous to trial and conviction, and where those who receive sentence may undergo suitable punishment, is imperatively required. As regards this building, I am requested by the Hon. Secretary of the Interior to inform you that an act was passed by Congress, approved January 22, 1867, setting aside certain proceeds from internal revenue for the erection of penitentiaries

in all the Territories where appropriations for that purpose may not have been made. This embraces the nett proceeds of the internal revenue, for the fiscal year ending 30th June, 1866, and the two succeeding years thereafter. The building is to be erected under direction of the Secretary of the Interior, at such place as may be designated by the legislature. The proceeds collected in Dakota Territory, applicable to the purpose, are limited to forty thousand dollars, which would be ample to erect such a building as is at present needed. But the obstacle in the way of success to this grant is simply, so far as I can learn, that we have no nett proceeds from this source. And though the population and business are on the increase, at a highly encouraging rate, we probably cannot expect a sufficient nett revenue, from this source, within the time limited by the act, to answer the purpose designed. A direct appropriation of money is the only thing that can meet our present wants, and this should be pressed upon the attention of Congress without hesitation.

The capitol building, now in use, is totally unfit for the purpose, being but a temporary frame, not sufficiently commodious or comfortable for a winter session. The buildings occupied by the several federal officers are liable to the same objections. It is therefore highly important that this subject should be kept before Congress, until an appropriation for this purpose is secured. The insecurity of the public records, arising from the danger of fire and from the scattered and loose manner in which, from unavoidable necessity, they are now kept, as well as the comfort of the legislature and federal officers, together with considerations of economy, might all be urged upon their attention with propriety.

HOMESTEAD LAW.

The last legislature memorialized the honorable commissioner of the general land office, in regard to securing a more rigid observance of the homestead law, alleging that in many instances, the land is held by individuals with the object of evading its provisions, for speculative purposes, and not with the *bona fide* intention of residing on said land for the space of five years.

The honorable commissioner, I am pleased to inform you,

with his accustomed vigilance and fidelity to the public interests, promptly acknowledged the receipt of your memorial, in a letter to the executive, dated January 28, 1867, in which he authorizes me to say that he has instructed the local officers to take such measures as will bring the cases alluded to before them for examination, and, where the charges are sustained by corroborating testimony, to forward the cases, with the proofs, to his office. Therefore, where individuals merely hold their homesteads for sale, and not in good faith for actual settlement, those interested may, under these instructions, have the subject speedily investigated and decided, in accordance with the spirit and meaning of this most humane and beneficent law.

WESTERN DAKOTA AND THE INDIAN POLICY.

At the last meeting of the legislature, I suggested the propriety of making an effort to secure military protection to immigrants who might wish to locate around the Black Hills of Dakota. To this the legislature promptly responded in the form of a memorial to Congress, setting forth, in a lucid and satisfactory manner, the great natural resources of that country, and its vast importance to the future growth and prosperity of this Territory; but I regret to say, without being gratified with that success which was hoped for, and which seemed of such vital importance to us as a people.

Like most of the region north and west of the Yankton cession, the Indian title had never been extinguished to this locality, and, strictly speaking, we had no right to occupy or use it until, by suitable treaty or treaties with the Indian tribes in possession, we had obtained their consent. But blame does not justly attach to us for this omission. The question of title had not been broached in the previous memorials and letters to which I then called your attention; and, indeed, it did not seem to have had any weight even with Congress itself, as was evidenced by their act authorizing surveys of government roads through the unceded lands of Dakota, with a view to open up thoroughfares between the eastern States and the mining regions of Montana and Idaho. It seemed, from the rapid occupation and use of the Powder river road, and surveys and contemplated use of the Niobrara and Big Sheyenne roads, that the

necessary negotiations were rather to follow, than to precede, the making and occupation of these and other contemplated national improvements. Even the trade and intercourse laws, which recognized the Indian title, and seemed to furnish some guarantee of protection to the aboriginal owners and possessors of the soil, were, for the time being, apparently laid aside and forgotten in the midst of the fever of excitement then existing, prompted as it was by rich discoveries of gold and silver in the newly organized Territories of the Northwest, and the supposed wealth of the Black Hills, in minerals and pine timber, within our own borders.

But though the true value of the Black Hills, as the basis of untold wealth to Dakota, remains the same as before, and is appreciated to its full extent, I am obliged to inform you that, from present indications, the past policy of the government is undergoing a change in relation to this region; and unless public opinion can be brought to bear on the action of Congress during the coming session, by the action of the legislature and people of this Territory, and, if need be, by the voice of the people of the whole Missouri valley, whose business interests are involved, our brightest hopes and expectations heretofore indulged in, must fail. I refer to the bill passed and approved at the adjourned session of Congress, in July last, appointing a peace commission, whose duty it is, if possible, to establish peace with certain hostile tribes of Indians in the West. Among other duties enjoined on these Commissioners, they are required to examine and select a district of country, having an area sufficient to receive all the tribes east of the Rocky Mountains, not now residing on reservations, and at peace with the government, to which the government has the right of occupation, or to which the commissioners can obtain the right of occupation; and in which district there shall be sufficient tillable or grazing land to enable the tribes to support themselves by pastoral or agricultural pursuits. Possibly it would be more correct to say that two such districts are in contemplation, one of which is to be in the northwest and the other in the southwest. It has been generally understood that the one which concerns us is to be located within the present boundaries of Dakota, having the Missouri river as its boundary line on the east, the



Yellowstone on the north, and the Niobrara on the south. The bare statement of the boundaries, as above given, will be sufficient to satisfy you, I trust, that the proposition, if carried out, must prove fatal to our Territorial interests. The lignite coal beds of the Bad Lands, the immense forests of pine timber of the Black Hills, together with the precious metals and beds of gypsum, are all west of the Missouri, and enclosed within these limits. Tribes of Indians, inured to savage and relentless warfare against the white race since the outbreak in Minnesota, in 1862, and until recently engaged in deadly conflict to recover possession of the Powder River road, and along the Platte, will, under treaties of peace, be brought and located along side of our present promising settlements; and the progress of these settlements westward will thenceforward forever be limited by the boundary of the Missouri river. All access to the reservation is to be cut off except to the officers and other employees of the Government, at least, without permission of the tribes interested. And it is not probable, in my opinion, even were all other objections removed, that the white inhabitants located on the east side of the river would be able peaceably to trade and barter, with these ignorant Indians, the products of our soil or our manufactories, for the timber and other desirable articles of that region. It would doubtless remain, for many years at least, locked up from the white race and diverted from the manifest uses designed by Providence. Thus this unfortunate barrier to our progress would discourage enterprise, turn the tide of immigration away from us, and effectually check the further growth and prosperity of the Territory, now so encouraging. The valuable building material, never used or cared for by Indians, would be placed beyond our reach, while, as at present, no other could be had at reasonable rates. Thus, by act of Congress, a stupendous wrong would be inflicted on the people who are destined to inhabit this Territory, as the effect would be to establish an oppressive monopoly in favor of the lumber markets of the Mississippi and the Lakes.

I do not wish to discourage, by any act of mine, the past policy of the Government, which was to recognize the original right of the Indian to his hunting ground. He has a possessory right or title, which in justice we must respect. His

weakness, and our strength, furnish no justification for an invasion of his rights without compensation. We must show our superiority over him in acts of justice and magnanimity, as well as mere military prowess; in our efforts to ameliorate and improve his condition, as well as to outstrip him in industry, civilization and progress. All experience shows that the Indian cannot sustain himself by the chase alone, after the white man once invades and occupies his country. The buffalo and other game will disappear before the railroads and other highways and settlements, and the Indian must, as a consequence, fade away and disappear also, unless, under the fostering hand of the Government, his nomadic habits are abandoned and he is taught the arts and advantages of civilization. The Indian should, therefore, not have a district of country so large that he can roam forever in a wild and uncivilized state; but he should be placed on reservations, where, aided liberally by the Government, he could be taught the superior advantages of a pastoral or agricultural life, over his present wandering and aimless existence; and where the benign influences of religious instruction, the arts of peaceful industry, and the schools of learning, shall finally qualify him for the higher position of an American citizen.

The government, in our case, as in the case of California, Utah, Colorado, and other Territories, extended its civil jurisdiction over this country, by organizing a territorial government, without waiting for the extinguishment of the Indian title, except in the southeastern portion, purchased under the Yankton treaty. From this circumstance the Government has incurred a double obligation, which, in justice to the Indian and the citizens should be faithfully discharged to both. First, as to the Indian: Treaties should at once be made with a view to purchase their title to the Black Hill country, and the Bad Lands, west of the Missouri, including the Big Sheyenne; and the right of way, by means of railroad and other improvements, to and from those regions, and to and from the mining regions of Montana and Idaho; at the same time securing them reservations on the bottom lands of the Missouri, or elsewhere, of suitable size and quality for farming purposes, with ample guarantees for their future protection and support

during good behaviour. So much, at least, in my judgment, is due to the Indian.

As respects the white citizen, I contend that the extension of civil jurisdiction over this Territory, carries with it a guarantee of protection. It was an invitation to occupy and possess the land, by the introduction of agriculture, trade and commerce. It was a pledge of protection to life, liberty and property, to all who would cast their lots within our borders. It was an implied contract with the citizen, that the Indian title should in due time be extinguished, and that the fuel, building material and mineral deposits, including all the materials which enter into the composition of industrial life, should be his at Government price. It was an invitation to organize communities, in which the temple of God and the school house should be erected, under the ægis of the Government, and where the arts and sciences of civilized life should be permitted to flourish without fear of savage molestation. It is right, therefore, that the Government, instead of dooming this country forever to savage control, should at once secure to us, under the operation of the homestead, pre-emption and mining laws, by purchase of the Indian title, the valuable resources referred to; which are essential to the prosperity and happiness of the citizen, but which possess no value in the eyes of the Indian, and would remain buried out of sight for ages to come if left to his disposition, skill, or industry, to develop.

It is due to justice and truth in this connection, to say, that whatever may be the result of this important movement, in its bearing upon us, I have the utmost confidence in the ability, patriotism, impartiality and good judgment of the gentlemen who compose the peace commission. If great legislative experience, long and distinguished public services, and extensive acquaintance with the intricate subject of Indian affairs, are qualifications, then they are eminently fitted for the discharge of the duties intrusted to them. And if they fail to remove all just causes of complaint on the part of the Indian, or to establish peace and security on a basis of future prosperity for the citizen, I am confident that no particle of blame should be attached to them for such failure.

But, notwithstanding this, it would be right and proper, in

my opinion, for the legislature to respectfully memorialize congress, to whom the final disposition of this subject belongs, so far as their action may injuriously effect our well known Territorial interests. We should protest against the mutilation of our boundary lines as contemplated; we should remonstrate against giving up the public highways already established by authority of the government, such as the Sioux City and Big Sheyenne wagon road, and that of the Niobrara route; we should remonstrate against any congressional action which would tend to deprive the white citizen of the full benefit of the Black Hill resources, and we should press our objections to an act establishing this great Indian district or reservation along side of the settlements of southern Dakota.

It would be well to suggest to congress that we have space enough, north of the Big Sheyenne, to accommodate, on reservations, ample in size and quality, all the tribes on the plains east of the Rocky Mountains, and north of the Platte; and in the midst of the best buffalo hunting grounds on the continent. This would be safe for us and an actual benefit to the Indian, while with proper regulations, it would be a protection rather than an injury to the interests of the North Pacific Railroad. It would be well to suggest that a reservation which should embrace the Black Hill country, could not in view of the past history of the country, be a permanent one, and for that reason would not answer the design of the government. The rich mineral deposits and the vast forests of pine of that region, are destined to allure thousands of adventurers to that locality who will eventually break over these temporary barriers, involve the government in new conflicts with the Indian tribes, and thus compel new treaties, and a new order of things, more in harmony with the progress and spirit of the times. I do not speak of this aggressive spirit, peculiar to our race, with a view to extol or even to justify it; but as a fact worth taking into account by those whose duty it is to legislate on the subject referred to. I mean by it to point out what experience teaches, that reservations unwisely chosen; because of the manifest obstructions offered to the progress of the white race, can only at best be temporary homes for the Indian tribes, and rendering their condition worse than they were before.

The remaining duties appertaining to this and other subjects to which I have invited attention, now rest with you. Wherein I have omitted subjects of importance, dwelt on in my annual message of last year, I respectfully refer you to that document for my opinions and recommendations. But, as heretofore, you will have my cordial co-operation in whatever concerns the true interest or welfare of this Territory; and in all your deliberations I invoke the direction of Infinite Wisdom.

A. J. FAULK.

EXECUTIVE OFFICE, YANKTON, }
December, 1867. }

After the reading of the message,

On motion of Mr. Brookings,

The joint convention dissolved;

Whereupon the council returned to the council chamber, and

The president resumed the chair, and

Called the council to order.

Mr. Rossteuscher submitted the following resolution:

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

The resolution was adopted.

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,

President.

Attest:

GEO. I. FOSTER,

Secretary.

THIRD DAY.

COUNCIL CHAMBER,
December 4, 1867. }

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

The president in the chair.

Roll called.

Members all present.

Journal of the 3d inst. read and approved.

By unanimous consent,

Mr. Brookings, chairman of the committee appointed to prepare standing rules for the government of the council, submitted the following report:

MR. PRESIDENT:—Your committee on standing rules for the government of the council have attended to that duty, and beg leave to report the following rules:

W. W. BROOKINGS,
J. A. LEWIS,
D. M. MILLS.

On motion of Mr. Brookings,

The report of the committee was adopted, and

The committee discharged.

RULES OF THE COUNCIL.

Order of daily business.

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

1. Prayer by the chaplain.
2. Calling the roll.

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

RULES.

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

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

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

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

5. Every member present, when a question is put, shall vote unless he shall, for special cause, be excused by a vote of the council: but no member shall vote on any question in the event

of which he is directly and personally interested, or in any case where he was not present when the question was put.

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

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

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

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

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

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

12. Upon the second reading of a bill or resolution, the president shall state it as ready for commitment or engrossment, and if committed, the question shall be, whether to select or standing

committee, or a committee of the whole. If to a committee of the whole, the council shall determine on what day. But if the bill be ordered to be engrossed, the council shall appoint the day when it shall be read the third time. No bill or resolution requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On motion of Mr. Brookings:

Ordered, That the secretary of the council get two hundred copies of the standing rules of the council printed for the use of members.

The president then announced the following regular standing committees:

STANDING COMMITTEES OF THE COUNCIL.

Judiciary.—Messrs. Brookings, Mills and Lewis.

Education.—Messrs. Benedict, Carpenter and Green.

- Military Affairs.*—Messrs. Thomas, Kellogg and Brookings
- Incorporations.*—Messrs. Kellogg, Rossteuscher and Fraley.
- Finance.*—Messrs. Carpenter, Lewis and Mills.
- Elections.*—Messrs. Rossteuscher, Carpenter and Green.
- Public Buildings.*—Messrs. McIntyre, Hampton and Fraley.
- Mines and Minerals.*—Messrs. Brookings, Mills and Lewis.
- Indian Affairs.*—Messrs. Mills, Hampton and Brookings.
- Manufactures.*—Messrs. McIntyre, Fraley and Benedict.
- Public Lands.*—Messrs. Hampton, Lewis and Kellogg.
- Counties.*—Messrs. Mills, Carpenter and Fraley.
- Territorial Affairs.*—Messrs. Green, Lewis and Rossteuscher.
- Agriculture.*—Messrs. Kellogg, Hampton and Benedict.
- Expenditures.*—Messrs. Lewis, McIntyre and Green.
- Federal Relations.*—Messrs. Fraley, Carpenter and Benedict.
- Public Printing.*—Messrs. McIntyre, Thomas and Hampton.
- Engrossed Bills.*—Messrs. Thomas, Brookings and Green.
- Highways, Bridges and Ferries.*—Messrs. Benedict, Kellogg and Fraley.
- Enrolled Bills.*—Messrs. Rossteuscher, Kellogg and McIntyre.
- Internal Improvements.*—Messrs. Green, Lewis and Fraley.
- Rail Roads.*—Messrs. Lewis, Hampton, Brookings, Mills, Thomas and Fraley.

NOTICES OF BILLS.

Mr. Mills gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill defining lands subject to taxation.

Mr. Benedict gave notice that at some early day in the session, he will ask leave to introduce a bill to prevent sheep and swine from running at large in Yankton county.

Mr. Fraley gave notice that on to-morrow or some subsequent day of the session, he will introduce a bill to change the time of holding the courts in the third judicial district of Dakota Territory.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to authorize the county commissioners of Yankton county to build a jail.

Mr. Brookings submitted the following resolution :

Resolved, That a committee of one from each county be appointed by the chair, to act with a like committee of the house, to report on the mineral, agricultural and manufacturing resources of the Territory.

The resolution was adopted, and

The chair appointed Messrs. Brookings of Yankton, Kellogg of Union, Hampton of Clay, Thomas of Charles Mix, Fraley of Bon Homme and Lewis of Todd, such committee.

Mr. McIntyre submitted the following resolution :

Resolved, That a committee of three be appointed by the chair to wait upon the Secretary of the Territory, and request him to cause the American flag to wave over the capitol during the session of the legislature now convened.

The resolution was adopted.

Whereupon, the president appointed Messrs. McIntyre, Thomas and Green as such committee.

SECOND READING OF BILLS.

Council bill No. 1, a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, was taken up, and

Read a second time, and

On motion of Mr. Brookings,

Referred to the committee on judiciary.

Council bill No. 2, a memorial in relation to Indian affairs, was then taken up, and

Read a second time, and

On motion of Mr. Brookings,
Referred to the committee on Indian affairs.

On motion of Mr. Brookings,
The Governor's message was made a special order for half-past 11 o'clock, A. M., Saturday, December 7.

On motion of Mr. Brookings,
The council took a recess.

After a short time spent in recess,
The president resumed the chair, and
Called the council to order ;

Whereupon, the territorial treasurer and territorial superintendent of public instruction, being announced ; submitted their annual reports, which were

Read and laid upon the presidents table.

REPORT OF THE SUPERINTENDENT PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION, }
YANKTON, DAKOTA TERRITORY, Dec. 3, 1867. }

To the Honorable the Legislature of Dakota :

GENTLEMEN.—In conformity to law, I herewith submit the fourth annual report of the Superintendent of Public Instruction.

Three years ago the superintendent of public instruction presented his first annual report to the legislature of Dakota. At that time no public, and but few private, schools existed in the Territory. The country was so thinly settled that schools could not be supported, and doubtless many families that would have been valuable settlers and zealous supporters of the cause of education, turned their course back toward the homes they had left, when they contemplated the lapse of years that would, in all probability, sweep past them before this beautiful valley could be provided with schools and other social advantages which they had enjoyed in their more eastern homes. But we are thankful that the prosperity and rapid growth of our Territory has materially shortened the length of time which we then thought we must reasonably expect to wait for public schools to become thoroughly established along the Missouri slope. We have today, a free school system in practical operation in this Territory, with

all its various machinery of district, county, and territorial officers, and although some of our hastily constructed school houses may suffer some by comparison with the superb school buildings of older and wealthier States, still they are servicable to us, and will in due time, we trust, give place to more suitable school houses. We have no reason for discouragement. Our brightest anticipations are in a fair way to be realized. A good school has been established and schools opened in every hamlet, and he who shall, three years hence, present to the legislature of Dakota the annual school report, will number the pupils of our public schools by thousands, and the teachers by hundreds. Within the last year many school districts have been organized, and a free school supported for one term or more. For the educational statistics of the year, your attention is called to the following extracts from the reports of the several county superintendents :

BON HOMME COUNTY.

Number of organized districts	1
“ “ private schools	1
“ “ children in the county between 5 and 21	40
“ “ “ attending private schools	10
“ “ “ not attending school	30
“ “ male teachers	1
Amount of money raised by tax	\$ 50.00
“ “ “ “ “ subscription	450.00
Total amount raised for schools	500.00
Amount expended for teachers wages.	509.00

Owing to the sparseness of our population it has been difficult to collect a sufficient number of children at one point, to support a public school; but the prospects are that we shall have a school this fall and winter. Several pupils from this county have attended the schools in Yankton county.

D. P. BRADFORD,

Superintendent.

BUFFALO COUNTY.

Number of children in the county between ages of 5 and 21	25
“ “ “ not attending school	25
Value of school house (belonging to U. S.)	\$2000

These twenty-five children do not extend to children having no

visible sires and living wandering lives like Indians. Of this latter class there may be 100 who make this agency their head-quarters, whose existence here is a perpetual reminder of the success of the "brave volunteers in conquering a rebellious people." There are two Government school houses here not used for such purposes, valued at \$2000. There are no schools of any kind in this county. I would furnish a building free to a county school teacher.

J. R. HANSON.

Agent.

-CHARLES MIX.

Number of children in county between ages of 5 and 21 20

" " " " not attending school 20

There are no public schools in the county.

WILLIAM COX.

CLAY COUNTY.

Number of organized districts	7
" " unorganized	4
" " children between ages of 5 and 21	201
" " " attending public schools	96
" " " not attending schools	105
" " male teachers	1
" " female	3
" " official visits made by county superintendent	3
Amount of public money	\$255,32
" raised by tax	\$29,94
" " " subscription	\$57,78
Total amount raised for schools	\$608,04
Amount expended for teachers wages	\$346,00
" " " " new buildings	<hr/>
Value of school property in the county	\$300

The reports of district clerks are very imperfect. * * *

A considerable amount of the public fund remains in the hands of the treasurer. Districts No. 2 and 3, have each levied a tax for a new school house. District No. 9, is a fractional district, annexed to District No. 12, of Union county, and has built a new log school house. District No. 10, has just organized. District No. 11, will organize in a few days. The reports of district clerks I have not thought proper to transmit.

M. S. BURR,
Superintendent.

LARAMIE COUNTY.

Number of children in the county between ages of 5 and 21 200
 " " " not attending school . . . 200

* * * I will show Mr. Gildersleeve, county superintendent-elect, your letter, as soon as he is qualified, and urge him to act without delay. We have no schools, either public or private, as yet in this county, but hope to show a good beginning this winter. We have labored under many disadvantages, but are getting in a position to make our county organization effective which is the foundation for success with public schools. I will place the number of children in this county, between the ages of 5 and 21, at two hundred. You can rest assured, that I will use my best exertions toward effecting school organizations in this county. * *

W. L. KOYKENDALL,
County Judge.

MINNEHAHA COUNTY.

Number of children in the county between ages of 5 and 21, 15
 " " " not attending public school, . . . 15

You see by the foregoing report that we have no schools in this county, which is not to be wondered at, as two-thirds of the children came here less than two months ago. I can assure you that as soon as they provide homes for themselves for winter, the education of their children will be their next care. We are all united, therefore, we expect success to crown our efforts. You may expect a better report next year.

JOHN THOMPSON,
Superintendent.

PEMBINA COUNTY, D. T.

Number of children between ages of 5 and 21 . . . 563
 " " private schools . . . 2
 " " pupils, males 73, females 41, total . . . 114
 " " teachers, males 2, females 1, " . . . 3
 Amount expended annually in support of private schools \$600.00
 Value of school property . . . \$1200.00

As the above county was organized only on the 12th of August last, there has been no tax assessed and collected for the erection of new school buildings, and for the support of common schools.

Neither has the superintendent of schools, for that county, had time to prepare and send in the reports required by law, and reorganize the old schools, and establish new ones where needed.

TODD COUNTY.

No report.

Number of children reported last year 25

“ “ Indian children residing on Ponca Indian agency 150

Amount of school property (belonging to U. S.) \$17,500.00

No school has been started in this county. Seventeen thousand five hundred dollars has been expended in erecting a school building which is not completed. This building is for a manual labor school, for the children of Ponca Indians, provided for them by the Government under treaty stipulations, and a school will no doubt soon be started in accordance with their treaty.

J. A. POTTER,
U. S. Indian Agent.

UNION COUNTY.

Number of organized districts 16

“ “ unorganized “ 1

“ “ children between ages of 5 and 21 724

“ “ “ attending public schools 296

“ “ “ not attending school 428

“ “ male teachers 6

“ “ female “ 5

“ “ official visits of county supt. 5

Amount of public money \$285.00

“ raised by tax \$579.28

“ “ “ subscription \$187.50

Total amount raised for school purposes \$1051.78

Amount paid for teachers wages \$608.93

“ “ “ new buildings \$138.00

Total amount paid for all purposes \$1199.50

Value of school district property in the county \$949.00

Our schools are getting in running order as fast as the condition of the country will admit. Most of the districts that are provided with suitable buildings are intending to support schools this winter, and probably every organized district will be able to keep up schools after the coming winter. The several district clerk's reports show you the exact condition of the schools in each district.

D. P. PHILLIPS,
Superintendent.

YANKTON COUNTY.

Number of organized districts	5
“ “ private schools	1
“ “ children in county between 5 and 21	225
“ “ “ attending public schools	29
“ “ “ private schools	100
Number of children not attending school	96
“ “ male teachers	1
“ “ female “	3
“ “ official visits of county superintendent	3
Amount public money	\$129.00
“ raised by subscription	\$1606.00
Total amount raised from all sources	\$1735.00
Amount paid for teachers wages	\$435.00
“ “ new buildings	\$1300.00
Total amount raised for school purposes	\$1735.00
Value of school property in county	\$3000.00

No public school has been kept in any district in this county except number two. Number one is nearly ready with its house, and will probably start a school sometime during next month. The other districts are building houses and will commence schools soon. This accounts for only one licensed teacher—the others, teaching private schools, needed no license.

A. G. FULLER,
Superintendent.

STATISTICAL AGGREGATE FOR 1867.

Number of organized districts	29
“ “ unorganized “	5
“ “ private schools	2
“ “ children between ages of 5 and 21	1550
“ “ “ attending public schools	421
“ “ “ private schools	160
“ “ “ not attending school	970
“ “ male teachers	10
“ “ female teachers	13
“ “ school visited by territorial superintendent	5
Amount of money raised for school purposes	\$5000,00
Paid for teachers wages	\$2388,00
“ “ new buildings	—————
Amount of money expended for school purposes	\$2612,00

Value of school district property in Territory	\$5500,00
Total value school property in Territory including Indian schools	\$24,210,00

INDIAN SCHOOLS.

There are now no Indian schools of importance in this Territory except the one at the Yankton Agency, and yet it is our firm belief that much could be done towards bettering the condition of the Indian tribes, if their young people could be brought under the influence of schools. In fact the few experiments that have been tried with them, in learning them to read and write, have been very successful. The General Government has expended large sums of money in erecting school houses, and supporting teachers among them, while but very few Indian schools have been taught, notwithstanding the salaries of teachers have generally been drawn by some attache of the agency, or other persons who cared but very little for, and did still less toward, instructing the Indian children. Would it not be proper for the Territorial Legislature to ask the General Government to place the Indian schools in this Territory under the charge of the school department of the Territory. At most of the agencies there are erected valuable school buildings which with proper care would accommodate a large number of pupils. The sums of money appropriated by Congress to the several tribes, from time to time, for educational purposes, if judiciously expended, would, with a system of wholesome supervision and thorough inspection, be sufficient to pay the wages of a corps of faithful and energetic teachers, whose influence in educating and civilizing these frontier tribes could not fail of producing good results. In proof of the statement that the Government has now the necessary school buildings at our agencies for flourishing Indian schools, we need only to call your attention to extracts from letters received from honorable J. R. Hanson and Dr. Joel A. Potter, U. S. Indian Agents, which are embodied in this report.

The following extracts from a letter received from honorable P. H. Conger, Yankton Indian Agent, shows conclusively that Indian children are willing to learn if they have an opportunity:

YANKTON AGENCY, D. T. }
July 31st, 1867. }

DEAR SIR :—I take pleasure in complying with your request to furnish you such information as I can in regard to the educational interests of the Yankton Indians and the half breeds belonging to this tribe who reside upon the reservation. In the first place I will premise by saying that since I have been the Agent for the Yankton Indians; the government has not placed any funds in my hands applicable to schools for these Indians. But notwithstanding which, my wife taught a small class for three months last season, and this spring I fitted up a room and she has had a very interesting school numbering from twenty to twenty-five daily attendants, ten of which scholars are males and fifteen female, and I am happy to say that they are all making rapid progress both in acquiring our language and in their studies. They manifest an eagerness to learn that is truly gratifying and wonderful, furnishing conclusive evidence that their race is capable of advancement and civilization.

I have not filled up the blanks you sent me, preferring to give you a few facts which you are at liberty to use as you see proper.

Of course the branches taught here are elementary only, reading, spelling and writing, and I believe also a small class in geography.

I extend to you a cordial invitation to visit the school, could you make it convenient, when doubtless you would be prepared much better to report upon the same than you can be from these meagre facts. Assuring you that I take pleasure in any way promoting the cause for which you are laboring,

I have the honor to be

Very Respectfully,

Your ob't sv't:

P. H. CONGER.

TEXT BOOKS.

The school superintendents of the several counties of this Territory, have, upon due consideration, adopted a uniform set of text books for the use of our public schools, and arrangements have been made with publishers of the national school

series, to introduce them into all our schools, and henceforth it is to be hoped that in this Territory, a similarity of text books will relieve teachers from much of their former embarrassment and perplexity, and tend to add interest to the class exercises in every school. It will also save much valuable time for the teacher, by reducing the number of his classes, for it is quite as easy to conduct a class exercise with eight or ten pupils in a class of the same qualifications, as it is to conduct one with two or three only in a class, and we have often thought it was far easier to get up an interest in fair sized classes than in very small ones. Occasionally we find persons who object to the use of any new text books, and who will stoutly contend that Daboll's arithmetic or Murrays' grammar are as good school books as the more recent publications. Doubtless they were good books in their day, but there has been much improvement in school books during the last half century, as well as in other school apparatus; new forms of presenting the various subjects taught in our schools have given rise to new books with diagrams and illustrations, greatly simplifying the subjects taught, and most likely this progress will still continue, and the time may not be far distant when our present excellent text books must give place to other and more practical works yet to be brought forth. But we do not wish to be misunderstood. We do not advise frequent changes in text books. When uniformity is once obtained, let not the patrons of our schools be subjected to the unnecessary and useless expense of a change of text books, until it is evident that a change would be beneficial.

TEACHERS INSTITUTES.

Agreeably to the suggestion of the territorial superintendent in his last annual report, a teachers institute was held in the new court house at Elk Point, the county seat of Union county, commencing on the 11th of November, and continuing five days. The following named gentlemen were elected officers of the institute:

SUPT. D. P. PHILLIPS, *President.*

HENRY W. MCNEIL, *Secretary.*

REV. THOS. STUART,	} <i>Instructors.</i>
HON. E. C. COLLINS,	
HENRY W. MCNEIL,	
JAMES S. FOSTER,	

The following named gentlemen delivered lectures before the institute :

REV. THOS. STUART, of Elk Point. Subject—*The Teacher's Mission.*

HON. W. W. BROOKINGS, of Yankton. Subject—*Thoroughness in Teaching.*

HON. S. L. SPINK, of Yankton. Subject—*Our Common Schools.*

JAMES S. FOSTER, of Yankton. Subject—*Popular Education.*

The lectures were well attended, and well received, and no doubt will have the effect to create an interest in the subject of schools in the minds of those who heard them. The exercises consisted of class exercises in reading, spelling, geography, arithmetic, grammar, composition writing, and criticisms, discussions, addresses, essays, vocal music and a general interchange of views upon the different methods of conducting a school.

The young teachers present, far from being embarrassed, seemed to enjoy themselves and frequently expressed themselves disappointed in finding the exercises so entertaining to them. Much credit is due superintendent Phillips and Mr. Henry McNeil of Union county, for their self sacrificing spirit and earnestness in the cause of education. Hon. E. C. Collins of Union, also contributed much to the interest of the institute by his genial presence and his genuine sympathy in the cause of education; and to Rev. Mr. Stuart, we shall ever feel indebted for the generous and hearty assistance he rendered us in instructing classes, and contributing generally to the interest of the institute. The people of Elk Point, generally, were kind and hospitable and deserve the thanks of all who shared their generous bounty. Superintendent Burr, of Clay, and Fuller, of Yankton, were unable to be present much of the time, but their sympathies were with us, and their influence helped to make the Institute a success.

The attendance was not large, but full as many were present

as could be expected under the circumstances. But when we say that as many teachers were present as we anticipated, we do not wish to be understood as apologizing in the least for the absence of any one. No ordinary excuse should keep a teacher in this Territory from an institute.

If he is a beginner, or is young and inexperienced, he owes it to the patrons of the school who have employed him to teach that he should attend all convocations of teachers and learn whatever he can from those older and more experienced than himself. If a teacher has taught some years and is a man of ability and stands "head and shoulders" above his fellow-teachers, then the cause of education demands of him that he should attend the institutes and instruct those less experienced than himself. If a teacher is "rusty," so-called, the institute is just the place for him; it will do him good to "stir him up by way of remembrance." If a teacher is modest or timid, and feels his disqualification to discharge the important duties of teacher aright, then by all means it is just the place for him. It may be possible that some timid teachers feared to trust themselves in the hands of the institute, lest their inaccuracies should be sneered at and they be put to shame before their fellow teachers. To such we must say that they mistake the nature and object of these institutes if they suppose any one would be so ungentlemanly as to say a single unkind word or do an unkind act that need to cause any young teacher at an institute to feel embarrassed. In short, if a young teacher is really poorly qualified to discharge the duties of teacher, it is far better to attend institutes, even though their cheeks are frequently suffused with blushes, than to appear before a school poorly qualified and there be made to blush, for as soldiers are first to discover a want of bravery in their leader, so are children apt to discover the least embarrassment on the part of the teacher, and these embarrassments often tend to disconcert the teacher and bring confusion to the school room. Excessive timidity or bashfulness is an evil in a teacher that needs to be overcome, and where, or how, can one more easily overcome this habit than at an institute. Perhaps these timid teachers never intend to associate with their fellow teachers until they gain confidence in themselves; but how can this confidence in-

oneself be gained, unless he associates with others and overcomes this diffidence little by little. Of the importance of institutes there is but one opinion among educational men and that is that they are indispensable. A distinguished New England Educator remarks that "No teacher can afford to lose them, and that no district can afford to hire teachers that will not attend them."

The character of teachers institutes are very different in different States. Our institutes should be quite practical and aimed at the common schools and should address themselves not only to teachers but to patrons of schools and citizens generally. Such institutes must operate favorably upon teachers by quickening their appreciation of the responsibilities of their profession and upon patrons by wakening an active and intelligent interest in our common schools. A large volume might be written and read by our citizens profitably concerning institutes, their importance and usefulness, but it is a good argument in their favor that in every northern and western State institutes are held in nearly every county with no diminution of interest, and certainly if teachers in the older States need these annual drills or schools of training we here cannot afford to dispense with them, for in the States most of the young teachers, and those who are supposed most to need these helps commence their schools fresh from the numerous academies and normal schools and are supposed to be well prepared for the work they are undertaking. While here our young teachers are compelled to engage in the work of teaching without the benefits of such assistance. Hence we conclude that if institutes are beneficial anywhere it must be in the new Territories where no academies or normal schools exist.

IMPORTANCE OF GOOD COMMON SCHOOLS.

Our common schools are called "peoples colleges," because the great mass of the people obtain their education in them. But few who receive their education in our western States and Territories, ever are favored with collegiate or even an academic education, hence the importance of making our common schools worthy of the patronage of all. A higher grade of scholarship should be aimed at, and such a course of study pur-

sued, as will in a measure, prepare our young men and young women educated at our schools, for the real duties of future life. Much might be said here upon the importance of commodious school houses, increased salaries for teachers, and of ample school apparatus. But we must first do what we can and not what we would like to do. We are far out on the frontier, and far from the old organized districts to which we formerly belonged. We have not a munificent school fund like the older States, nor have we even a thickly settled farming community upon whom to saddle a heavy tax to erect our school houses with and support our schools. But we find a fertile soil, a healthy climate, and an excellent opening to build up a home. The pioneer selects a promising location, erects his cottage, fences his fields, breaks the ground and puts in the seed, plants forests and fruit trees around his new home, and presently another and another settler commences his improvements till enough are congregated in that locality to organize a school. Then the log school house is built and the teacher employed. Thus the great work of settling up the West goes on quietly but surely, and so rapidly is the work of settling done, that it is not unfrequently that where in the spring not a furrow was broken or a house foundation laid, before christmas comes, a good settlement is formed, with public schools in operation, well organized and supported, the whole neighborhood presenting the appearance of having been long settled.

But generally it requires time to open a farm on the prairie, and it is no wonder that two, and perhaps three years, should roll by before a school district can be organized, and a school put into working order. The first great duty of settlers in a new Territory is to provide a home, and after that as soon as possible a place to educate their children.

It is not really as much trouble to organize districts as some of our people may think, and if any neighborhood wishing to start a school will send to either the county or territorial superintendent for directions, they will cheerfully aid them. Our worthy Secretary of the Territory, honorable S. L. Spink, will furnish laws of the Territory for the use of school district officers, when ordered in the proper manner by the register of deeds of each county. If each register of deeds would make

a requisition for enough of the last session laws to supply all the school district officers of his county, and forward the same to the county superintendents of schools for his county, he will greatly facilitate the organization of districts. The people of this Territory know well enough that it is best to organize a district as soon as a sufficient number of families can be gathered in one neighborhood, for this fact alone is a great inducement for others to come and settle near them so as to have the benefit of school immediately. It is far better to organize districts and support schools even though your school house is made of logs, and your school furniture of slabs, than to let our children grow up in ignorance, because we cannot erect an elegant school house with patent school furniture.

One of the greatest hindrances to organizing school districts is the sparseness of our population. Not unfrequently large tracts of country are included in the same district, and a school house built by tax or subscription, in which burden all who are residents of the district bear a part. In a few years the country becomes more thickly settled, and the people tired of the long walks of their children to school, conclude it's better to have a new district, and a call is made for a subdivision of the district. The school house at first built in the center of the district now falls near the outer edge of the new districts, and hence accommodates neither:—or if it falls near enough in the center of one to answer for awhile, a question comes up, as to whom it now belongs, and not unfrequently much difficulty arises in settling these perplexing matters. It would be well so to modify our school law as to authorize the levying of a tax, by the district retaining the school house, to refund to the newly organized district, a sum of money equal to their equitable interest in the school property of the former district, and to avoid as much as possible the occurrence of such cases in the future, I would recommend that the county superintendents of the several counties, as soon as practicable, proceed to district their entire county into such sized districts as will likely within a few years to be required, and having in view the future wants of a district. In the older States it has been for some years to come, a source of great evil that the school districts are so small, and great efforts have been made to consolidate districts

until pupils enough shall be gathered together, to form a school. Let us take warning, from these facts, and keep our districts sufficiently large to enable us to support a good school even if pupils have to walk a little farther to get to school. Not unfrequently in some districts of the eastern States, the school houses are closed a great portion of the year for want of pupils to make up a school, and the consequence is, that those who wish to attend school must go to the adjoining district, frequently two or three miles distant. It is better far to keep the districts sufficiently large so that there will be a likelihood of having pupils enough for a school, and taxable property enough within the district to support it.

PUNCTUALITY OF ATTENDANCE.

It is a fact that will not be controverted that punctuality of attendance in pupils is essential to the prosperity of a school. It is a singular fact too, that parents knowing that their children are habitually tardy in the morning, tolerate this pernicious practice when they must know that it is destructive of much of the good that ought to be accomplished by their children attending school. It is a fact noticeable by all, that these pupils who attend school regularly and are prompt in the morning generally succeed well in their studies and have an attachment for the school room, while on the other hand those who do not attend regularly are generally backward in their studies and more generally apt to be dissatisfied with the school. Besides the loss of knowledge which might have been gained, a bad habit of carelessness is acquired by habitually tardy pupils which will be likely to last through a life time. There is still another class of citizens who will not avail themselves of the benefits of schools after they are provided for them by their generous neighbors. The time may come in our Republican Government when the question shall be agitated whether it would not be just to compel the attendance of pupils for a certain length of time in the public schools. It is said to be good Republican theory, that intelligent citizens are the wealth and power of a State.

If this be true, ought not every reasonable means to be used to bring all children everywhere under the influence of com-

mon schools, in their earlier years, keeping them constantly in the common schools until they graduate honorably from them, with a good practical common school education, with which, if a habit of reading has been cultivated, all pupils may become well educated; thus increasing the wealth and power of the nation. It is also claimed in Republican governments to be true that the intelligence of the people is the best safeguard or security to life and property. If this be true, ought not then the property of a country to educate the children of that country. In any government, good and wholesome laws, in time of peace, give the best public security to life and property, and just and equitable laws cannot be expected to be enacted by any people not intelligent and well informed, and among whom the benefits of education have not been diffused. And since general intelligence and popular education cannot obtain without the of the common schools, therefore we conclude that all person, rich and poor, are interested in the spread of universal education, and ought to contribute to its support, since upon the intelligence of a community rests the security of life and property. We frequently find persons who object to paying a school tax and who seldom object to paying a county tax, a large portion of which is made up of fees of officers of the criminal courts, which, according to the criminal statistics of the country, would not probably have been created had good sound moral and intellectual instruction been given to these law breakers in their youthful days.

According to the statistics of this country it is far better for a man to pay a school tax of two mills on the dollar for the support of common schools where all the children of both rich and poor can be educated, than to pay a much larger tax for the payment of officers and magistrates fees in the criminal courts, and for the support of prisons and alms houses. It is a notorious fact that a majority of the inmates of prisons and poor houses have not had the advantages of an education. If, as has been stated, property is taxed for school purposes under the supposition that the intelligence of the people affords greater security to property, have not property holders and taxpayers an undoubted right to demand that they shall receive the benefit of their taxation in this greater security of life and

property which can only be secured by a general diffusion of intelligence, and how can this intelligence be spread among those who never attend the common schools or other institutes of learning.

In short, if people who have children will claim, as they do, and rightfully claim it too, that those citizens who have no children but have property should help to educate their children, then have not the tax payers a right to demand in return that all children of school age shall attend some portion of the year at these schools which they are supporting.

It is not probably best now, if ever, to enact a law compelling attendance on some school either public or private by all children, although such enactments are in force not only in the old world, but in our own country in some of the New England states. It is well however to contemplate the mischief that is wrought in our public schools from this unnecessary source. It is curious and even profitable for us to contemplate how closely the interests of the people of a Republican Government are connected and interwoven with each other. One man cannot improve his farm without in some measure increasing the value of the farms of all his neighbors. A man cannot engage in any worthy private enterprise without benefitting in some way nearly every citizen in his community. Every important act of our whole lives operates in some way upon our fellows, and affects them for good or for evil in a greater or less degree. So every private wrong, if we may be allowed the expression, for we much doubt if there be such a thing as a private wrong, operates upon the public and prejudices the minds of people to some extent against the inhabitants of the place where the wrong was committed. Now this intimacy of relation exists nowhere to greater extent than in our public schools. No patron can withdraw from the school a pupil for any length of time without injuring the interests of his class-mates and associates, especially if the pupil is to be returned again to the same school within a few days or during the term, and these temporary withdrawals from school are more injurious when they are most frequent. Too much cannot be said upon this subject. It is all important to the success of our schools that patrons act in concert with school officers and teachers in se-

curing prompt and punctual attendance at the public schools.

THOROUGHNESS IN TEACHING.

“Not how much, but how well” has been a favorite motto of ours in the school room for several years. The want of thoroughness in studying on the part of the pupil and of illustration and examination on the part of the teacher is a serious evil in our schools. To insure thoroughness on the part of the pupil in all his studies, will require the united effort of teacher, pupil and patron. It is almost useless for the teacher to try to secure a perfect understanding in the mind of the pupil of all his studies, especially in mathematics, if his efforts are not heartily seconded by the patron. If parents will allow pupils to remain at home upon a frivolous excuse whenever they may choose to do so, they will frequently avail themselves of this privilege and most generally when the class is passing over some difficult subject that requires extra labor and which the pupil is apprehensive he cannot master to his liking. If he stays away from school until the “class” has passed over that subject he can join the class in the next rule and so he manages to “keep up with the class” and finally gets “through the book” as soon as any of the class.

THE WORK OF EDUCATION IS PROGRESSIVE.

It consists of a succession of processes, the latter process generally depending upon the former and hence if the former lesson was not thoroughly learned it is almost impossible to comprehend the latter one. It is of the utmost importance that each step should be well and thoroughly learned before passing to the next. A pupil cannot wait until the close of the term and then go back and learn the few lessons he skipped entirely, or passed over lightly, but he must commit them as he goes, for each succeeding step may be, and probably is, the foundation for the next. We have frequently observed the methods of classification practised, and have found them to vary considerably. Some teachers arrange their classes according to the size of their pupils, others to accommodate the different kinds of text books in use without regard to the former training or advancement of their pupils. We have been

amused frequently to see pupils who have been out of school for two whole terms demand that they should be placed in classes with those who were their superiors in study when they were formerly pupils together, and who have not lost a single school day for a whole year, simply because they were class-mates in a former term. And our amusement has culminated in a hearty laugh, when the parents of such pupils second the demands of their children. Such a course would be most certain of injuring a school and destroying the reputation of the teacher if permitted—a judicious classification is necessary to a system of thorough teaching, and indispensable not only in arithmetic and grammar and the higher English branches, but in the fundamental branches of an education—reading and spelling. Thoroughness in teaching also depends upon the punctual and constant attendance of *all* the pupils of a school. Teachers are not as responsible for the advancement of those pupils who are not punctual as they are for those who are in constant attendance during the whole term.

Some parents are in the habit of requesting of the teacher, permission for their children to come home as soon as they are done reciting. This is another fruitful source of annoyance in school. It disturbs the other pupils in his leaving and creates a discontentedness in the minds of those remaining, while it takes the pupil, who is excused, from his proper studies, and the consequence is he does not study as many hours as his school-mates, and must therefore have less perfect lessons. If parents and patrons of schools would secure the greatest amount of good to their children, they will insist upon being prompt in attendance every day of the school, if possible, and will not relax their energies there, but watch faithfully the progress their children make each day in their studies. But one will say “I have enough to do without watching my children. We hire the teacher to do that work.” Now this may be true, but can not the patrons of our schools do much to strengthen the power and influence the teacher may have over their children for good if they will manifest an interest in the studies of the children, inquire about their progress and proficiency, encourage them to be diligent in their studies and insist upon their children being at school in time, and upon their not remaining at

home a single day unless it is absolutely necessary. If such a course is taken by patrons, but little trouble is experienced by competent teachers in getting up an interest in the school, and of making rapid progress in most of the branches taught. While on the other hand if parents manifest an indifference either by countenancing tardiness and absence from school, or by expressing their disapprobation of the teacher before their children, they weaken if they do not destroy the usefulness of the school.

GYMNASTICS.

It is a common thing for pupils in a warm school room to get drowsy and tired, and consequently they wish to walk out into the fresh air and brighten up, preparatory to resuming their task at their desk. But teachers cannot be annoyed with too frequent requests for a "recess," neither can they allow their pupils much time to play at recess, hence the necessity of some exercises in the school room in which all can join, and which will not only relieve the mind from its constant application to study, but will also relieve the body by affording physical exercise. Most teachers in the larger eastern schools introduce quite successfully a series of physical exercises, requiring exercises of the muscles of the whole system as much as possible, during which exercises the room is well ventilated. These exercises may be introduced once or twice a day at the discretion of the teacher. But we do not wish to be understood as advocating those violent gymnastics practiced by some teachers. Gymnastics in school are good in their proper time and places, but generally in winter time, our children who are coming to, and going from school, have to face the cold storms that sweep across our prairies, practice all the gymnastics essential to their physical development. But in summer time when the younger pupils are apt to grow dull in school, some simple exercises requiring the pupils to exercise their hands and feet without their leaving their seats will no doubt prove beneficial.

SCHOOL BUILDINGS.

It is thought by some that any building will answer for a

school house; but with such persons we do not agree. We have before stated in this report, and we repeat the sentiment again that neighborhoods should not wait until they are able to raise a tax without burden, to erect a commodious school house before they organize and start a school. But this does not imply that we advise using old rotten cabins or some old cast off dilapidated building, as is sometimes done, for a school house. Such buildings are altogether unfit for school purposes. An earnest advocate of good school buildings with pleasant surroundings says: "It is barely possible that an intellect disciplined and developed in one of our miserable rickety uncouth school cabins may put on as fair and symmetrical proportions, with habits, tastes and aspirations as exact, critical and lofty, as one raised amid healthful, inviting and inspiring surroundings of a model school building; but the probabilities are strongly in favor of dwarfing the intellect, distorting the disposition and blunting the sensibilities." In these sentiments we heartily concur. The school sites should be suitably selected, and pleasantly located, and even if the school house is to be made of logs let it be well put up, having proper proportions and finished up in good style; not with costly, fancy trimmings which would make it nearly as expensive as a frame or brick building, but made of logs of even size and length, with a suitable roof, and plained seats, with shade trees planted and a well dug, if possible, giving to the school grounds an air of comfort. Such a school house will not cost much but labor, and will answer well its designed purpose until a better one can be obtained.

COUNTY SUPERINTENDENTS.

Perhaps there is not another person who can and ought to exercise so much influence over the schools of his country, as the person holding the responsible position of county superintendent. His good judgment is called into exercise in districting his county into proper districts, suitable in size and shape; his discretion, in recommending, and licensing proper persons to teach; his faithfulness by the number of times he visits, and the length of time he attends at a school, and his patience when he comes to make his annual report. County superintendents

should be "wise as serpents and harmless as doves," in order to accomplish the greatest possible amount of good in visiting their schools. A county superintendent of schools, residing in one of the older States, complains that he cannot do any good by visiting the districts, and states that he saw a pupil on one of the seats without a book—he asked the lad if his father chewed tobacco, and received the simple honest answer that he did. Whereupon the superintendent told the boy to tell his father for him, to stop chewing for a month; or to chew less and save money enough to purchase him a book. The boy told his father as directed, and the father was justly offended at the superintendent's remark, and yet the superintendent complains that he cannot do good in his visits because people will not heed his advice. Now in this case, the superintendent was at fault. It was his duty to say or do nothing calculated to give offence, but to encourage teachers, pupils and patrons in the good work, by kind words, if he saw any thing to encourage; and to correct their errors by kind and gentlemanly remonstrance if he saw aught that was wrong.

NORMAL SCHOOL.

In most of the States, normal schools are established by law and supported from the public fund. Their object is, the educating of a class of persons for the express purpose of teaching. The utility of these schools is acceded by all, and they are considered as indispensable to the progress of common schools. If these normal schools are so essential in the States where colleges, universities and academies are so numerous, how much more are they needed here at the west in new Territories, where few such institutions exist. In New York and other large States, each county has a branch of the normal school, where teachers can receive gratis that peculiar instruction calculated to prepare them especially for the great work of teaching.

It is not so here. We must take teachers as they come from our common schools, and entrust to them the education of our children. How much better would it be for us who reside in the Territories, for future generations to come and for the nation at large, if each Territory was provided with a normal school

for the training of its teachers. Who could calculate the untold benefits that would result from such an institution. The general government, often liberal in expenditures for the benefit of the Territories, has made a wide distinction between the States and Territories in granting donations of public lands for school purposes. Large tracts of lands have been appropriated to every State that would accept them, upon the conditions named by congress, while the Territories have been excluded from such benefits.

It would seem proper that the general government should appropriate a quantity of land in each Territory, for the purpose of supporting a normal school. If, as it is generally admitted, intelligent citizens increase the wealth and power of a nation, is it not the duty of congress to assist in providing some suitable school for the education of teachers in the Territories. As congress will probably pass a law authorizing the creation of a national bureau of education, it would doubtless be well to memorialize congress on the subject, and ask that the Territories may be included within its provisions, and also asking that a grant of land be made within each Territory, for the support of a normal school in each Territory.

AMENDMENTS AND MEMORIALS.

The language of the present school law is so indefinite, that it does not appear distinctly whether county superintendents are to be elected for one or two years. Some of the counties have elected superintendents annually, while others contend the election is for two years.

I would recommend that the law be amended so as to require county superintendents of schools to be elected once in two years, and at the same time and in the manner as other county officers.

I would recommend the passage of a memorial to Congress, requesting that the Territories be included in the operations of the National Bureau of Education when said Bureau is organized, and that a petition be presented to Congress for a land grant for a normal school in each Territory.

The per diem of the superintendent of public instruction is inadequate to furnish any reasonable compensation for the labor

performed, as it requires a sum equal to his per diem to pay his traveling expenses. It is not to be presumed that officers will take any extra pains to perform well any duties required of them, for which they receive no compensation. If the system of supervision and visiting is not to be abandoned, as of course it ought not to be, I would recommend that the law be changed so as to allow the superintendent of public instruction, in addition to his per diem, traveling expenses not to exceed two dollars per day for the time actually engaged in visiting schools.

I am happy to be able to say that there are gratifying evidences in our community of an increased and growing interest in our common schools, and the time is near at hand when our public schools will be, if properly sustained, what they ought to be—the pride of our citizens. We are pleased to see an interest manifested by all classes in supporting good schools in every neighborhood. It is a mistaken notion that some business men seem to have, that our schools are philanthropic institutions which should be given over into the charge of those who habitually labor for the good of the public. This feeling I am glad to say does not exist in our Territory to any extent, but all classes alike are earnest in their support of our schools. If this sympathy for the cause of education shall continue, it will not be long before the character of our schools will be elevated to their proper sphere and become entitled to the respect and admiration of our people.

Allow me in concluding this report to express a hope that the coming year will be one of prosperity to our schools and that we may be more successful in obtaining a thorough and complete statistical report.

Respectfully submitted

JAMES S. FOSTER,

Supt. Public Instruction.

ADJUTANT-GENERAL'S REPORT.

HEADQUARTERS DAKOTA MILITIA,
 ADJUTANT-GENERAL'S DEPARTMENT. }
 YANKTON, D. T., Dec. 1st, 1867.

TO HIS EXCELLENCY, A. J. FAULK,

Governor Dakota Territory.

SIR.—I have the honor to submit to your excellency, this, my first annual report of all matters coming within this department for the year 1867, as required by law, showing the various organizations furnished by the Territory since the commencement of my term of office, and exhibiting the transactions as much in detail as may be necessary for public information.

In response to an unexpected appointment, I entered on the duties of this office on the 14th day of March last.

On the 11th day of the same month, your excellency made a requisition upon the secretary of war, for one thousand (1000) stand of Smith's carbines, and one hundred thousand (100,000) round of carbine ammunition for the use of this Territory, under the law of congress, approved, April 7th, 1866, and chargeable to the Territory on account of its quota now due, or to become due, under the act of congress, approved, April 23d, 1808, for arming and equipping the militia.

On the 15th of the same month, a requisition was made by your honor for four hundred (400) cavalry saddles, four hundred (400) curb bridles, one hundred (100) army revolvers, and ten thousand (10,000) rounds of revolver and carbine ammunition, under the law of congress, approved, April 23d, 1808, and were duly received by me on the 14th and 21st days of May last.

The arms and other stores, so furnished to the Territory, amount to \$38,625,00, from which being deducted \$11,083,91, now credited to the Territory, on account of its quota under the law of 1808, it is now in excess of its quota to the amount of \$27,541,09, to be charged against the quota of the Territory to become due under the law of congress, approved, April 23d, 1808.

In response to your suggestions to the sixth annual session of the legislative assembly of the Territory of Dakota, and to the proclamation of the 13th day of April, 1867, by Hon. S. L. Spink, as acting governor, calling for the people to organize into companies for home protection against a threatened invasion of the hostile Indians; the following companies were organized as follows, viz :

RANK.	OFFICERS AT OR- GANIZATION.	DATE OF RANK.	STRENGTH OF ORGANIZATION.
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Co. "A," Bon Homme county, 1867.

Captain,	W. A. Burleigh,	June 15,	52
1st Lieut.,	Nathan W. Daniels,	June 15,	
2d Lieut.,	Geo. W. Owens,	June 15,	52

Co. "B," Clay county,

Captain,	Nelson Miner,	June 22,	
1st Lieut.,	Franklin Denison,	June 22,	
2d Lieut.,	John L. Jolley,	June 22,	100

Co. "C," Yankton county,

Captain,	Geo. A. McLeod,	June 25,	
1st Lieut.,	A. M. English,	June 25,	
2d Lieut.,	C. B. Wing,	June 25,	90

Co. "D," Yankton county,

Captain,	C. W. Batcheller,	July 2,	
1st Lieut.,	H. H. Smith,	July 2,	
2d Lieut.,	C. H. Brured,	July 2,	60

Co. "E," Todd county,

Captain,	J. A. Lewis,	July 30,	
1st Lieut.,	Fred W. Edgar,	July 30,	
2d Lieut.,	John Collins,	July 30,	30

Co. "F," Yankton county,

Captain,	W. W. Benedict,	July 6,	
1st Lieut.,	C. G. Irish,	July 6,	
2d Lieut.,	W. Leaning,	July 6,	41

Co. "G," Union county,

Captain,	Harvey Fairchild,	July 20,	
1st Lieut.,			
2d Lieut.,			85

Co. "H," Union county,

Captain,	Thomas C. Watson,	July 20,	
1st Lieut.,	W. H. H. Fate,	July 20,	
2d Lieut.,	H. J. Corykendall,	July 20,	80

These companies comprise in the aggregate 538 men, all of which, with the exception of company "E," have received the necessary amount of arms, ammunition and equipments, according to the strength of the company.

The following officers were also appointed, who, with the Governor comprise the present roster of the Dakota militia, viz :

Governor and Commander-in-Chief,
A. J. FAULK.

Adjutant General,
JAMES L. KELLY,

Quartermaster General,
D. M. MILLS—*Brig. Gen.*

Paymaster General,
JOHN L. JOLLEY—*Colonel*.

Aid-de-camp to the Governor,
JOHN LAWRENCE—*Colonel*.

Inventory of arms, ammunition, and horse equipments on hand May 21st, 1867, the number issued to organized companies, and the number remaining on hand Dec. 1st, 1867.

Smith's Carbines,

Number on hand May 21st, 1867,	1000
Number issued,	525
	<hr/>
Number on hand December 1st, 1867,	475

Revolvers,

Number on hand May 21st, 1867,	100
Number issued,	95
	<hr/>
Number on hand December 1st, 1867,	5

Carbine ammunition,

Number of rounds on hand May 21st, 1867,	100,000
Number issued,	39,000
	<hr/>
Number on hand December 1st, 1867,	61,000

Revolver ammunition,

Number of rounds on hand May 21st, 1867,	10,000
Number issued,	8,000
	<hr/>
Number on hand December 1st, 1867,	2,000

Horse equipments—cavalry saddles,

Number on hand May 21st, 1867,	400
Number issued,	395
	<hr/>
Number on hand December 1st, 1867,	5

Curl bridles,

Number on hand May 21st, 1867,	400
Number issued,	395
	<hr/>
Number on hand December 1st, 1867,	5

The arms and ammunition remaining on hand, are without a suitable building for their safe keeping, and I most respectfully recommend to your excellency, the propriety of the Legislature appropriating a small annual amount, sufficient to defray the expense of storing the same, or to erect a building for that purpose.

When these arms were received by me in May last, I was at a loss for some time to know where to store them. Through the kindness, however, of Hon. W. A. Burleigh, I was permitted to store the greater portion of them in his ware room, and the balance I was compelled to store in the back room of the executive office, where they are at the present time, without any protection whatever, from Indians, or any persons that might see fit to supply themselves, for which, I am not responsible.

The arms and ammunition, (twenty-nine tons, including two six pound brass field pieces,) that were shipped from the St. Louis arsenal by the government to this Territory, and were received and receipted for by Gov. Jayne, in the month of November, 1862, a portion of which are still in the hands of the disbanded militia throughout the Territory, and can be collected by order at any time.

In the month of December, 1862, a large portion were in store at Yankton and Vermillion, including fifteen boxes of shot and shell, 120 Prussian muskets, and 60,000 rounds of musket ammunition. Since which time, all the ammunition and the greater portion of the arms have been lost or destroyed for want of some suitable place to

store them. The two brass field pieces, one at Yankton and one at Vermillion, are standing out exposed to the weather, and unless something is done, by which they can be collected together and stored in some suitable place, they will in a short time be unserviceable.

The muster and descriptive roll of Co. "G," was forwarded to Capt. Fairchild, with instructions from this office, to enter on such names as have enlisted since the roll was made out, and return by mail without delay. But as yet, nothing has been received, consequently I am unable to give the names of his two Lieutenants. With regard to the strength of his company I am not certain, not having received any returns.

Since the organization of Co. "B," John L. Jolley, who was elected 2d Lieutenant of said company, has been appointed and commissioned by your excellency, Paymaster General with the rank of Colonel.

The inequality existing in the distribution of the cavalry saddles and navy revolvers, is to be regretted; but the circumstances then existing, precluded the possibility of a more equal arrangement. The first companies formed were organized, by their own choice, as cavalry, claiming cavalry equipments, to which I readily acceded under the impression, which was commonly entertained at that time, that not more than four or five companies, at most, would organize. In this I was very agreeably disappointed, as, up to the 20th July last, muster and descriptive rolls for eight companies were presented, three of which are without their proportion of these equipments as cavalry companies. This inequality is altogether unavoidable, and must exist, if all prefer to be cavalry, until a new requisition by the Governor enables me to make up the deficiency.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. L. KELLY,

Adjutant General, Dakota.

AUDITOR'S REPORT.

TERRITORIAL AUDITOR'S OFFICE, }
YANKTON, D. T., Dec. 4, 1867. }

To the Honorable Members of the Council and House Representatives :

GENTLEMEN : —I have the honor to present this my first annual report as Territorial Auditor, showing the amount of claims presented to and audited by this office against the Territory since the first of January, 1867, giving also the date, amount, and number of each warrant, to whom issued, for what issued, amount audited.

In submitting this report I respectfully beg leave to recommend to the legislature the propriety of changing the time for receiving the annual reports of territorial auditor and treasurer, from the 3d day of each session as now provided by law until the last week in December, by which time the reports of these officers would be able to show to the legislature the condition of the Territorial finances at the close of each year, after all the organized counties shall have reported to the auditor and treasurer.

The following is an exhibit of the proceedings of this office from January 1, 1867, up to the present time :

DATE 1867.	NO.	AMOUNT		TO WHOM ISSUED.	FOR WHAT ISSUED.	REMARKS.
		\$	Cts			
Jan. 3	A	50	00	I. T. Gore	Services as Territorial Treasurer for the year 1865-66	Am't claimed \$ 16,00
" 21	1	14	00	Chas. F. Rossteuscher	For appearing before Legislative committee	
" 29	2	20	00	Jas. S. Foster	Services as Superintendent Pub. Inst.	
" 29	3	7	00	John Thompson	Transportation and charges on books Ter. Library	
Feb. 5	4	2	00	Jas. A. Hand	Blank books for Auditors office	
" 5	5	49	00	L. Case	Services as engrossing and enrolling cl'k for Council	
" 11	6	25	00	Geo. W. Kingsbury	Print'g bl'k Ter. warr'ts and reports Supt. Pub. Inst.	
" 11	7	2	00	M. K. Armstrong	Blank book for Treasurers office	
March 13	8	10	40	John Bradford	Bringing Election returns from Union County	
" 14	9	20	00	S. L. Spink	Advanced charges on Law Book	
" 25	10	12	50	I. T. Gore	Salary as Auditor from January 1st, to March 31, 1867	
" 30	11	6	00	N. Edmunds	Services on Board of Education	
" 30	12	6	00	S. L. Spink	" " " " "	
Apr. 3	13	12	50	M. K. Armstrong	Salary as Treasurer from January 1st, to July 1st 1867	
" 10	14	20	00	Geo. Stickney	Furnishing Abs't. of Ent'd. lands throughout Ter.	
June 18	15	44	00	Geo. W. Kingsbury	Printing School Blanks	
July 10	16	12	50	I. T. Gore	Salary as Auditor from April 1st, to July 1st, 1867	
" 10	17	29	25	J. L. Kelley	Cash advanced in handling arms ammunition for Ter	
Aug. 9	18	2	35	John Thompson	Transportation on Books for Territorial Library	
Oct. 1	19	12	50	I. T. Gore	Salary as Auditor from July 1st, to Sept. 30th 1867	
" 1	20	12	50	M. K. Armstrong	" " Treasurer " April 1st, to July 1st. "	
Noy. 18	21	12	50	M. K. Armstrong	" " " " July 1st, to Sept. 30th, "	
		\$372	60			
RECAPITULATION						
Amount of claims presented						\$ 374.60
" " " audited and warrants issued . .						\$ 372.60
Respectfully submitted,						
I. T. GORE, Territorial Auditor.						

TREASURER'S REPORT.

TERRITORIAL TREASURER'S OFFICE. }
 YANKTON, D. T., Dec. 3, 1866. }

To the Honorable Members of the House of Representatives :

GENTLEMEN:—I have the honor to present, herewith, my first annual report as Territorial treasurer, showing the receipts and disbursements of this office, and the present condition of the finances of the Territory.

By the provisions of the revenue law of the Territory it is made the duty of the county treasurer of each organized county to make report to this office, and pay into the Territorial treasury the proportion of Territorial tax collected and due the Territory from each respective county, on or before the first day January in each year. The full extent of time allowed not having yet expired, the counties of Todd, Pembina, and Laramie, do not appear in this report, no return having been received from those counties. The counties of Pembina and Laramie organized by the last legislature, being so new and remote, could hardly be expected to complete the assessment and collection of taxes during the present year. The act of last session creating the county of Pembina, not providing for any officer than one to administer oaths to the county officers appointed in pursuant with said act, and the only person in said county authorized to administer oaths being absent, the county was not fully organized until August, and therefore too late for an assessment and collection of taxes to be reported to this office during the present session of the legislature. The county of Todd, has been notified by me, and is expected to report by the first of January.

The present report of this office does not include warrants issued prior to the year 1865, all of which, by an act passed in that year, were debarred from payment until such time as the condition of the treasury would warrant the liquidation of the same by special act of the Legislature. The amount of said suspended outstanding warrants do not exceed in the aggregate, five hundred dollars, and it remains for the present legislature to take such action in the matter as to them may seem best.

The following is an exhibit of the Territorial finances since my assuming the duties of this office on the first of January, 1867

RECEIPTS.

Yankton County.

RECEIVED, January 28, 1867, of A. G. Fuller Treasurer

"	Yankton county	. . . . .	\$60.00
"	February 25,	. . . . .	50.00
"	June 7,	. . . . .	44.00
			<hr/>
			\$154.00

Union County.

"	January 1, of I. T. Gore, former Treasurer,		
"	Territorial tax due from Union county.		\$60.00
"	February 1, of Wm. Searles, treasurer of Union county	. . . . .	92.50
			<hr/>
			\$152.50.

Clay County.

"	January 5, Ole Bottlefson, treasurer of Clay county	. . . . .	\$49.82
			<hr/>
			\$49.82

Charles Mix County.

"	December 3, of treasurer of Charles Mix county	. . . . .	\$20.17
			<hr/>
			\$20.17

Bon Homme County.

"	December 3, of Benton Fraley, treasurer of Bon Homme county	\$10.00
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" *Todd County.*—Not reported." *Pembina County.*—Not reported." *Laramie County.*—Not reported.

Total receipts	\$386.49
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DISBURSEMENTS.

No. OF WAR'NT.	AMT	DATE OF ISSUE.	DATE OF PAYMENT.	TO WHOM ISSUED.	TO WHOM PAID.	NATURE OF INDEBTEDNESS.
A	\$ 50.00	Jan. 3	Jan. 3	I. T. Gore	I. T. Gore	Services as Territorial Auditor for 1865-66
1	14.00	" 21	" 21	Chas. F. Rossteuscher	Chas. F. Rossteuscher	services as witness before Legislature
2	20.00	" 29	" 31	Jas. S. Foster	Jas. S. Foster	Services as Superintendent Public Schools
3	7.00	" 29	Feb. 1	John J. Thompson	Bramble & Miner	Transportation and charges on books
4	2.00	Feb. 5	" 5	Jas. A. Hand	Jas. A. Hand	Blank book for Auditors office
5	40.00	" 5	" 6	L. Case	L. Case	Services as enrolling and engrossing clerk of council
6	25.00	" 11	" 12	G. W. Kingsbury	G. W. Kingsbury	Printing blank Territorial warrants and school reports
7	2.00	" 11	" 12	M. K. Armstrong	M. K. Armstrong	Blank book for Treasurers office
8	10.40	March 13	April 3	John Bradford	John Bradford	Bringing election returns from Union county
9	20.50	" 14	March 15	S. L. Spink	S. L. Spink	Money advanced to pay charges on books
10	12.50	" 25	" 25	I. T. Gore	Geo. H. Hand	First quarters salary as Auditor
11	6.00	" 30	" 30	N. Edmunds	N. Edmunds	Services on Board of Education
12	6.00	" 30	" 30	S. L. Spink	S. L. Spink	" " " " "
13	12.50	April 3	April 2	M. K. Armstrong	M. K. Armstrong	First quarters salary as Treasurer
14	20.00	" 10	May 23	Geo. Stickney	Geo. Stickney	Furnishing abstract of taxable lands in the Territory
15	44.00	June 18	June 28	G. W. Kingsbury	G. W. Kingsbury	Printing school bl nks
16	12.50	July 10	July 10	I. T. Gore	I. T. Gore	Second quarters salary as Auditor
17	29.25	" 10	" 10	J. L. Kelley	J. L. Kelley	Money advanced for transportation of arms &c.
18	2.35	Aug. 9	outstanding	John Thompson	Unpaid	Transportation on books
19	12.50	Oct. 1	Nov. 18	I. T. Gore	Geo. H. Hand	Third quarters salary as Auditor
20	12.50	" 1	" 18	M. K. Armstrong	M. K. Armstrong	Second quarters salary as Treasurer
21	12.50	Nov. 18	outstanding	M. K. Armstrong	Unpaid	Third quarters salary as Treasurer
Total Disbursements						\$357 75.

RECAPITULATION.

Total receipts since January 1, 1867	. . . . .	\$357.75
Total disbursements	. . . . .	\$386.49
Balance in Treasury	. . . . .	\$28.74
Amount of outstanding warrants Nos. 18 and 21		\$14.85
Assets in treasury above all outstanding indebtedness		\$13.89

Respectfully submitted,

M. K. ARMSTRONG,

Territorial Treasurer.

On motion of Mr. Lewis,

The council adjourned.

H. J. AUSTIN,

President of Council.

Attest:

GEO. I. FOSTER,

Secretary.

FOURTH DAY.

COUNCIL CHAMBER,
December 5, 1867. }

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

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The journal of the preceding day was read and approved.

NOTICE OF BILLS.

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

Mr. Rossteuscher gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to regulate the sale of spirituous liquors and for other purposes.

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

Mr. Benedict gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a bill to prevent bulls from running at large in Yankton county.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to amend an act entitled an act to incorporate the Minnesota and Missouri Railroad company.

INTRODUCTION OF BILLS.

Mr. Fraley introduced council bill No. 4, an act changing the time of holding the United States district court for the third judicial district.

Read a first time.

Mr. Mills introduced council bill No. 5, an act defining lands subject to taxation.

Read a first time.

Mr. Brookings introduced council bill No. 6, a bill authorizing the county commissioners of Yankton county to construct a jail.

Read a first time.

REPORTS OF COMMITTEES.

Mr. Rossteuscher chairman of the committee on joint rules submitted the following report :

MR. PRESIDENT.—Your committee appointed to act in conjunction with a like committee on the part of the house “to draft rules for the government of both houses when in joint convention” beg leave to report, that they have conferred with the house committee and have agreed to report the accompanying joint rules and recommend their adoption.

CHAS. F. ROSSTEUSCHER,	} Committee.
A. H. HAMPTON,	
GEO. W. KELLOGG.	

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, and attested by the secretary and chief clerk.

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 attested by the secretary and chief clerk, and before being transmitted to the secretary of the Territory for safe keeping, shall be carefully copied by the enrolling and engrossing clerk, 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, joint 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 repre-

sentatives, 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.

On motion of Mr. Brookings,

The joint rules as reported were adopted.

Ordered, That two hundred copies of the joint rules for the government of the two houses, be printed for the use of members of the council.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The president then laid before the council the report of the territorial superintendent of public instruction, which was

On motion of Mr. Brookings,

Laid on the table.

Ordered, That five hundred copies of the report of the territorial superintendent of public instruction, be printed.

The president then laid before the council the following communication from the honorable secretary of the Territory :

SECRETARY'S OFFICE, }
YANKTON, D. T. Dec. 5, 1867. }

To the honorable president and members of the council :

GENTLEMEN.—I have the honor to acknowledge the receipt of a copy of your resolution requesting me to furnish each member with five copies of the *Dakota Republican* and the same number of the *Dakotian*, and take pleasure in informing you that I will comply with your request. The same number will be furnished to the secretary and assistant secretary.

Most respectfully,

Your obedient servant,

S. L. SPINK,

Secretary.

On motion of Mr. Brookings,
The council adjourned.

H. J. AUSTIN,
President of the Council.

Attest :

GEO. I. FOSTER,
Secretary.

FIFTH DAY.

COUNCIL CHAMBER, }
Friday, December 6, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Kellogg gave notice that on to-morrow or some subsequent day of the session, he will introduce a bill to amend an act of the laws of 1865-66, to prevent the firing of woods, marshes and prairies.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to amend the election laws of Dakota Territory to bring them in harmony with the recent act of congress.

BILLS INTRODUCED.

Mr. Mills introduced council bill No. 7, an act to organize the county of Lincoln,

Read a first time,

SECOND READING OF BILLS.

Council bill No. 4, a bill to change the time of holding the courts in the third judicial district of Dakota Territory

Was then taken up, and

Read a second time, and

On motion of Mr. Brookings,

Laid on the table and made a special order for Monday, December 16, 1867.

Council bill No. 5, a bill defining lands subject to taxation

Was then taken up, and

Read a second time, and

Referred to the committee on finance.

Council bill No. 6, a bill to authorize the county commissioners of Yankton county to construct a jail

Was then taken up, and

Read a second time, and

Referred to the committee on counties.

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,

President of Council.

Attest :

GEO. I. FOSTER,

Secretary.

SIXTH DAY.

COUNCIL CHAMBER. }
 Saturday, December 7, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

Journal of the preceding day read and approved.

BILLS INTRODUCED.

Mr. Rossteuscher introduced council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes,

Read a first time.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee to whom was referred council bill No. 6, a bill authorizing the county commissioners of Yankton county, to construct a jail, have had the same under consideration and do agree to report by substitute bill.

D. M. MILLS,

AARON CARPENTER,

HUGH FRALEY.

On motion of Mr. Kellogg,

The substitute bill submitted by the committee on counties was

Laid on the table, and ordered printed.

MESSAGES FROM THE HOUSE.

The following communication was received from the house :

HOUSE OF REPRESENTATIVES, }
December 7, 1867. }

MR PRESIDENT.—I am instructed to inform the council that in response to your message of the 6th inst., the house did on the same day by resolution provide for the appointment of the committee of one from each county on the Missouri slope, to act with your committee with reference to the mineral, agricultural and manufacturing resources of the Territory. And that the speaker has named Messrs. Farris of Union, Jolley of Clay, Moody of Yankton, Kegan of Bon Homme, Dewitt of Charles Mix and Gregory of Todd, as such committee.

P. H. HALNAN,

Chief Clerk.

SECOND READING OF BILLS.

Council bill No. 7, an act to organize the county of Lincoln, was then taken up and

Read a second time, and

Referred to the committee on counties.

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

On motion of Mr. Brookings,

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

After some time spent therein,

The speaker resumed the chair, and

Mr. Kellogg reported, that the committee having according to order had the Governor's message under consideration, have directed him to report the same back and recommend that it be apportioned to its appropriate committees.

On motion of Mr. Brookings,

The report of the committee was adopted.

On motion of Mr. Brookings,
The council adjourned.

H. J. AUSTIN.

Attest :

President of the Council.

GEO. I. FOSTER,

Secretary.

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, December 9, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Absent, Mr. Benedict of Yankton.

Journal of the 7th inst. read and approved.

NOTICE OF BILLS.

Mr. Fraley gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill for an act to amend section 8, chapter 23 of session laws of 1863-64, an act concerning licenses.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Monday, December 9, 1867. }

MR. PRESIDENT.—I am instructed to inform you that the house did on the 7th inst., adopt the following resolution, viz :

Resolved, That a committee of two be appointed by the speaker to confer with a like committee on the part of the council, upon the subject of the appointment of an enrolling clerk, in common for both houses, and that Messrs. Moody and Watson, have been named as such committee on the part of the house.

The concurrence of the council is respectfully requested,

P. H. HALNAN,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Monday, December 9, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on the 7th inst., unanimously pass house file No. 4, entitled a bill to amend chapter 10 of the session laws of 1866 and 1867, by striking the word "white" therefrom.

And that the concurrence of the council is respectfully requested. Which bill I herewith transmit.

P. H. HALNAN,

Chief Clerk.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Brookings,

A committee of two was appointed to confer with the house committee on the subject of the appointment of an enrolling clerk in common for both houses.

Messrs. Brookings and Carpenter were appointed as such committee.

On motion of Mr. Brookings,

Mr. Benedict was excused from attendance this day.

Mr. Rossteuscher submitted the following resolution which was read, considered and agreed to.

Resolved, That the use of this hall be tendered to the Black Hills committee to make their report to the people regarding the expedition of Capt. Davy, this Monday evening, Dec. 9th, 1867.

REPORTS OF COMMITTEES.

Mr. McIntyre chairman of the committee appointed to wait

upon the secretary of the Territory, and request him to cause the American Flag to wave over the capitol during the session of the Legislature now convened, submitted the following report :

MR. PRESIDENT.—Your special committee appointed to wait upon the honorable secretary of the Territory, and request him to cause the American Flag to wave over the capitol during the session of the Legislature now convened, beg leave to report that they have performed that duty and that he will immediately, if in his power, comply with your request.

C. H. McINTYRE,
Chairman.

BILLS ON FIRST READING.

House file No. 4, a bill to amend chapter 10 of the session laws of 1866-7, by striking the word "white" therefrom,

Was then taken up, and

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and

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

The ayes and noes being ordered, the vote stood,

Ayes 12; noes none; as follows:

Those who voted in the affirmative, were

Messrs Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President—12,

So the bill was passed, and its

Title was agreed to.

Ordered, That the secretary acquaint the house therewith.

SECOND READING OF BILLS.

Council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes,

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

On motion of Mr. Brookings,
The council adjourned.

H. J. AUSTIN,
President of Council.

Attest:

GEO. I. FOSTER,
Secretary.

NINTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 10, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

Journal of the 9th inst. read and approved.

NOTICE OF BILLS.

Mr. Benedict gave notice that he will to-morrow or some subsequent day of the session ask leave to introduce a memorial to congress asking for an appropriation to finish the bridge across the Dakota river.

BILLS INTRODUCED.

Mr. Fraley introduced council bill No. 9, a bill for an act to amend section 8 of chapter 23 of session laws of 1863-4, concerning licenses.

Read a first time.

REPORTS OF COMMITTEES.

Mr. Mills chairman of the committee on Indian affairs submitted the following report:

MR. PRESIDENT.—Your committee on Indian affairs to whom was referred, council bill No. 2, memorial on Indian affairs had the same under consideration and report it back without recommendation.

D. M. MILLS,
J. A. LEWIS,
W. W. BROOKINGS.

Mr. Brookings chairman of the committee appointed to confer with a like committee on the part of the house in the matter of an enrolling clerk in common for the two houses, submitted the following report:

MR. PRESIDENT.—Your committee appointed to confer with a like committee on the part of the house in the matter of an enrolling clerk in common for the two houses have to report that they have conferred with the house committee and have agreed to report the name of H. J. Brisbine for such office.

On motion of Mr. Rossteuscher,

The report of the committee was adopted and the committee discharged.

Mr. Brookings then nominated Mr. H. J. Brisbine for the office of enrolling clerk for the council, and

The vote being taken *viva voce* and no member voting in the negative,

Mr. Brisbine was declared duly elected enrolling clerk for the council.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec., 10, 1867. }

MR. PRESIDENT,—I am instructed by the house to inform the council that the house did on the 9th inst.,] unanimously pass house file No. 1 (substitute) entitled a bill in relation to town-sites, entered as such under the act of Congress approved

March 2d, 1867; also house file No. 3, entitled a bill to enforce mechanics' liens on buildings; and house file No. 7, entitled a bill providing that the exemption law approved January 9th 1866; of the session laws of 1866-7, shall apply only to residents of this Territory.

And that the concurrence of the council is respectfully requested,

Which bills I herewith transmit.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES. }
Tuesday, December 10, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did this day unanimously pass house file No. 6, entitled an act relating to the challenging of jurors in civil and criminal cases.

And that the concurrence of the council is respectfully requested.

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 10, 1867. }

MR. PRESIDENT.—I have been instructed to inform the council that the house has this day elected Mr. H. J. Brisbane enrolling clerk of the house.

P. H. HALNAN,
Chief Clerk.

FIRST READING OF HOUSE FILES.

House file No. 1, (substitute) a bill in relation to townsites, entered as such under the act of Congress approved March 2, 1867,

Was then taken up, and

Read a first time,

On motion of Mr. Brookings,

The rules were suspended, and

The bill read a second time, and

Referred to the committee on Territorial affairs.

House file No. 7, a bill providing that the exemption law approved January 9th, 1866 of the session laws of 1865-6, shall apply only to residents of this Territory.

Was then taken up, and

Read a first time.

House file No. 3, a bill to enforce mechanics liens on buildings,

Was then taken up, and

Read a first time.

Council bill No. 3, memorial on Indian affairs, reported back by the committee on Indian affairs,

Was then taken up for consideration, and

On motion of Mr. Thomas,

Recommitted to the committee on Indian affairs.

BILLS PASSED.

Council bill No. 6, (substitute) a bill to authorize the county commissioners of the several counties in this Territory to build jails,

Was then taken up for consideration, and

On motion of Mr. Brookings,

The following amendment was adopted:

Strike therefrom the word "seven" in the seventeenth line of section 1 of the printed bill and insert in lieu thereof the word "ten," and

On the motion of Mr. Thomas,

The following amendment was adopted:

After the word "rent" in the eighteenth line of the printed bill insert "or otherwise dispose of."

On motion of Mr. Brookings,

The substitute bill as amended was agreed to.

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

Being engrossed, it was accordingly read a third time and put upon its passage.

The ayes and noes being ordered the vote stood,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, were

Messrs. Benedict, Brookings, Carpenter, Fraley, Green,

Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

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

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

On motion of Mr. Lewis,
The council adjourned.

HORACE J. AUSTIN,
President.

Attest:

GEO. I. Foster,
Secretary.

TENTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 11, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to provide for a general railroad incorporation act.

INTRODUCTION OF BILLS.

Mr. Lewis introduced council bill No. 10, a memorial to congress asking for a grant of lands to aid in the construction of a railroad from the Big Sioux river, up the Missouri valley, to the mouth of the Great Cheyenne,

Read a first time, and

On motion of Mr. Brookings,

The rules were suspended, and

The bill read a second time, whereupon

Mr. Mills submitted the following amendment, viz :

Strike from the title the words "the Big Sioux river," and insert in lieu thereof, the following : "a point at or near the government bridge on the Big Sioux river, via Elk Point, Vermillion, Yankton the capitol of Dakota and Bon Homme,

Pending which,

Mr. Kellogg submitted the following amendment :

From the last line but one and the last line, in the original bill, strike the words "Yankton the capitol of Dakota" and insert in lieu thereof, the following : "crossing the Big Sioux river at a point at or near the government bridge on the said river via Elk Point, Vermillion, Yankton the capitol of Dakota and Bon Homme.

Pending which,

Mr. Brookings moved that the bill with the proposed amendments be laid on the table.

The ayes and noes being desired,

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Hampton, McIntyre, Rossteuscher and Mr. President—7.

Those who voted in the negative, are

Messrs. Fraley, Green, Kellogg, Lewis, Mills and Thomas—6.

So the motion of Mr. Brookings to lay the bill on the table, was agreed to.

Mr. Brookings moved that the vote last taken be reconsidered.

Which motion was agreed to, and

On motion of Mr. Brookings,

The bill was referred to the committee on railroads.

Mr. Rossteuscher introduced council bill No. 11, a bill to regulate the fees of county officers.

Read a first time.

REPORTS OF COMMITTEES.

Mr. Carpenter chairman of the committee on finance submitted the following report:

MR. PRESIDENT.—Your committee on finance to whom was referred council bill No. 5, a bill defining lands subject to taxation, have had the same under consideration and have agreed to report by substitute bill and recommend its passage.

AARON CARPENTER,
D. M. MILLS,
J. A. LEWIS.

Mr. Green chairman of the committee on Territorial affairs submitted the following report:

MR. PRESIDENT.—Your committee on Territorial affairs have had under consideration house file No. 1, entitled a bill in relation to town sites entered as such under the act of congress approved March 2d, 1867, and beg leave to report the accompanying amendments thereto, with the recommendation that the bill do pass.

R. R. GREEN,
Chairman.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report:

MR. PRESIDENT.—Your committee on enrolled bills have examined house file No. 4, an act to amend chapter 10, of the session laws of 1866-7 by striking the word "white" therefrom, and find it correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman Committee.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES }
Wednesday, December 11, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform

the council that the house did on this day unanimously pass house file No. 5, entitled an act respecting grand and petit jurors of the district court.

And that the concurrence of the council is respectfully requested,

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

FIRST READING OF HOUSE FILES.

House file No. 5, an act respecting grand and petit jurors of the district courts,

Was then taken up, and
Read a first time, and
On motion of Mr. Brookings,
The rules were suspended, and
The bill read a second time, and
Referred to the committee on judiciary.

House file No. 6, an act relating to the challenging of jurors in civil and criminal cases,

Was then taken up, and
Read a first time, and
On motion of Mr. Brookings,
The rules were suspended, and
The bill read a second time, and
Referred to the committee on judiciary.

SECOND READING OF BILLS.

Council bill No. 9, a bill for an act to amend section 8, of chapter 23 of the laws of 1863-4, concerning licenses,

Was then taken up, and
Read a second time, and
Referred to committee on judiciary.

House file No. 3, a bill to enforce mechanics liens on buildings,

Was then taken up, and
Read a second time, and
Referred to committee on judiciary.

House file No. 7, a bill providing that the exemption law approved January 9th, 1866, of the session laws of 1865-6, shall apply only to residents of this Territory,

Was then taken up, and

Read a second time, and

Referred to the committee on Territorial affairs.

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,
President of Council.

Attest:

GEO. I. FOSTER,
Secretary.

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 12, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called.

Members all present.

Journal of the preceding day read and approved.

BILLS INTRODUCED.

Mr. Brookings by unanimous consent introduced a bill of which he had given no notice, entitled a bill to amend an act to incorporate the Dakota and North Western Railroad company.

Read a first time, and

On the motion of Mr. Brookings,
 The rules were suspended, and
 The bill read a second time, and
 On motion of Mr. Thomas,
 Referred to the committee on railroads with instructions to
 report on the 13th inst.

RESOLUTIONS.

Mr. Benedict submitted the following resolution which was
 read, considered and agreed to, viz :

Resolved, That the use of this chamber be tendered to the
 Rev. Mr. Batcheller, each sabbath during the session of the leg-
 islature now convened, for the purpose of holding divine ser-
 vice.

REPORTS OF COMMITTEES.

Mr. Brookings chairman of the committee on judiciary sub-
 mitted the following report :

MR. PRESIDENT.—I am instructed by the judiciary commit-
 tee to report back council bill No. 8, an act to regulate the sale
 of spirituous liquors and for other purposes, with the recom-
 mendation that section 7 of the bill be stricken out and the
 sections amended in harmony therewith ; also report council bill
 No. 9, and recommend its indefinite postponement.

W. W. BROOKINGS,

Chairman.

Mr. Green chairman of the committee on Territorial affairs
 submitted the following report, viz :

MR. PRESIDENT,—Your committee on Territorial affairs have
 had house file No. 7, a bill providing that the exemption law,
 approved January 9th, of the session laws of 1865-6, shall ap-
 ply only to residents of this Territory, under consideration,
 and beg leave to report the accompanying substitute and re-
 commend that it do pass.

R. R. GREEN,

J. A. LEWIS,

C. F. ROSSTEUSCHER.

BILLS BEFORE THE COUNCIL UNFINISHED YESTERDAY.

House file No. 1, a bill in relation to townsites entered as such under the act of Congress approved March 2nd, 1867, reported back with amendments, by the committee on Territorial affairs on the 11th inst.

Was then taken up for consideration, and

On motion of Mr. McIntyre,

The amendments reported by the committee were agreed to,

On motion of Mr. Thomas,

The following amendment was agreed to:

Strike out in lines three and four, in section 1 of the printed bill all after the word "lots" in the third line and before the words "with streets" in the fourth line.

The bill was then read a third time,

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

It was decided in the affirmative.

Ayes 12; noes one; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.—12.

Mr. Kellogg voted in the negative.

So the bill was passed and

Its title was agreed to.

Ordered, That the secretary request the concurrence of the house in council amendments thereto.

House file No. 7, a bill providing that the exemption law approved January 9, 1866 of the session laws of 1865-6, shall apply only to residents of this Territory, reported back by the committee on Territorial affairs, with a substitute,

Was then taken up,

On motion of Mr. Kellogg,

The substitute was agreed to.

It was then read the third time,

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.—13.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

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

Council bill No. 9, a bill for an act to amend section 8 of chapter 23 of laws of 1863-4, concerning licenses, reported back by the committee on judiciary, with a recommendation that it be indefinitely postponed,

Was then taken up, and

On motion of Mr. Brookings,

It was indefinitely postponed.

Council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes, reported back by the committee on judiciary with amendments,

Was then taken up, and

On motion of Mr. Brookings,

The amendments submitted by the judiciary committee were agreed to.

Mr. Kellogg submitted the following amendment which was disagreed to.

After the word "than" and before the word "dollars" in the fourth line of section 2, strike the word "thirty-four" therefrom and insert in lieu thereof the word "twenty-five."

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

Being engrossed it was accordingly read a third time.

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

It was decided in the affirmative,

Ayes 11; noes 2; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton,

Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.—11.

Those who voted in the negative, are
Messrs. Fraley and Kellogg.

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

Ordered, That the secretary request the concurrence of the house in the said bill.

On the motion of Mr. Brookings,

The vote by which council bill No. 9, a bill for an act to amend section 8 of chapter 23 of laws of 1863-4 concerning licenses, was indefinitely postponed, was reconsidered, and

On motion of Mr. Brookings,

The bill was referred to the committee on counties.

Council bill No. 5 (substitute) a bill defining lands subject to taxation, reported by the committee on finance, December 11th,

Was then taken up, and

On the motion of Mr. Thomas,

Referred to the committee on counties,

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,

President of the Council.

Attest:

GEORGE I. FOSTER,

Secretary.

TWELFTH DAY.

COUNCIL CHAMBER,

Friday, December 13, 1867, }

Council met pursuant to adjournment and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a bill to repeal chapter 39 of the laws 1862 and chapter 2 of the laws of 1866-7

Mr. Carpenter gave notice that he will on to-morrow or some subsequent day of the session ask leave to introduce a bill for an act relating to road supervisors.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 13, a memorial to congress asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota.

Read the first time, and

On motion of Mr. Brookings,

The rules were suspended, and

The bill read a second time and

Referred to the committee on railroads.

REPORTS OF COMMITTEES.

Mr. Mills, chairman of the committee on counties submitted the following reports :

Mr. PRESIDENT.—Your committee on counties to whom was referred council bill No. 9, a bill for an act to amend section 8 of chapter 23 of the laws of 1863-4, concerning licenses, have had the same under consideration and report the same back with amendments and recommend that it do pass.

D. M. MILLS,
Chairman.

Mr. PRESIDENT.—Your committee on counties to whom was referred council bill No. 5, (substitute) a bill defining lands

subject to taxation have had the same under consideration and report the bill back and recommend that it do pass.

D. M. MILLS,
Chairman,

Mr. Lewis, chairman of the committee on railroads submitted the following report, viz :

MR. PRESIDENT.—Your committee on railroads to whom was referred council bill No. 12, an act to amend the railroad charter of the Dakota and northwestern railroad company, have had the same under consideration and beg leave to report the same back with the following amendments and recommend its passage.

J. A. LEWIS,
Chairman.

Strike out the word "six months" and insert "one year" also, strike out "one year" and insert "two years;" also, strike out the words "eighteen months" and insert "three years."

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
Friday, December 13, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on the 12th inst., unanimously pass house file No. 8, entitled a bill for an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes.

And that the concurrence of the council is respectfully requested.

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Friday, December 13, 1867, }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has concurred in the council amendments to house file No. 1, (substitute,) entitled a bill in relation

to town sites entered as such under the act of congress, approved March 2, 1867.

P. H. HALNAN,
Chief Clerk.

FIRST READING OF BILLS.

House file No. 8, a bill for an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes,

Was then taken up and

Read a first time and

On motion of Mr. Rossteuscher,

Read a second time and

Referred to committee on manufactures.

SECOND READING OF BILLS.

Council bill No. 11, a bill for an act fixing the fees of the clerk of the district court, county attorneys, county officers, justices of the peace, constables, jurors, witnesses, referees, appraisers and notaries public,

Was then taken up and

Read a second time, and

Referred to the committee on territorial affairs.

BILLS REPORTED BACK.

Council bill No. 9, a bill for an act to amend section 8 of chapter 23 of laws of 1863-4, concerning licenses, reported back by the committee on counties with amendments,

Was then taken up and

On motion of Mr. Brookings,

Laid on the table.

Council bill No. 12, a bill to amend an act entitled an act to incorporate the Dakota and northwestern railroad company, reported back by the committee on railroads with amendments,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table and made the special order for December 17th, 1867.

Council bill No. 5, a bill defining lands subject to taxation, reported back by the committee on counties with amendments, Was then taken up, and

On motion of Mr. Rossteuscher,

The amendment was agreed to.

Mr. Rossteuscher submitted the following amendment which was agreed to, viz :

Add to section one, *provided however*, that no tax shall be levied on such lands for the year in which said entry or acquisition was perfected.

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

Council bill No. 2, a memorial in relation to Indian affairs, reported back by the committee on Indian affairs,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table and made the special order for December 17th, 1867.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,
President of the Council.

Attest :

GEO. I. FOSTER,
Secretary.



THIRTEENTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 14, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,
 Prayer by the chaplain,
 Roll called,
 Absent, Messrs. Brookings and Thomas.

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Lewis gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial to congress asking for a division of Dakota Territory.

RESOLUTIONS AND MOTIONS.

On motion of Mr. Kellogg,
 Mr. Thomas was excused from attendance this day.

On motion of Mr. McIntyre,
 Mr. Brookings was excused from attendance this day.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
 Saturday, Dec. 14, 1867. }

MR. PRESIDENT.—I have been instructed to transmit to you house file No. 12, entitled a memorial to congress relative to the survey of public lands on and near the Red River of the North, which bill passed the house on the 13th instant, and the concurrence of the council is respectfully requested.

Also, that the council is requested to return to the house the original of house file No. 7, entitled a bill providing that the exemption laws of this Territory shall apply only to residents thereof, the council having passed a substitute for said bill, which the house can consider only as an amendment and therefore request the original file.

P. H. HALNAN,
Chief Clerk

HOUSE OF REPRESENTATIVES, }
 Saturday, Dec. 14, 1867. }

MR. PRESIDENT.—I have been instructed to inform the coun-

cil that the house did, on the 13th instant, concur in council amendments to house file No. 1, entitled an act in relation to town sites, entered as such under the act of congress approved March 2, 1867.

P. H. HALNAN,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Green from the committee on engrossed bills submitted the following report, viz :

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 5, (substitute) an act defining land subject to taxation, and find the same correctly engrossed.

R. R. GREEN.

FIRST AND SECOND READING OF BILLS.

House file No. 12, a memorial to congress in relation to the survey of public lands on and near the Red River of the North.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Rossteuscher,

Referred to the committee on Territorial affairs.

THIRD READING OF BILLS.

Council bill No. 5, (substitute) an act defining land subject to taxation reported back by the committee on engrossed bills, as correctly engrossed,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher and Mr. President.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary transmit the said bill and request the concurrence of the house therein.

On motion of Mr. Lewis,

The council adjourned.

H. J. AUSTIN,

President of Council.

Attest :

GEO. I. FOSTER,

Secretary.

FIFTEENTH DAY.

COUNCIL CHAMBER, }
Monday, December 16, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

The journal of the 14th inst. was then read and approved.

BILLS INTRODUCED.

Mr. Rossteuscher introduced council bill No. 14, a bill for an act to create and regulate railroad companies.

Read a first time, and

On motion of Mr. Brookings,

Read a second time, and

Referred to the committee on railroads.

RESOLUTIONS AND MOTIONS.

On motion of Mr. Brookings,

Council bill No. 4, an act changing the time of holding the United States district court in the third judicial district, special order for to-day,

Was then taken up, and

Referred to the committee on counties,

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES. }
Monday, December 16, 1867. }

MR. PRESIDENT.—I have been instructed to inform the council that the house did, on the 14th instant, pass house file No. 11, entitled a bill for an act relating to settlers upon land without the legal title thereto, and that the council's concurrence is respectfully solicited.

I have also to inform you that the house did on the same day concur in the council's amendment to house file No. 7, entitled a bill for an act providing that the exemption laws of this Territory shall apply only to residents thereof.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 16, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day pass house file No. 10, entitled a bill regulating the sale of spirituous liquors; also house file No. 18, entitled a memorial to the Secretary of War praying for the construction of a military post on the Pembina river, under the appropriation of March 2d, 1861.

And that the concurrence of the council is respectfully requested.

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE FILES.

House file No. 11, a bill for an act relating to settlers upon land without the legal title thereto.

Was then taken up, and

Read a first and second time, and

Referred to the committee on judiciary.

House file No. 10, a bill regulating the sale of spiritous liquors,

Was then taken up, and

Read a first and second time, and

Referred to the committee on Territorial affairs.

House file No. 18, a memorial to the Secretary of War, praying for the construction of a military post on the Pembina river,

Was then taken up, and

Read a first and second time, and

Referred to the committee on military affairs.

REPORTS OF COMMITTEES.

By unanimous consent, Mr. Green chairman of the committee on Territorial affairs, submitted the following report:

MR. PRESIDENT.—Your committee on Territorial affairs to whom was referred council bill No. 11, a bill for an act fixing the fees of the clerk of the district court, county attorneys, county officers, justices of the peace, constables, jurors, referees, appraisers and notaries public, have had the same under consideration and report it back with attached amendments and recommend that it do pass.

R. R. GREEN,

J. A. LEWIS,

C. F. ROSSTEUSCHER.

The bill was then taken up for consideration, and

On motion of Mr. Mills,

The report of the committee was adopted and the several amendments as reported were agreed to.

Mr. Mills submitted the following amendment which was agreed to.

In section three, line eight, strike out the words "two-fifty" and insert the words "one dollar" in lieu thereof.

Mr. Mills submitted the following amendment which was agreed to.

In section 20, strike out the word "two" in line first and insert the words "one and fifty cents" in lieu thereof.

On motion of Mr. Thomas,

The vote last taken was reconsidered, and the amendment disagreed to.

Mr. Mills submitted the following amendment which was agreed to.

In section 19 strike out the word "ten" in line four and insert the word "five" in lieu thereof.

Mr. Brookings submitted the following amendment which was agreed to.

Add to section 14 "and twenty cents per folio for drawing protests and twenty cents per folio for recording the same."

Mr. Rossteuscher submitted the following amendment which was agreed to.

Add to section 5 "and such fees as are allowed him under an act entitled an act in relation to townsites entered as such under the act of Congress approved March 2d, 1867."

On motion of Mr. Brookings,

The bill with the amendments, as adopted, was recommitted to the committee on Territorial affairs,

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,

President of Council.

Attest:

GEO. I. FOSTER,

Secretary.

SIXTEENTH DAY.

COUNCIL CHAMBER,
 Tuesday, Dec. 17, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present,

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

NOTICE OF BILLS.

Mr. Brookings gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to organize the county of Minnehaha, and to provide for county officers for the same.

BILLS INTRODUCED.

Mr. Brookings introduced council bill No. 15, a bill to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7,

Read a first time.

Mr. Brookings introduced council bill No. 16, a bill to strike the word white out of the election laws of Dakota Territory,

Read a first time.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house, viz :

HOUSE OF REPRESENTATIVES,
 Tuesday, December 17, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day unanimously pass house file No. 14, entitled a bill for an act concerning licenses.

And that the concurrence of the council is respectfully requested,

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. McIntyre chairman of the committee on manufactures submitted the following report:

MR. PRESIDENT.—Your committee on manufactures to whom was referred house file No. 8, an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, have had the same under consideration and report it back recommending its passage.

C. H. McINTYRE,
Chairman.

Mr. Mills from the committee on judiciary submitted the following report:

MR. PRESIDENT.—Your committee to whom was referred house file No. 6, an act relating to the challenging of jurors in civil and criminal cases, have had the same under consideration and report the same back with the recommendation that it do pass.

D. M. MILLS.

Mr. Mills from the committee on judiciary submitted the following report:

MR. PRESIDENT.—Your committee to whom was referred house file No. 5, an act respecting grand and petit jurors of the district court, have had the same under consideration and report the same back with amendment, and recommend that it do pass with amendment.

D. M. MILLS.

Mr. Mills from the committee on judiciary submitted the following report:

MR. PRESIDENT.—Your committee on judiciary to whom was referred house file No. 3, a bill to enforce mechanics liens on

buildings, have had the same under consideration and report it back and recommend that it do pass.

D. M. MILLS.

Mr. Lewis chairman of the committee on railroads submitted the following report :

MR. PRESIDENT.—Your committee on railroads to whom was referred council bill No. 13, a memorial to congress asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota, have had the same under consideration and beg leave to report it back without recommendation.

J. A. LEWIS.

Chairman.

Mr. Green chairman of the committee on Territorial affairs submitted the following report :

MR. PRESIDENT.—Your committee on Territorial affairs have had under consideration house file No. 10, a bill regulating the sale of spirituous liquors and report the same back recommending that it be indefinitely postponed.

R. R. GREEN.

Mr. Lewis chairman of the committee on railroads submitted the following report :

MR. PRESIDENT.—Your committee on railroads to whom was referred council bill No. 10, a memorial to congress asking for a grant of lands to aid in the construction of a railroad from the Big Sioux river, up the Missouri valley to the mouth of the Great Cheyenne, have had the same under consideration and recommend that it do pass, as amended.

J. A. LEWIS,

A. H. HAMPTON,

D. M. MILLS,

H. FRALEY,

ROBERT I. THOMAS.

On motion of Mr. Brookings,

The council resolved itself into the committee of the whole on council bills Nos. 10 and 13, and

After sometime spent therein,

The president resumed the chair, and

Mr. Rossteuscher reported that the council having had council bill No. 13, a memorial to congress asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota, under consideration, have directed him to report it back with accompanying amendment, with recommendation that the amendment be adopted.

Mr. Thomas moved that the amendment reported by the committee of the whole be adopted.

The ayes and noes being desired by two members and ordered, the vote stood,

Ayes 7 ; noes 6 ; as follows:

Those who voted in the affirmative, are

Messrs. Fraley, Green, Kellogg, Lewis, McIntyre, Mills and Thomas.

Those who voted in the negative, are

Messrs. Benedict, Brookings, Carpenter, Hampton, Rossteuscher and Mr. President.

So the amendment reported by the committee of the whole was adopted.

Mr. Brookings moved that the council do now adjourn.

The ayes and noes being desired by two members and ordered, the vote stood,

Ayes 8 ; noes 5 ; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, McIntyre and Rossteuscher.

Those who voted in the negative, are

Messrs. Kellogg, Lewis, Mills, Thomas and Mr. President.

So the council adjourned.

H. J. AUSTIN,

President of the Council.

Attest:

GEO. I. FOSTER,

Secretary.

SEVENTEENTH DAY.

COUNCIL CHAMBER,
Wednesday, December 18, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called.

Members all present.

Journal of the preceding day read and approved.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee on counties to whom was referred council bill No. 7, an act to organize the county of Lincoln, have had the same under consideration and report it back with accompanying amendment, and recommend that the bill do pass.

D. M. MILLS,
Chairman.

FIRST AND SECOND READING OF HOUSE FILES.

House file No. 14, a bill for an act concerning licenses,

Was then taken up, and

Read a first and second time, and

Referred to the committee on Territorial affairs.

SECOND READING OF COUNCIL BILLS.

Council bill No. 15, a bill to repeal chapter 39, of the laws of 1862, and chapter 2, of the laws of 1866-67,

Was then taken up, and

Read a second time, and

Referred to committee on judiciary.

Council bill No. 16, a bill to strike the word "white" out of the election law of Dakota Territory,
 Was then taken up, and
 Read a second time, and
 Referred to the committee on elections.

THIRD READING OF COUNCIL BILLS.

Council bill No. 12, a bill to amend an act entitled an act to incorporate the Dakota and Northwestern railroad company, reported back by the committee on railroads, Dec. 13th, with amendments, and made special order for Dec. 17, 1867,

Was then taken up, and

On motion of Mr. Brookings,

The amendments reported by the committee on railroads were laid on the table.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 8; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary transmit the said bill and request the concurrence of the house therein.

LAID ON TABLE.

House file No 10, a bill regulating the sale of spirituous liquors, reported back by the committee on Territorial affairs, on the 17th inst.,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

THIRD READING OF HOUSE FILES.

House file No. 6, an act relating to the challenging of jurors in civil and criminal cases,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary return the said bill.

House file No. 3, a bill to enforce mechanics liens on buildings,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary return the said bill.

House file No. 5, an act respecting grand and petit jurors of the district courts, reported back by the committee on judiciary on the 17th inst., with amendment,

Was then taken up, and

On motion of Mr. Brookings,
The amendment reported by the committee was agreed to.
The bill was then ordered engrossed.

Being engrossed it was accordingly read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green,
Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher,
Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary return the said bill.

House file No. 8, a bill for an act for the incorporation of
manufacturing and mining companies for mechanical, chemical
and building purposes, reported back by the committee on man-
ufactures, Dec. 17th,

Was then taken up, and

Ordered read a third time at length.

Pending said third reading,

On motion of Mr. Rossteuscher,

The further reading of the bill was dispensed with, and

On the motion of Mr. Brookings,

The bill was recommitted to the committee on manufactures.

Council bill No. 7, an act to organize the county of Lincoln,
reported back by the committee on counties with amendment,

Was then taken up,

On motion of Mr. Mills,

The amendment as reported was adopted.

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

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN.

President of the Council.

Attest:

GEO. I. FOSTER,

Secretary.

EIGHTEENTH DAY.

COUNCIL CHAMBER, }
 Thursday, December 19, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Roll called,

Members all present,

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to legalize the assessment and collection of the taxes of Yankton county.

INTRODUCTION OF BILLS.

Mr. Benedict introduced council bill No. 17, a bill to prevent bulls from running at large also to prevent sheep and swine from running at large.

Read a first time.

Mr. Carpenter introduced council bill No. 18, a bill for an act relating to road supervisors.

Read a first time.

Mr. Brookings introduced council bill No. 19, a bill to authorize the county commissioners of Yankton county to relocate certain roads and other purposes.

Read a first time

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 15, a bill to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7, have had the same under consideration and recommend its passage.

W. W. BROOKINGS,
Chairman.

Mr. Rossteuscher chairman of the committee on elections submitted the following report:

MR. PRESIDENT.—Your committee on elections have had under consideration council bill No. 16, a bill to strike the word "white" out of the election laws of Dakota Territory, and beg leave to report the same back with the recommendation that the bill do pass.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Thomas chairman of the committee on military affairs, submitted the following report:

MR. PRESIDENT.—Your committee on military affairs to to whom was referred house file No. 18, a memorial to the Secretary of War praying for the construction of a military post on the Pembina river, under the appropriation of March 2nd, 1861, have had the same under consideration and recommend that it do pass.

ROBERT I. THOMAS,
Chairman.

Mr. Thomas chairman of the committee on engrossed bills submitted the following report:

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 7, an act to organize the county of Lincoln, and find it correctly engrossed.

ROBERT I. THOMAS,
Chairman.

THIRD READING OF BILLS.

Council bill No. 15, a bill to repeal chapter 39 of the laws of 1862, and chapter 2, of the laws of 1866-7, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 12; noes one; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, Kellogg, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill was passed and

Its title was agreed to.

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

Council bill No. 7, an act to organize the county of Lincoln, reported correctly engrossed,

Was then taken up, and

Read a third time,

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

It was decided in the affirmative.

Ayes 12; noes none; as follows:

Those who voted in the affirmative, were

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and its

Title was agreed to.

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

Council bill No. 2, memorial on Indian affairs, reported back by the committee on Indian affairs, Dec. 13, 1867, and made the special order for Dec. 17, 1867,

Was then taken up for consideration, and

Mr. Brookings chairman of the committee on judiciary submitted a substitute bill therefor, which was

On motion of Mr. Rossteuscher,
Agreed to.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President—12.

Mr. Kellogg voted in the negative,

So the bill passed, and

Its title was agreed to.

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

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 19, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on the 18th inst. pass council bill No. 5, (substitute) entitled an act defining land subject to taxation, which bill I herewith transmit; I have also to inform you that the house did on the same day pass house file No. 20, entitled a bill for an act to incorporate the city of Cheyenne.

And the council's concurrence is respectfully requested.

Which bill I herewith transmit.

I have also to inform you that the house did on this day pass house file No. 7, entitled a bill to strike the word "white" out of the election laws of Dakota Territory,

P. H. HALNAN,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Thursday, December 19, 1867. }

MR. PRESIDENT.—I am instructed to inform the council that the house has this day passed house file No. 16, entitled a bill for an act to construct and establish the county of Carter, and

providing for the appointment of officers therein; house file No. 19, entitled a memorial to Congress relative to a United States land office in the Red River Valley; house file No. 23, entitled a memorial to the President of the United States relative to the removal of the Pembina band of Chippewa Indians, which bills are herewith transmitted, and your concurrence respectfully requested therein.

Also that the house has this day passed council bill No. 6, entitled a bill to authorize the county commissioners of the several counties in this Territory to build jails, which bill was passed by a substitute by the house, and your concurrence is respectfully requested.

P. H. HALNAN,

Chief Clerk.

FIRST AND SECOND READING OF HOUSE FILES.

House file No. 20, a bill for an act to incorporate the city of Cheyenne,

Was then taken up, and

Read a first and second time.

Mr. Thomas moved to commit the bill to the committee on counties.

Mr. Brookings moved to lay the motion of Mr. Thomas on the table,

Which motion was disagreed to.

Mr. Brookings moved to amend the motion of Mr. Thomas by adding thereto "with instructions to report to-morrow"

Which motion was agreed to.

The question then being on the motion of Mr. Thomas as amended,

It was agreed to and the bill was referred.

House file No. 27, a bill to strike the word "white" out of the election laws of Dakota Territory,

Was then taken up, and

Referred to the committee on elections.

House file No. 16, a bill for an act to construct and establish the county of Carter and providing for the appointment of officers therein,

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

House file No. 23, a memorial to the President of the United States relative to the removal of the Pembina band of Chipewya Indians,

Was then taken up, and
Read a first and second time, and
Referred to the committee on Indian affairs.

House file No. 19, a memorial to congress relative to the United States land office in the Red River Valley,

Was then taken up, and
The bill read a first second time, and
Referred to the committee on public lands.

Council bill No. 6, (house substitute) a bill to authorize the county commissioners of the several counties in the Territory to build jails,

Was then taken up and
Referred to the committee on counties.

Council bill No. 13, a memorial to Congress asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota,

Was then taken up, and
On motion of Mr. Brookings,
Referred to a special committee of three.

The president appointed Messrs. Brookings, Thomas and Benedict such committee.

Council bill No. 10, a memorial to congress asking for a grant of lands to aid in the construction of a railroad from the Big Sioux river, up the Missouri valley to the mouth of the Great Cheyenne,

Was then taken up, and
Mr. Brookings submitted the following amendment:

In last section second line of printed bill, strike out the word "provided" and insert in lieu thereof "grant to the Territory of Dakota."

Mr. Mills submitted the following amendment to the amendment: "If consistent with public safety."

The question being on the adoption of the amendment,
amendment,

It was agreed to.

The question being on the adoption of the amendment of Mr. Brookings as amended,

It was agreed to.

Ordered, That the bill be engrossed.

LAID ON TABLE.

Council bill No. 16, a bill to strike the word white out of the election laws of Dakota Territory, reported back by the committee on elections,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table until to-morrow.

House file No. 18, a memorial to the Secretary of War praying for the construction of a military post on the Pembina river, under the appropriation of March 2d, 1861,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,

President.

Attest:

GEO. I. Foster,
Secretary.

NINETEENTH DAY.

COUNCIL CHAMBER, }
 Friday, December 20, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of the preceding day read, corrected and approved.

INTRODUCTION OF BILLS.

Mr. Rosstenschler introduced council bill No. 20, an act to regulate the keeping of billiard tables and ball alleys,

Read a first time.

Mr. Brookings introduced council bill No. 21, a bill to legalize the assessment and collection of the taxes of Yankton county, for the year 1867,

Read a first time.

REPORTS OF COMMITTEES.

Mr. Brookings from the special committee to whom was referred council bill No. 13, on the 19th inst., submitted the following report:

MR. PRESIDENT.—I am instructed by a majority of your special committee to whom was referred council bill No. 13, a memorial and joint resolution of the Legislature of the Territory of Dakota, to the congress of the United States asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota, to report the bill back with amendment and recommend that it do pass.

W. W. BROOKINGS,

Chairman.

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

MR. PRESIDENT.—I am instructed by a majority of the judiciary committee to whom was referred council bill No. 1, a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, to report the following substitute and recommend its passage.

W. W. BROOKINGS,

Chairman,

Mr. Rossteuscher chairman of the committee on elections submitted the following report :

MR. PRESIDENT.—Your committee on elections have had house file 27, entitled a bill to strike the word "white" out of the election laws of Dakota Territory, under consideration and beg leave to report the same back without recommendation.

C. F. ROSSTEUSCHER,

Chairman.

Mr. Green chairman of the committee on Territorial affairs submitted the following report :

MR. PRESIDENT.—Your committee on Territorial affairs have had under consideration house file No. 14, entitled an act concerning licenses, and beg leave to represent that chapter 23, session laws of 1863-64, covers the entire ground of house file No. 14, which appears to be a copy of the act mentioned; your committee therefore recommend that the bill be indefinitely postponed.

R. R. GREEN,

C. F. ROSSTEUSCHER, } Committee.

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

MR. PRESIDENT.—Your committee on counties to whom was referred council bill No. 6, (house substitute) a bill to authorize the county commissioners of the several counties of this Territory, to build jails, have had the same under consideration and report it back with the recommendation that the substitute be adopted.

D. M. MILLS,

HUGH FRALEY,

Mr. Mills chairman of the committee on Indian affairs to whom was referred house file No. 23, a memorial to the president of the United States, relative to the removal of the Pembina band of Chippewa Indians, made the following report :

MR. PRESIDENT.—Your special committee to whom was referred house file No. 23, beg leave to report that they have had the same under consideration and have agreed to recommend that it do pass.

D. M. MILLS,
HUGH FRALEY.

Mr. Thomas chairman of the committee on engrossed bills submitted the following report :

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 10, a memorial to congress asking for a grant of land to aid in the construction of a railroad from the Big Sioux river, up the Missouri valley to the mouth of the Great Cheyenne, and find the same correctly engrossed.

ROB'T. I. THOMAS,
Chairman.

On motion of Mr. Brookings,

Council bill No. 13, a memorial and joint resolution of the Legislature of the Territory of Dakota, to the congress of the United States, asking for a grant of lands to aid in the construction of certain railroads in the Territory of Dakota,

Was then taken up, and

The amendment reported by the special committee agreed to.

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

Being engrossed it was accordingly read a third time.

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

It was decided in the affirmative,

Ayes 8; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill was passed, and

Its title was agreed to.

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

SECOND READING OF COUNCIL BILLS.

Council bill No. 17, a bill to prevent bulls from running at large; also to prevent sheep and swine from running at large, Was then taken up, and Read a second time, and Referred to the committee on agriculture.

Council bill No. 19, a bill to authorize the county commissioners of Yankton county, to relocate certain roads and for other purposes,

Was then taken up and

Read a second time, and

Referred to the committee on judiciary.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
Friday, December 20, 1867, }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day pass house file No. 21, entitled a memorial to congress praying for the establishment of a mail route from Fort Totten, to St. Joseph, D. T.; also house file No. 24, entitled a bill for an act for the recovery of property removed by high water; and house file No. 25, entitled a memorial to congress praying for an appropriation to erect a capitol building at the capitol of Dakota Territory,

Which bill I herewith transmit and respectfully request the concurrence of the council therein.

P. H. HALNAN,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE FILES.

House file No. 21, a memorial to Congress praying for the establishment of a mail route from Fort Totten to St. Joseph Dakota Territory,

Was then taken up, and

Read a first and second time, and

Referred to the committee on federal relations.

House file No. 24, a bill for an act for the recovery of property removed by high water,

Was then taken up, and

Read a first and second time, and

Referred to the committee on internal improvements.

House file No. 25, a memorial to Congress praying for an appropriation to erect a capitol building at the capital of Dakota Territory,

Was then taken up, and

Read a first and second time, and

Referred to the public buildings.

THIRD READING OF BILLS.

House file No. 27, a bill to strike the word "white" from the election laws of Dakota Territory, reported back by the committee on elections,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Mr. Kellogg voted in the negative,

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary inform the house thereof.

House file No. 23, a memorial to the President of the United States relative to the removal of the Pembina band of Chippewa Indians, reported back by the committee on Indian affairs,

Was then taken up, and

Read a third time, and

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

It was decided in the affirmative.

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary inform the house thereof.

House file No. 18, entitled a memorial to the Secretary of War praying for the construction of a military post on the Pembina river, under the appropriation of March 2d, 1861, laid on the table on the 19th inst., was then

On motion of Mr. Brookings,

Taken from the table, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill was passed, and

Its title agreed to.

Ordered, That the secretary inform the house thereof.

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

MR. PRESIDENT.—Your committee on counties to whom was referred house file No. 20, a bill for an act to incorporate the city of Cheyenne, do now report that they have agreed to recommend that it be considered in committee of the whole.

D. M. MILLS,
AARON CARPENTER,
HUGH FRALEY,

Mr. Brookings moved to lay the report of the committee on the table,

Which motion was disagreed to.

On motion of Mr. Brookings,

The council resolved itself into the committee of the whole on house file No. 20, and after some time spent therein,

The president resumed the chair, and

Mr. Thomas reported that the council having according to order had house file No. 20, a bill for an act to incorporate the city of Cheyenne, under consideration, have directed him to report the same back with amendment and recommend that the bill do pass.

On motion of Mr. Rossteuscher,

The report was agreed to.

The bill was then read a third time.

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

It was decided in the affirmative,

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Mr. Kellogg voted in the negative.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house

House file No. 14, a bill for an act reported back by the committee

Was then taken up, and
 On motion of Mr. Brookings,
 Laid on the table.

Council bill No. 6, (house substitute) a bill to authorize the county commissioners of the several counties of this Territory, to build jails, reported back by the committee on counties,

Was then taken up, and
 On motion of Mr. Mills,
 The substitute was adopted.

Council bill No. 10, a memorial to Congress asking for a grant of land to aid in the construction of a railroad from the Big Sioux river up the Missouri valley to the mouth of the Great Cheyenne, reported engrossed,

Was then taken up, and
 On motion of Mr. Brookings,
 Indefinitely postponed,

Council bill No. 1, (substitute) a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, reported by the committee on judiciary,

Was then taken up, and
 On motion of Mr. Brookings,
 Made the special order for December 21st, 1867.

Council bill No. 16, a bill to strike the word "white" out of the election laws of Dakota Territory,

Was then taken up, and
 On motion of Mr. Brookings,
 Indefinitely postponed.

Mr. Rossteuscher chairman of the committee on enrollment submitted the following report:

MR. PRESIDENT.—Your committee on enrollment have examined council bill No. 5, entitled an act defining lands subject to taxation, and find the same correctly enrolled.

C. F. ROSSTEUSCHER.

Chairman.

On motion of Mr. Brookings,
The council adjourned.

H. J. AUSTIN,
President of Council.

Attest :

GEO. I. FOSTER,
Secretary.

TWENTIETH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 21, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called.

Absent, Mr. Benedict.

On motion of Mr. Brookings,

The reading of the journal of the 20th inst., was postponed until Monday, Dec. 23, 1867.

By unanimous consent Mr. Kellogg changed his vote on the passage of house file No. 20, which was passed on the 20th inst., from the negative to the affirmative.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 19, a bill to authorize the county commissioners of Yankton county, to relocate certain roads and for other purposes, ask leave to report the same back and recommend that it do pass.

W. W. BROOKINGS,
Chairman.

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

MR. PRESIDENT.—Your committee on counties to whom was referred house file No. 16, a bill for an act to create and establish the county of Carter, and providing for the appointment of officers therein, have had the same under consideration and report it back with the recommendation that it do pass.

D. M. MILLS,
AARON CARPENTER,
H. FRALEY.

SECOND READING OF COUNCIL BILLS.

Council bill No. 21, a bill to legalize the assessment and collection of taxes in Yankton county, for the year 1867,

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

Council bill No. 20, an act to regulate the keeping of billiard tables and bowling alleys,

Was then taken up, and

Read a second time, and

Referred to the committee on Territorial affairs,

BILLS REPORTED BACK BY COMMITTEES.

House file No. 16, a bill for an act to create and establish the county of Carter, and providing for the appointment of officers therein, reported back by the committee on counties,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

Council bill No 19, a bill to authorize the county commissioners of Yankton county, to relocate certain roads and for other purposes, reported back by committee on judiciary,

Was then taken up, and

On motion of Mr. Thomas,

Re-committed to the committee on mines and minerals.

Mr. Rossteuscher moved to reconsider the vote by which house substitute for council bill No. 6, was adopted on the 20th inst.,

Which motion was disagreed to.

COMMUNICATIONS FROM THE HOUSE,

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Saturday, Dec. 21, 1867. }

MR. PRESIDENT.—I am instructed to inform you that the house did on this day pass council bill No. 7, entitled an act to organize the county of Lincoln, with attached amendment; also house file No. 2, (substitute) entitled a bill to simplify and abridge the practice and proceedings of the courts of this Territory; also house file No. 17, entitled a bill for an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and defining their duties; also house file 28, entitled a bill for an act to change the name of Gunder Gunderson; also house file No. 29, entitled a memorial to congress asking for an appropriation to codify the laws of Dakota Territory; and house file No. 30, entitled a bill for an act to confer the right of citizenship on John, Charles and Alexander Cordier,

And that the concurrence of the council is respectfully requested,

Which bill I herewith transmit.

P. H. HALNAN,

Chief Clerk

Council bill No. 7, an act to organize the county of Lincoln, returned from the house with amendment,

Was then taken up, and

On motion of Mr. Mills,

The amendment was adopted.

FIRST AND SECOND READING OF HOUSE FILES,

House file No. 2, (substitute) a bill to simplify and abridge the practice and proceedings of the courts of this Territory,

Was then taken up, and

Read a first and second time, and made
Special order for Monday, Dec. 23d, 1867.

House file No. 17, a bill for an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and defining their duties,

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

House file No. 29, a memorial to congress asking for an appropriation to codify the laws of Dakota Territory,

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

HOUSE FILES PASSED.

House file No. 28, a bill for an act to change the name of Gunder Gunderson,

Was then taken up, and
Read a first and second time, and
On motion of Mr. Brookings,
The rules were suspended, and the bill
Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are
Messrs. Brookings, Carpenter, Green, Hampton, Kellogg,
Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house thereof.

House file No. 30, a bill for an act to confer the right of citizenship on John, Charles and Alexander Cordier,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time,

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Brookings, Carpenter, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house thereof.

By unanimous consent Mr. Green chairman of the committee on internal improvements submitted the following report:

MR. PRESIDENT.—Your committee on internal improvements to whom was referred house file No. 24, a bill for an act for the recovery of property removed by high water, have had the same under consideration and report the same back and recommend its passage.

R. R. GREEN.

Chairman.

House file No. 24, a bill for an act for the recovery of property removed by high water,

Was then taken up, and

Read a third time,

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

It was decided in the affirmative.

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Brookings, Carpenter, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,
So the bill passed, and
Its title was agreed to.

Ordered, That the secretary acquaint the house thereof.

By unanimous consent Mr. McIntyre chairman of the committee on public buildings submitted the following report:

MR. PRESIDENT.—Your committee on public buildings to whom was referred house file No. 25, a memorial to congress praying for an appropriation to erect a capitol building in Dakota Territory, have had the same under consideration and report it back recommending its passage.

C. H. McINTYRE,
Chairman.

House file No. 25, a memorial to congress praying for an appropriation to erect a capitol building in Dakota Territory, Was then taken up, and
Read a third time.

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

It was decided in the affirmative,
Ayes 11; noes none; as follows:

Those who voted in the affirmative, are
Messrs. Brookings, Carpenter, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,
So the bill passed, and
Its title was agreed to.

Ordered, That the secretary acquaint the house thereof.

On motion of Mr. Thomas,
The council adjourned.

H. J. AUSTIN.

Attest :

President of the Council.

GEO. L. FOSTER,

Secretary.

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
Monday, Dec. 23, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Absent Messrs. Carpenter and Hampton.

On motion of Mr. Brookings,

The reading of the journal of the 21st inst. was postponed until after the general order of business for the day was finished.

INTRODUCTION OF BILLS.

Mr. Mills introduced council bill No. 22, a bill for an act to divide the county of Union into townships and to provide for the election of certain officers therein,

Read a first and second time, and

Referred to the committee on counties.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred house file No. 29, a memorial to Congress asking an appropriation to codify the laws of Dakota Territory, have had the same under consideration and ask leave to report it back with the recommendation that it do pass.

W. W. BROOKINGS,
Chairman.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 21, a bill to legalize the assessment and collection of taxes in Yankton county for the year 1867 have had the same under consideration and ask leave to report it back with the recommendation that it do pass.

W. W. BROOKINGS,

Chairman.

Mr. Brookings chairman of the committee on mines and minerals submitted the following report :

MR. PRESIDENT.—Your committee on mines and minerals to whom was referred council bill No. 19, a bill to authorize the county commissioners of Yankton county to relocate certain roads and for other purposes, have had the same under consideration and ask leave to report the following amendment and recommend that the bill do pass.

W. W. BROOKINGS,

Chairman.

Insert after the word in first section as follows: "east of a point where said road runs from the table land to the bottom."

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills beg leave to report that council bill No. 5, an act defining lands subject to taxation, has been transmitted by your committee to his excellency the Governor for his approval.

CHAS. F. ROSSTEUSCHER,

Chairman

HOUSE FILES REPORTED BACK BY COMMITTEES.

House file No. 29, a memorial to congress asking an appropriation to codify the laws of Dakota Territory, reported back by the committee on judiciary,

Was then taken up,

Mr. Thomas submitted the following amendment :

Strike out the word "secretary" in the ninth line of the printed bill and insert in lieu thereof the word "legislature" and change the paragraph to harmonize therewith.

Which amendment was agreed to.

On motion of Mr. Brookings,

The bill with the amendment just adopted was laid on the table and made the special order for Monday Dec. 30th, 1867.

THIRD READING OF COUNCIL BILLS.

Council bill No. 21, a bill to legalize the assessment and collection of taxes in Yankton county for the year 1867, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 11; noes one; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed and

Its title was agreed to.

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

Council bill No. 19, a bill to authorize the county commissioners of Yankton county, to relocate certain roads and for other purposes, reported back by the committee on mines and minerals with amendment.

Was then taken up, and

On motion of Mr. Brookings,

The amendment reported by the committee was agreed to.

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

Being engrossed it was accordingly read a third time.

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas, and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

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

THIRD READING OF HOUSE FILES.

On motion of Mr. Brookings,

House file No. 16, a bill for an act to create and establish the county of Carter and providing for the appointment of officers therein,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs, Benedict, Brookings, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Monday, December 23, 1867. }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house did on this day pass house file No. 33, entitled a memorial to the Hon. Alexander Randall, Postmaster General of the United States, praying that the mail service on route 13801, from Sioux City, Iowa, to Fort Randall, Dakota Territory, be increased.

And that the council's concurrence is respectfully requested,

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Monday, December 23, 1867, }

MR. PRESIDENT.—I am instructed to inform your honorable body that the house did on this day pass council bill No. 2, (subsidiary) entitled memorial and joint resolution of the legislature of the Territory of Dakota relative to Indian affairs in Dakota Territory.

Which bill I herewith return.

P. H. HALNAN,
Chief Clerk.

House file No. 33, a memorial to the Hon. Alexander Randall Postmaster General of the United States, praying that the mail service on route No. 13801 from Sioux City, Iowa to Fort Randall D. T., be increased.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative.

Ayes 11; noes none; as follows;

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rosstuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and its

Title was agreed to.

Ordered, That the secretary acquaint the house therewith.

By unanimous consent Mr. Green chairman of the committee on Territorial affairs submitted the following report:

MR. PRESIDENT.—Your committee on Territorial affairs have had under consideration council bill No. 20, entitled an act to regulate the keeping of billiard tables and ball alleys, and beg leave to report the same back with the accompanying amendment, with recommendation that the bill with amendment do pass.

R. R. GREEN,
J. A. LEWIS,
C. F. ROSSTEUSCHER, } Committee.

In section 3 after the word "alleys" strike out the following sentence "provided that they are kept in the same room."

In the same section in the sentence "shall pay into the county treasury the sum of forty dollars" strike out "forty dollars" and insert in lieu thereof "twenty dollars for each and every alley."

Council bill No. 20, was then taken up, and
On motion of Mr. Rossteuscher,
The amendment proposed by the committee was agreed to.
Ordered, That the bill be engrossed.

House file No. 2, (substitute) a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, made special order for to-day,

Was then taken up,

Mr. Thomas submitted the following amendment:

In section 240, strike out the eleventh and twelfth lines:

Pending which

Mr. Mills moved to postpone the further consideration of the bill until Monday December 30th, 1867.

The ayes and noes being desired and ordered, the vote stood:

Ayes 6; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Fraley, Green, Kellogg, Lewis, Mills and Thomas.

Those who voted in the negative, are

Messrs. Benedict, Brookings, McIntyre, Rossteuscher and

Mr. President.

So the motion to postpone was agreed to.

On motion of Mr. Brookings,
The council adjourned.

HORACE J. AUSTIN,
President.

Attest :

GEO. I. FOSTER,
Secretary.

TWENTY-THIRD DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 24, 1867. }

Council met pursuant to adjournment and was called to order
by

The president in the chair,
Prayer by the chaplain,

Mr. McIntyre moved to reconsider the vote by which the amendment submitted by Mr. Thomas and adopted by the council on the 23d inst., to house file No. 29, a memorial to congress asking for an appropriation to codify the laws of Dakota Territory, was agreed to.

On motion of Mr. McIntyre,
The council adjourned.

H. J. AUSTIN,
President of Council.

Attest :

GEO. I. FOSTER,
Secretary.

TWENTY-FIFTH DAY.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
Wednesday, December 25, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

The following communication was received from his excellency, the Governor :

EXECUTIVE OFFICE,
Yankton, D. T. Dec. 24, 1867. }

HON. HORACE J. AUSTIN,

President of the Council :

SIR.—I herewith transmit council bill No. — entitled an act defining lands subject to taxation, which I have approved and signed.

I have the honor to be,

Your obedient servant,

A. J. FAULK,

Governor.

On motion of Mr. Green,

The council adjourned.

HORACE J. AUSTIN,

President of the Council

Attest :

GEO. I. FOSTER,

Secretary.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER, }
 Thursday, December 26, 1867. }

Council met pursuant to notice and was called to order by,
 The president in the chair,
 On motion of Mr. Green,
 The council adjourned.

H. J. AUSTIN,
President of the Council.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-SIXTH DAY.

COUNCIL CHAMBER, }
 Friday, December 27, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Carpenter, Hampton, Kellogg, Lewis, McIntyre and Rossteuscher.

On the motion of Mr. Brookings,

The reading of the journals of the 20th, 21st, 23d, 24th,

25th and 26th inst., was dispensed with, and the journals approved.

NOTICE OF BILLS.

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

Mr. Fraley gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to confer the right of citizenship on Joseph, Charles and Eugene Brughier.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 23, a bill to fix the time and place of holding the supreme court; also to define the judicial districts, and to fix the time of holding the courts therein.

Read a first time.

By unanimous consent Mr. Brookings introduced council bill No. 26, a bill to establish the county of Grant,

Read a first time.

RESOLUTIONS AND MOTIONS.

Mr. Brookings moved to excuse all absentees prior to, and this day inclusive,

Which motion was agreed to.

Mr. Brookings submitted the following resolution which was read, considered and agreed to.

Resolved, That the committee on highways, bridges and ferries be requested to consider the expediency of establishing roads on all section lines and to report by bill or otherwise.

Mr. Brookings submitted the following resolution which was read, considered and agreed to.

Resolved, That the committee on highways, bridges and ferries be requested to enquire into the necessity of keeping all Territorial and county roads open and to report by bill or otherwise.

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee on counties to whom was referred council bill No. 22, a bill for an act to divide the county of Union into townships, and to provide for the election of certain officers therein, have had the same under consideration and beg leave to report it back with the recommendation that it do pass.

D. M. MILLS,
HUGH FRALEY.

SECOND READING OF COUNCIL BILLS.

Council bill No. 18, a bill for an act relating to road supervisors.

Was then taken up, and

Read a second time, and

Referred to the committee on highways, bridges and ferries.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER, }
Saturday, December 28, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Kellogg gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill defining the duties of county commissioners in regard to the opening of located roads.

Mr. Rossteuscher gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill for an act concerning revenue.

Mr. Kellogg gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a memorial to congress relative to a U. S. district court in Union county.

INTRODUCTION OF BILLS.

By unanimous consent Mr. Brookings introduced house file No. 27, a memorial to congress praying for the organization of the Territory of Lincoln,

Read a first and second time and ordered printed.

Mr. Brookings introduced council bill No. 28, a bill to provide for the organization of the county of Minnehaha,

Read a first time.

Mr. Mills introduced council bill No. 29, a bill for an act granting to Geo. W. Kellogg, a life membership in the Legislature of the Territory of Dakota,

Read a first and second time, and

Referred to the committee on agriculture.

Mr. Benedict introduced council bill No. 30, a memorial to congress asking for an appropriation to complete the Sioux City and Fort Randall wagon road,

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill,

Read a third time.

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

It was decided in the affirmative.

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher and Mr. President—12.

Mr. Thomas voted in the negative,

So the bill was passed, and

Its title was agreed to.

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

Mr. Fraley introduced council bill No. 31, an act conferring the right of citizenship upon certain halfbreeds in Dakota Territory.

Read a first and second time, and

Referred to the committee on judiciary.

Mr. Mills introduced council bill No. 32, a bill for an act to change the name of Milo K. Linedolph,

Read a first and second time.

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time

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

It was decided in the affirmative,

Ayes 11; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Kewis, McIntyre, Thomas and Mr. President.

None voted in the negative,

So the bill was passed and

Its title was agreed to.

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

REPORTS OF COMMITTEES.

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

MR. PRESIDENT.—Your committee on public lands to whom was referred house file No. 19, a memorial to congress relative to a United States land office in the Red River valley, have had the same under consideration and beg leave to report the bill back without recommendation.

A. H. HAMPTON,

Chairman.

Mr. Fraley chairman of the committee on federal relations submitted the following report :

MR. PRESIDENT.—Your committee on federal relations to whom was referred house file No. 21, memorial to congress praying for the establishment of a mail route from Fort Totten, to St. Joseph, D. T., have had the same under consideration and ask leave to report it back with the recommendation that it do pass.

HUGH FRALEY,
AARON CARPENTER,
W. W. BENEDICT.

Mr. Benedict chairman of the committee on highways, bridges and ferries, submitted the following report :

MR. PRESIDENT.—Your committee on highways, bridges and ferries, have had under consideration council bill No. 18, an act relating to road supervisors and have agreed to report the following amendments and recommend the passage of the bill:

W. W. BENEDICT,
G. W. KELLOGG,
HUGH FRALEY.

In section one line tenth, after the word "first" strike out the word "of" and insert in lieu thereof the following : "Monday in."

In section nine in the seventh line strike out the following : "for thirty days."

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following reports :

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 2, entitled a memorial and joint resolution of the legislature of the Territory of Dakota, relative to Indian affairs in Dakota Territory; also council bill No. 6, entitled an act authorizing the county commissioners in this Territory to build jails, and find them correctly enrolled.

C. F. ROSSTEUSCHER,

Chairman,

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 7, entitled an act to organize the county of Lincoln and beg leave to report the same correctly enrolled.

C. F. ROSSTEUSCHER,

Chairman.

BILLS REPORTED BACK BY COMMITTEES.

Council bill No. 22, a bill for an act to divide the county of Union into townships and to provide for the election of certain officers therein, reported back by the committee on counties on the 27th inst,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes 2; as follows:

Those who voted in the affirmative, are
Messrs. Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Thomas and Mr. President.

Messrs. Brookings and Rossteuscher voted in the negative,

So the bill passed, and

Its title was agreed to.

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

Council bill No. 18, a bill for an act relating to road supervisors, reported back by the committee on highways, bridges and ferries,

Was then taken up, and

On motion of Mr. Brookings,
The amendments reported by the committee were agreed to.
Ordered, That the bill be engrossed.

House file No. 21, a memorial to congress praying for the establishment of a mail route from Fort Totten, to St. Joseph, D. T., reported back by the committee on federal relations,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 19, a memorial to congress relative to a U. S. land office in the Red River valley, reported back by the committee on public lands,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 23, a bill to fix the time and place of holding the supreme court; also defining the judicial districts and fixing the time and place of holding the courts therein,

Was then taken up, and

Read a second time.

Mr. Mills moved to indefinitely postpone the bill.

The ayes and noes being desired and ordered, the vote stood,

Ayes 9; noes 4; as follows:

Those who voted in the affirmative, are

Messrs. Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Mills, Thomas and Mr. President.

Those who voted in the negative, are

Messrs. Benedict, Brookings, McIntyre and Ressteuscher.

So the bill was indefinitely postponed.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Saturday, Dec. 28, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day pass house file No. 31, entitled a bill for an act to incorporate insurance companies, which bill is herewith transmitted and the concurrence of the council respectfully requested.

I have also to inform you that the house did also on this day pass council bill No. 21, entitled a bill to legalize the assessment and collection of the taxes of Yankton county for the year 1867,

Which bill I herewith return.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Saturday, Dec. 28, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed house file No. 42, entitled a memorial to congress praying for the establishment of mail route from Fort Randall, to Fort Rice, in Dakota Territory.

And that the concurrence of the council is respectfully requested.

Which bill I herewith transmit.

P. H. HALNAN,
Chief Clerk.

House file No. 42, a memorial to congress praying for the establishment of a mail route from Fort Randall, to Fort Rice, in Dakota Territory,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

On motion of Mr. Brookings,

The council adjourned.

H. J. AUSTIN,
President of Council.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-NINTH DAY.

COUNCIL CHAMBER,
Monday, Dec. 30, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

Journal of the twenty eighth inst. read and approved.

NOTICE OF BILLS.

Mr. Benedict gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a bill to amend chapter seventeen of the laws of 1865-6.

Mr. Rossteuscher gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a joint resolution sustaining the Thirty-ninth and Fortieth Congress and denouncing Andrew Johnson the President of the United States for the removal of Edwin M. Stanton and Philip Sheridan.

INTRODUCTION OF BILLS.

Mr. Kellogg introduced council bill No. 33, a memorial to Congress relative to a United States district court in Union county.

Read a first and second time, and

Referred to the committee on counties.

Mr. Lewis introduced council bill No. 34, a memorial to

Congress asking for the organization of a new territory out of the south-western portion of Dakota.

Read a first second time, and

Referred to the committee on judiciary.

On motion of Mr. Kellogg,

Council bill No. 27, a memorial to Congress praying for the organization of the Territory of Lincoln, was

Referred to the committee on judiciary.

RESOLUTIONS AND MOTIONS.

Mr. Fraley submitted the following resolution which was read, considered and agreed to.

Resolved, That the use of this house be tendered to the Sauntee Sioux Indians each day during this week. at 4 o'clock P. M., for the purpose of holding religious services.

REPORTS OF COMMITTEES.

Mr. McIntyre chairman of the committee on manufactures, submitted the following report:

MR. PRESIDENT.—Your committee on manufactures have had under consideration house file No. 8, a bill for an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, and beg leave to report the following amendment and recommend that the bill do pass.

C. H. MCINTYRE,

Chairman.

Strike out the word "residents" whenever it occurs in the bill and insert in lieu thereof the words "citizens."

Mr. Thomas chairman of the committee on engrossed bills submitted the following report:

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 18, a bill for an act relating to road supervisors, and find the same correctly engrossed.

ROBERT I. THOMAS.

Chairman.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills beg leave to report that they have this day at 11 o'clock A. M., handed to his excellency the Governor for his approval council bill No. 6, an act authorizing the county commissioners of this Territory to build jails ; also council bill No. 7, an act organizing the county of Lincoln ; your committee also at the time presented to his excellency the Governor for his signature council bill No. 2, entitled a memorial and joint resolution of the legislature of Dakota relative to Indian affairs.

C. F. ROSSTEUSCHER.

Chairman.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor :

EXECUTIVE OFFICE, }
YANKTON, December 30, 1867. }

HON. HORACE J. AUSTIN,

President of the Council :

SIR.—I have the honor to transmit herewith a bill entitled an act to organize the county of Lincoln.

Also, a bill entitled an act authorizing the county commissioners in this Territory to build jails.

Which I have signed.

I am, very respectfully,

Your ob't servant,

A. J. FAULK,

Governor.

EXECUTIVE OFFICE, }
Yankton, D. T. Dec. 30, 1867. }

HON. HORACE J. AUSTIN,

President of the Council :

SIR.—I have the honor to return herewith a memorial and joint resolution of the legislature of the Territory of Dakota, relative to Indian affairs in Dakota Territory.

Which I have signed.

I am very respectfully,

Your obedient servant,

A. J. FAULK,

Governor.

SECOND READING OF COUNCIL BILLS.

Council bill No. 28, a bill for an act to organize the county of Minnehaha and to provide for county officers,

Was then taken up, and

Read a second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a third time, and

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

It was decided in the affirmative.

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house and request concurrence therein.

Council bill No. 26, a bill to organize the county of Grant

Was then taken up, and

Read a second time, and

Referred to the committee on agriculture.

BILLS REPORTED BACK BY COMMITTEES.

Council bill No. 18, a bill for an act relating to road supervisors, reported back by the committee on engrossed bills.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill was passed, and

Its title was agreed to.

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

House file No. 8, a bill for an act for the incorporation of manufacturing and mining companies for mechanical, chemical and building purposes,

Was then taken up, and

On the motion of Mr. Brookings,

Laid on the table.

Mr. Brookings moved to take up the general orders of the day,

Which was agreed to.

Accordingly house file No. 29, a memorial to Congress asking an appropriation to codify the laws of Dakota Territory,

Was then taken up for consideration, and

On motion of Mr. Brookings,

Referred to a select committee of three.

The president appointed Messrs. Brookings, Rossteuscher, and Thomas as such committee.

House file No. 2, a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory,

Was then taken up for consideration.

Mr. Thomas moved to lay the bill on the table,

Which motion was disagreed to.

By unanimous consent Mr. Thomas withdrew the motion to amend, submitted by him on the 23d instant.

Mr. Thomas then submitted the following amendments which were disagreed to.

In section 81, line first, strike out the words "plaintiff or his attorney" and insert in lieu thereof "clerk of the court."

In the third line same section after the word "summons" strike out the remainder of the line.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 9; noes 4; as follows:

Those who voted in the affirmative, are
Messrs. Brookings, Carpenter, Green, Hampton, Lewis,
McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Mills and Thomas.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary return the said bill and acquaint the house of its passage.

Council bill No. 1, a bill to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory,

Was then taken up and

On motion of Mr. Brookings,

Indefinitely postponed.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES. }
Monday, December 30, 1867. }

MR. PRESIDENT.—I am instructed to inform you that the house did on the 28th inst. pass council bill 32, entitled an act to change the name of Milo K. Linedolph.

Which bill is herewith returned.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 30, 1867. }

MR. PRESIDENT.—I am instructed by the house file to inform

the council that the house did on this day pass house No. 43, entitled a bill for an act to extend the time for the collection of taxes in Clay county for the year 1867, and for other purposes.

I am also instructed to inform the council that the house did on this day pass council No. 15, entitled a bill to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7; both of which I herewith transmit. I also am instructed to request of the council the return to the house of council bill No. 21, entitled a bill to legalize the assessment and collection of the taxes of Yankton county for the year 1867.

P. H. HALNAN,
Chief Clerk.

FIRST READING OF HOUSE FILES.

House file No. 43, a bill for an act to extend the time for the collection of taxes in Clay county, was then taken up, and

Read a first and second time, and

Referred to the Clay county delegation.

House file No. 31, a bill for an act to incorporate insurance companies,

Was then taken up, and

Read a first and second time, and

Referred to the committee on incorporations.

On motion of Mr. Brookings,

The council took a recess of ten minutes,

At the expiration of which time, the

President resumed the chair.

On motion of Mr. Brookings,

The amended report of the Territorial superintendent of public instruction, was then taken from the table, and

Referred to the committee on education.

On motion of Mr. Brookings,

The annual report of the Territorial treasurer, was taken from the President's table, and

Referred to the committee on finance.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,
President of the Council.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTIETH DAY.

COUNCIL CHAMBER, }
Monday, Dec. 31, 1867. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that he will on to-morrow or some subsequent day of the session ask leave to introduce a joint resolution indorsing the heroic and patriotic course of Gen. Philip Sheridan, in his administration of affairs in Louisiana and Texas.

Mr. Thomas gave notice that he will on to-morrow or some subsequent day of the session ask leave to introduce a resolution relative to the approval of the action of the house of representatives of the United States in refusing to impeach President Johnson.

INTRODUCTION OF BILLS.

Mr. Kellogg introduced council bill No. 35, an act to prevent the spread of prairie fires.

Read a first and second time, and

Referred to the committee on agriculture.

Mr. Benedict introduced council bill No. 36, an act to establish public roads along the section lines in this territory.

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

Mr. Brookings introduced council bill No. 24, a bill for an act to regulate incorporations.

Read a first and second time, and

Referred to the committee on judiciary.

RESOLUTIONS AND MOTIONS.

Mr. Brookings submitted the following resolution which was read, considered and agreed to :

Resolved, That a committee of two be appointed by the council to act with a like committee on the part of the house to wait on the Hon. W. A. Burleigh, and request him to donate to the Territory a lot in the town of Yankton on which to build an arsenal.

The president appointed as such committee, Messrs. Rossteuscher and Mills.

REPORTS OF COMMITTEES.

Mr. Hampton from the special committee to whom was referred house file No. 43, an act to extend the time for the collection of taxes in Clay county, submitted the following report;

MR. PRESIDENT.—Your special committee to whom was referred house file No. 43, have had the same under consideration and beg leave to report the same back and recommend its indefinite postponement.

A. H. HAMPTON,

H. J. AUSTIN.

Mr. Brookings from the select committee to whom was re-

ferred house file No. 29, a memorial to congress asking an appropriation to codify the laws of Dakota Territory, submitted the following report:

MR. PRESIDENT.—Your special committee to whom was referred house file No. 29, beg leave to report that they have examined the same and wish to recommend its passage.

W. W. BROOKINGS,
Chairman,

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

MR. PRESIDENT.—Your committee on incorporations to whom was referred house file No. 31, a bill for an act to incorporate insurance companies, have had the same under consideration and ask leave to report it back without recommendation.

G. W. KELLOGG,
Chairman,

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 31, an act conferring the rights of citizenship upon certain half breeds in Dakota Territory, ask leave to make the following report. An act of congress approved April 9th, 1866, makes all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; this act covers the bill in question. Therefore your committee recommend that the bill be indefinitely postponed.

W. W. BROOKINGS,
Chairman.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred house file No. 11, A bill for an act relating to settlers upon land without the legal title thereto, have had the same under consideration and ask leave to report it back with amendment and recommend its passage.

W. W. BROOKINGS,
Chairman,

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

MR. PRESIDENT.—Your committee on agriculture to whom was referred council bill No. 17, a bill to prevent bulls from running at large; also, to prevent sheep and swine from running at large, have had the same under consideration and report it back with the following amendment and recommend its passage.

After the words "April, May and June," insert "in Yankton county are not to apply to any other county in this Territory."

GEO. W. KELLOGG,

A. H. HAMPTON,

W. W. BENEDICT.

Mr. Thomas chairman of the committee on engrossed bills submitted the following report:

MR. PRESIDENT.—Your committee on engrossed bills, have had under consideration council bill No 20, an act to regulate the keeping of billiard tables and ball alleys, and return the same correctly engrossed.

ROBT. I. THOMAS,

Chairman.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report:

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 15, entitled an act to repeal chapter 39 of the laws of 1862, and chapter 25 of the laws of 1866-67; also, council bill No. 32, entitled an act to change the name of Milo K. Linedolph, and find the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,

Chairman

Mr Kellogg chairman of the committee on incorporations submitted the following report:

MR. PRESIDENT.—Your committee on incorporations to whom was referred house file No. 17, a bill for an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, have had the

same under consideration and report it back without recommendation.

GEO. W. KELLOGG,
C. F. ROSSTEUSCHER,
HUGH FRALEY.

BILLS REPORTED BACK BY COMMITTEES.

House file No. 43, a bill for an act to extend the time for the collection of taxes in Clay county,

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed.

House file No. 29, a memorial to congress asking an appropriation to codify the laws of Dakota Territory, reported back by select committee with the recommendation that the bill do pass,

Was then taken up, and

On motion of Mr. Brookings,

The report of the committee was adopted.

The bill was then read a third time,

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

It was decided in the affirmative.

Ayes 13; noes none; as follows;

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and its

Title was agreed to.

Ordered, That the secretary acquaint the house thereof.

House file No. 31, a bill for an act to incorporate insurance companies, reported back by the committee on incorporations,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

Council bill No. 31, an act conferring the rights of citizenship upon certain half breeds in Dakota Territory, reported back by the committee on judiciary with the recommendation that the bill be indefinitely postponed,

Was then taken up, and

On motion of Mr. Brookings,

The report of the committee was laid on the table.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 7; noes 6; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Carpenter, Fraley, Green, McIntyre, Mills and Thomas.

Those who voted in the negative, are

Messrs. Brookings, Hampton, Kellogg, Lewis, Rossteuscher and Mr. President.

So the bill was passed, and

Its title was agreed to.

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

House file No. 11, a bill for an act relating to settlers upon land without the legal title thereto, reported back by the committee on judiciary, with amendment,

Was then taken up, and

On motion of Mr. Brookings,

The amendment was agreed to,

The bill was then read a third time,

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

It was decided in the affirmative,

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Mr. Benedict voted in the negative.

So the bill was passed and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 20, an act to regulate the keeping of billiard tables and ball alleys, reported correctly engrossed,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Rossteuscher, and Thomas.

Those who voted in the negative, are

Messrs. Brookings, Kellogg and Mr. President.

So the bill passed, and

Its title was agreed to.

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

House file No. 17, a bill for an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, reported back by the committee on incorporations.

Was then taken up, and

On the motion of Mr. Brookings,

Laid on the table.

Council bill No. 17, a bill to prevent bulls from running at large; also, to prevent sheep and swine from running at large, reported back by the committee on agriculture, with amendment,

Was then taken up, and

On motion of Mr. Benedict,

The amendment was agreed to.

Ordered, That the bill be engrossed.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 31, 1867. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on the 30th inst. pass the following house files, to-wit :

(Substitute) for house files 13 and 15, entitled a bill for an act providing common schools for the Territory of Dakota ; also, house file No. 32, entitled a bill for an act to organize the county of Laramie ; house file No. 35, entitled a bill for an act relating to costs of trial on change of venue ; house file No. 37, entitled a bill for an act to repeal certain sections of an act entitled an act relative to the county surveyors approved January 8th, 1866 ; house file No. 39, entitled a bill for an act to amend chapter 32 of the session laws of 1865-66, entitled an act to prohibit sheep and swine from running at large, all of which I herewith transmit with council bill No 12, entitled a bill to amend an act entitled an act to incorporate the Dakota and northwestern railroad company.

And that the concurrence of the council is respectfully solicited to the amendments thereto.

I am also instructed to inform the council of the passage of house file No. 22, entitled a memorial to congress praying for an appropriation to construct a wagon road from Fort Abercrombie down the Red River of the north.

And the concurrence of the council is also respectfully solicited therein.

Also, council bill No. 22, entied a bill for an act to divide the county of Union into townships; council bill No. 28, a bill to provide for the organization of the county of Minnehaha.

Your concurrence is respectfully requested in reference to these bills.

Also, council bill No. 30, a memorial to congress praying for an appropriation to complete the Sioux City and Fort Randall wagon road.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 Tuesday, December 31, 1867, }

MR. PRESIDENT.—I am instructed by the house to inform the

council that the house has this day passed council bill No. 8, entitled an act to regulate the sale of spirituous liquors, and for other purposes, with the attached amendments numbered 1, 2, 3, 4 and 5.

Which bill is herewith returned and the concurrence of the council requested in said amendments.

P. H. HIALNAN,
Chief Clerk.

HOUSE FILES ON FIRST READING.

Substitute for house files Nos. 13 and 15, a bill for an act providing common schools for the Territory of Dakota,

Was then taken up, and

Read a first and second time, and

Referred to the committee on education.

House file No. 32, a bill for an act to organize the county of Laramie,

Was then taken up for consideration, and

Read a first and second time.

Mr. Brookings submitted the following amendment which was agreed to :

Strike out the name of M. J. Bond, and insert in lieu thereof, M. C. Brown, justice of the peace.

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to,

Ordered, That the secretary acquaint the house thereof.

House file No. 35, a bill for an act relating to costs of trial on change of venue,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benédict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Mills, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Brookings, McIntyre and Thomas.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 37, a bill for an act to repeal certain sections of an act entitled an act relative to the county surveyors, approved January 8th, 1866, was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill,

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 39, a bill for an act to amend chapter 32, of the session laws of 1865-6, entitled an act to prohibit sheep and swine from running at large,

Was then taken up, and

Read a first and second time, and

Referred to the committee on counties.

Council bill No. 12, a bill to amend an act entitled an act to incorporate the Dakota and Northwestern railroad company, returned from the house with amendment,

Was then taken up, and

On motion of Mr. Brookings,

The amendment was agreed to.

House file No. 22, a memorial to congress praying for an appropriation to construct a wagon road from Fort Abercrombie down the Red River of the North,

Was then taken up, and

Read a first second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Mills, McIntyre, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

On motion of Mr. Brookings,

The council took a recess of ten minutes,

At the expiration of which time, the

President resumed the chair.

By unanimous consent Mr. Brookings chairman of the

committee on judiciary submitted the following report :

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 27, a memorial to congress praying for the organization of the Territory of Lincoln; and council bill No. 34, a memorial to congress asking for the organization of a new Territory, out of the southeastern portion of Dakota, have had the same under consideration and recommend the indefinite postponement of No. 27, and the passage of No 34.

W. W. BROOKINGS,

Chairman.

Council bill No. 34, was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith, and request concurrence.

Council bill No. 27, a memorial to congress praying for the organization of the Territory of Lincoln,

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed,

Council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes, returned from the house with amendments.

Was then taken up, and

On motion of Mr. Brookings,

The amendments were agreed to.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills have to report that they have this 31st day of December, at 12 o'clock, M., handed to his excellency, the Governor, for his approval, council bill No. 15, entitled an act to repeal chapter 39, of the laws of 1862, and chapter 2 of the laws of 1866-67; also council bill No. 32, entitled an act to change the name of Milo K. Linedolph.

C. F. ROSSTEUSCHER,
Chairman,

By unanimous consent Mr. Rossteuscher submitted the following resolution which was read, considered and agreed to :

Resolved, That the committee on agriculture to whom was referred council bill No. 29, entitled an act granting to Geo. W. Kellogg a life membership in the Legislature of the Territory of Dakota, is requested to make report on the said bill.

Accordingly Mr. Kellogg chairman of the committee on agriculture submitted the following report :

MR. PRESIDENT.—Your committee on agriculture to whom was referred council bill No. 29, a bill granting to Geo. W. Kellogg a life membership in the Legislature of Dakota Territory, have agreed to report the bill back and recommend that it be indefinitely postponed.

G. W. KELLOGG,
Chairman.

On motion of Mr. Brookings,

The council resolved itself into the committee of the whole on council bill No. 29, a bill granting to Geo. W. Kellogg a life membership in the Legislature of the Territory of Dakota, and

After some time spent therein,

The president resumed the chair, and

Mr. Brookings reported that the council having according to order, had council bill No. 29, under consideration, have directed him to report the bill back to the council and recommend its indefinite postponement.

On motion of Mr. Brookings,

The report of the committee was adopted, and

On motion of Mr. Brookings,

The bill was indefinitely postponed.

Mr. Kellogg moved to so amend the rules of the council, that the hour of meeting be 10 o'clock,

Which motion was agreed to.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,
President.

Attest:

Geo. I. Foster,
Secretary.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,)
Wednesday, Jan. 1, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called.

Members all present,

On motion of Mr. Brookings,

The reading of the journal of the 31st Dec. was dispensed with.

INTRODUCTION OF BILLS

Mr. Rossteuscher introduced council bill No. 37, joint resolution relative to the 39th and 40th Congress and removal of E. M. Stanton, late secretary of war, and Major General Philip H. Sheridan,

Read a first time.

Mr. Thomas moved to lay the bill on the table.

Mr. Hampton moved to lay the motion of Mr. Thomas on the table.

Which motion was agreed to.

REPORTS OF COMMITTEES.

Mr. Benedict chairman of the committee on education submitted the following report :

MR. PRESIDENT.—Your committee on education have had under consideration substitute for house file No. 13, and 15, a bill for an act to provide common schools for the Territory of Dakota and report the same back and recommend that it do pass.

W. W. BENEDICT,
AARON CARPENTER,
R. R. GREEN.

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

MR. PRESIDENT.—Your committee on agriculture to whom was referred council bill No. 26, a bill to organize the county of Grant ; have had the same under consideration and have agreed to report the bill back without recommendation.

GEO. W. KELLOGG,
W. W. BENEDICT,
A. H. HAMPTON.

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 24, an act to regulate corporations, have had the same under consideration and ask leave to report it back and recommend that it do pass.

W. W. BROOKINGS,
Chairman.

BILLS REPORTED BACK BY COMMITTEES.

Substitute for house file No. 13 and 15, a bill for an act to

provide common schools for the Territory of Dakota, reported back by committee on education,

Was then taken up, and

Read a third time,

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 24, an act to regulate incorporations, reported back by the committee on judiciary, was then taken up, and

Read a third time,

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house and request concurrence therein.

Council bill No. 26, a bill to organize the county of Grant, reported back by the committee on agriculture,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 8 ; noes five ; as follows :

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill was passed, and

Its title was agreed to.

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

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 1, 1868. }

MR. PRESIDENT.—I am instructed to inform the council that the house has amended the council's amendment to house file No. 11, a bill for an act relating to settlers upon land without the legal title thereto, which bill is herewith returned, and the concurrence of the council requested in said house amendment to council's amendment.

P. H. HALNAN,
Chief Clerk

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 1, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform you that the house did on 31st inst. pass council bill No. 31, entitled an act to confer the right of citizenship upon certain half breeds in Dakota Territory ; and council bill No. 34, entitled a memorial to Congress asking for the organization of a new Territory out of the southwestern portion of Dakota.

Which bills are herewith return.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 1, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform

the council that the house has this day passed house file No. 48, entitled a bill for an act in relation to the Territorial auditor and treasurer, which bill I herewith transmit and the concurrence of the council is respectfully solicited.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 1, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed house file No. 34, a joint resolution authorizing the adjutant general to rent a building to store arms and ammunition; which bill I herewith and respectfully request the concurrence of the council. transmit.

P. H. HALNAN,
Chief Clerk.

On motion of Mr. Brookings,

House file No. 17, a bill for an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and defining their duties,

Was then taken up, and

Read a third time.

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

It was decided in the negative,

Ayes 6; noes 7; as follows:

Those who voted in the negative, are

Messrs. Benedict, Carpenter, Green, Lewis, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Brookings, Fraley, Hampton, Kellogg, McIntyre, Mills and Thomas.

So the bill was not passed.

Mr. Brookings gave notice that he will on to-morrow move to reconsider the vote last taken.

House file No. 11, a bill for an act relating to settlers upon land without the legal title thereto, returned from the house

with council amendment amended,
 Was then taken up, and
 On motion of Mr. Brookings,
 Laid on the table.

By unanimous consent, Mr. Thomas chairman of the committee on engrossment submitted the following report :

MR. PRESIDENT,—Your committee on engrossed bills have had under consideration council bill No. 17, a bill to prevent bulls from running at large ; also to prevent sheep and swine from running at large : and find the same correctly engrossed.

ROBERT I. THOMAS.

Chairman.

Council bill No. 17, a bill to prevent bulls from running at large, also to prevent sheep and swine from running at large ; reported correctly engrossed, was taken up for consideration.

Mr. Brookings submitted the following amendment which was agreed to.

Strike the word "sheep" from the bill whenever it occurs.

Mr. Brookings moved to recommit the bill to one from each county.

Which motion was agreed to.

Whereupon the president appointed as such committee, Messrs. Benedict of Yankton, Carpenter of Clay, Green of Union, Fraley of Bon Homme, Lewis of Todd and Thomas of Charles Mix.

FIRST READING OF HOUSE FILES.

House file No. 48, a bill for an act in relation to the Territorial auditor and treasurer,

Was then taken up, and

Read a first and second time, and

Referred to the committee on Territorial affairs.

House file No. 34, a joint resolution authorizing the adjutant general to rent a building to store arms and ammunition,

Was then taken up and

Read a first and second time, and

Referred to the committee on Territorial affairs.

By unanimous consent Mr. McIntyre gave notice that he will on to morrow or some subsequent day of the session introduce a bill relative the recording of deeds and mortgages and other papers, in this Territory not within the limits of any organized county.

On motion of Mr. Brookings,
House file No. 10, a bill regulating the sale of spirituous liquors,

Was then taken from the table, and

On motion of Mr. Brookings,
Indefinitely postponed.

On motion of Mr. Brookings,
The council adjourned.

H. J. AUSTIN,
President of Council.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-SECOND DAY.

COUNCIL CHAMBER, }
Thursday, January 2, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Roll called,

Members all present

Journal of yesterday read read and approved.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES. }
Thursday, January 2, 1868. }

MR. PRESIDENT.—I am instructed by house to inform you that the house did on the 1st inst. pass house file No. 47, entitled a memorial to congress relative to a change in the route of the Big Sheyenne wagon road.

Which bill is herewith transmitted and the concurrence of the council respectfully requested.

P. H. HALNAN,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Mills chairman of the committee on counties submitted the following reports:

MR. PRESIDENT.—Your committee on counties to whom was referred house file No. 39, a bill to strike the word "sheep" out of the hog law, have had the same under consideration and do now report the same back with the recommendation that it do not pass.

D. M. MILLS,
HUGH FRALEY.

MR. PRESIDENT.—Your committee on counties, to whom was referred council bill No. 33, a memorial to congress relative to a United States district court in Union county, have had the same under consideration and do now report it back with the recommendation that it do pass.

D. M. MILLS,
HUGH FRALEY.

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

MR. PRESIDENT.—Your committee on agriculture, to whom was referred council bill No. 35, an act to prevent the spread

of prairie fires, have had the same under consideration and report it back and recommend that it do pass.

GEO. W. KELLOGG,
W. W. BENEDICT,
A. H. HAMPTON,

FIRST READING OF HOUSE FILES.

House file No. 47, a memorial to congress relative to a change in the route of the Big Sheyenne wagen road,

Was then taken up, and

Read a first and second time, and

Referred to the committee on judiciary.

BILLS REPORTED BACK BY COMMITTEES.

House file No. 39, a bill to strike the word "sheep" out of the how law, reported back by the committee on counties.

Was then taken up for consideration.

Mr. Mills submitted the following amendment, which was disagreed to :

Provided, That this act shall not apply to Union county.

Mr. Kellogg moved to recommit the bill to a special committee of one from each county.

Which motion was agreed to.

Whereupon, the president appointed Messrs. Kellogg, Carpenter, Benedict, Lewis, Thomas and Fraley as such committee.

Council bill No. 33, a memorial to congress relative to a U. S. district court in Union county, reported back by the committee on counties,

Was then taken up for consideration.

Mr. Mills submitted the following amendment which was agreed to.

That one copy of this memorial be sent to Hon. Walter A. Burleigh, our delegate in congress, and one copy to each of the chairman of the territorial committee of the senate and house of representatives of the United States.

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

Council bill No. 35, an act to prevent the spread of prairie fires, reported back by the committee on agriculture.

Was then taken up, and

Read a third time, and

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

It was decided in the affirmative.

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre and Rossteuscher.

Those who voted in the negative, are

Messrs. Mills, Thomas and Mr. President.

So the bill passed, and

Its title was agreed to.

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

Mr. Brookings moved to reconsider the vote by which house file No. 17, a bill for an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their duties, was lost yesterday.

Which motion was agreed to.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills and Rossteuscher.

Those who voted in the negative, are

Messrs. Kellogg, Thomas and Mr. President.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
 YANKTON, January 2, 1868. }

HON. HORACE J. AUSTIN,
President of the Council.

SIR.—I have the honor to return herewith council bill entitled an act to change the name of Milo K. Linedolph.

Which I have approved and signed.

I am very respectfully,

Your obedient servant,

A. J. FAULK,

Governor.

EXECUTIVE OFFICE, }
 YANKTON, January 2, 1868. }

HON. HORACE J. AUSTIN,
President of the Council:

SIR.—I have the honor to return herewith council bill entitled an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866 and 1867.

I regret that in this instance I am unable to give to the bill my approval and signature. The chapter referred to is an act to exempt property, acquired during residence in Dakota Territory, from execution for any debt incurred on the part of those who have sought homes in this Territory, prior to such immigration. It was designed to be, and has proved a most humane, just and beneficent law, in giving to the poor, honest, but oppressed debtors, in the older communities of the East, an asylum where they might find rest from persecution by remorseless and exacting creditors; and where they might under the protection of this law, acquire and hold property free from such molestation. That this law was framed with a wise and thoughtful purpose to foster and encourage immigration, is now a matter of history; and that it has had that effect we have abundant evidence. That it has met the approbation of my predecessors in the executive office, and been concurred in by successive legislatures ever since its adoption in the spring of 1862, leave me no room to doubt as to its perfect wisdom and propriety. I can see no Territorial interest to be promoted by its repeal; while the bad faith thus exhibited towards all those who are to be affected by it is apparent. Its repeal would encourage

and even stimulate litigation in all our courts, by opening the door to the recovery of debts which past legislation has excluded; which legislation has heretofore stood as an implied contract on the part of the law-making power with our citizens to protect them in acquiring property in our midst. Its repeal would work gross injustice and injury to all those who have within or without the Territory, loaned money or credit, or in any manner dealt with our citizens on the strength of their probity or industry or their property thus acquired under the guarantees of past legislation. Its repeal, I most respectfully suggest, would be virtually to impair the obligations of past contracts; would be cruel and oppressive toward all who may have confided in the integrity of our legislative enactments, disastrous to the growth and prosperity of Dakota; and manifestly calculated to incite and keep up in our courts of justice exhaustive and loathsome litigation, the injurious effects of which all can readily comprehend.

In this instance, also, I trust I may with propriety refer to the feelings of humanity and sense of christian duty which appear to have actuated the framers of this law as regards the widows and orphans of those who, at the time of their death, were citizens of Dakota, and had acquired property therein; and to women, married or single, who during their residence had acquired property. We should not lightly or hastily make a retrograde movement from such an advanced and enlightened position. On the contrary it should rather be a source of pride that the strongest principles of the christian religion, which is ever to be regarded as the true foundation of all our laws and institutions, have thus been invoked in behalf of the most helpless portion of our population. And no repeal of such laws should take place, except if at all, after the most mature deliberation, and not without having had the subject carefully canvassed by the people, and their sentiments clearly ascertained.

The functions of the executive office would be but poorly discharged, if I were not to oppose hasty legislation; or legislation which has not, in my opinion, received that due consideration which the importance of the subject would seem to demand. In this light I am constrained to view the passage of the bill now under consideration.

It is a source of gratification to me that heretofore, I have found no sufficient occasion to warrant me in withholding my signature or approbation from the various acts that have been passed by this or the preceding legislature; nor would this be an exception, were I not fully convinced of the truthfulness and force of the reasons above presented.

I am, very respectfully,

Your ob't servant,

A. J. FAULK,

Governor.

On motion of Mr. Brookings,

The communication from the Governor relative to council bill No. 15, entitled an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7,

Was laid on the table and made special order for January 3d, 1868.

By unanimous consent Mr. Benedict of the special committee of one from each county, submitted the following report:

MR. PRESIDENT.—Your special committee to whom was referred council bill No. 17, a bill to prevent bulls from running at large; also, to prevent sheep and swine from running at large, beg leave to report by substitute bill.

W. W. BENEDICT,

Chairman,

Council bill No. 17, a bill to prevent bulls from running at large; also, to prevent sheep and swine from running at large, reported back by special committee with substitute,

Was then taken up, and

On motion of Mr. Brookings,

Recommitted to same committee.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,

President.

Attest:

GEO. I. Foster,

Secretary.

THIRTY-THIRD DAY.

COUNCIL CHAMBER,
Friday, January 3, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

Journal of the preceding day read and approved.

NOTICE OF BILLS.

Mr. Rossteuscher gave notice that he will on to-morrow or some subsequent day of the session ask leave to introduce a bill to prescribe the duties of county commissioners and county clerks.

INTRODUCTION OF BILLS

Mr. Mills introduced council bill No. 38, a bill for an act to create the 9th representative district.

Read a first second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,
So the bill passed, and
Its title was agreed to.

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

Mr. Benedict introduced council bill No. 39, a bill to provide for cataloguing the Territorial library, and to compensate the librarian.

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

Mr. Rossteuscher introduced council bill No. 25, a bill for an act concerning revenue.

Read a first and second time, and
On motion of Mr. Rossteuscher,
Referred to a special committee of one from each county.

The president appointed as such committee,
Messrs. Rossteuscher Mills, Carpenter, Fraley, Lewis and Thomas.

REPORTS OF COMMITTEES.

Mr. Thomas chairman of the committee on engrossed bills, submitted the following report:

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 33, a memorial to congress relative to a United States district court in Union county, and find the same correctly engrossed.

ROBERT I. THOMAS,

Chairman.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report:

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 12, entitled a bill to amend an act entitled an act to incorporate the Dakota and northwestern railroad company; council bill No. 28, an act to provide for the organization of the county of Minnehaha; council bill No. 34, a memorial to congress asking for the organization of a new Territory out of the southern portion of Dakota; council

bill No. 31, an act conferring the rights of citizenship upon certain half breeds in Dakota Territory; council bill No. 22, an act to divide the county of Union into townships and provide for the election of certain officers therein, and find the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,

Chairman

SECOND READING OF COUNCIL BILLS.

Council bill No. 37, joint resolution relative to the 39th and 40th Congress and removal of E. M. Stanton, late secretary of war, and Major General Philip H. Sheridan,

Was then taken up, and

Read a second time, and

On motion of Mr. Brookings,

Made special order for to-morrow.

BILLS REPORTED BACK BY COMMITTEES.

Council bill No. 33, a memorial to congress relative to a United States district court in Union county, reported engrossed.

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

By unanimous consent Mr. Green chairman of the committee on Territorial affairs submitted the following reports:

MR. PRESIDENT.—Your committee on Territorial affairs have had house file No. 48, an act in relation to the Territorial auditor and treasurer, under consideration and recommend that it do pass.

R. R. GREEN.

C. F. ROSSTEUSCHER,

J. A. LEWIS.

MR. PRESIDENT.—Your committee on Territorial affairs, have had house file No. 34,, joint resolution authorizing the adjutant general to erect a building suitable to store the arms

and ammunition belonging to the Territory of Dakota, under consideration and recommend that it do pass.

R. R. GREEN,
C. F. ROSSTEUSCHER,
J. A. LEWIS.

House file No. 48, a bill for an act in relation to the Territorial auditor and treasurer, reported back by the committee on Territorial affairs.

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

House file No. 34, joint resolution authorizing the adjutant general to erect a building suitable to store the arms and ammunition of the Territory of Dakota, reported back by the committee on Territorial affairs,

Was then taken up, and

On the motion of Mr. Brookings,

Laid on the table.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES,
Friday, January 3, 1868, }

MR. PRESIDENT.—I am instructed by the house to inform you that the house has this day passed house file No. 49, entitled a bill for an act constituting the counties of Laramie and Carter, a part of the second judicial district and providing for terms of court therein.

Which bill is herewith transmitted and the concurrence of the council respectfully requested.

P. H. HALNAN,
Chief Clerk.

HOUSE FILES ON FIRST READING.

House file No. 49, a bill for an act constituting the counties of Laramie and Carter a part of the second judicial district and providing for terms of court therein,

Was then taken up, and

Read a first and second time, and

Referred to the committee on judiciary.

Mr. Brookings moved to reconsider the vote by which council bill No. 35, an act to prevent the spread of prairie fires, was passed on the 2d inst.

Which motion was agreed to

Mr. Brookings then moved to reconsider the third reading of said bill.

Which motion was agreed to.

On motion of Mr. Kellogg,

The bill was referred to the committee on judiciary.

The general order for the day was then taken up for consideration.

Accordingly Mr. Brookings moved a reconsideration of the past action of the council on council bill No. 15, an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-67.

Which motion was agreed to.

The bill was then read a third time,

The question then recurring on its passage over the governor's veto, and the question being put "shall the bill pass over the governor's veto?"

It was decided in the negative,

Ayes 8; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills, and Thomas.

So the bill did not pass over the governor's veto, two-thirds not voting in favor thereof.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
Friday, January 3, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the

council that the house has this day passed council bill No. 24, entitled a bill for an act to regulate incorporations; also, council bill No. 21, entitled a bill to legalize the assessment and collection of the taxes of Yankton county for the year 1867; council bill No. 26, entitled a bill to establish the county of Grant; council bills No. 21 and 24 are transmitted with amendments.

I am also instructed to transmit house file No. 45, entitled a bill for an act legalizing the acts of John W. Boyle as clerk of the United States district court, first judicial district of this Territory, and for other purposes.

In which the concurrence of the council is respectfully solicited.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Friday, January 3, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed house file No. 50, entitled a bill for an act in relation to the forms of certain oaths.

Which I herewith transmit and respectfully request the concurrence of the council.

P. H. HALNAN,
Chief Clerk.

On motion of Mr. Brookings,

The council adjourned.

HORACE J. AUSTIN,
President of the Council.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER, }
Saturday, Jan. 4, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called.

Members all present,

On motion of Mr. Brookings,

The reading of the journal of the 3d inst. was dispensed with.

On motion of Mr. Brookings,

The rules were suspended and Mr. Brookings introduced council bill No. 40, a bill to repeal chapter 39 of the laws of 1862.

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill,

Read a third time.

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

It was decided in the affirmative.

Ayes 8; noes 4; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Lewis, Mills, and Thomas.

So the bill passed and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith, and request concurrence.

Mr. Brookings by unanimous consent introduced council bill No. 41, a memorial to Congress modifying the homestead law in behalf of ministers of the gospel.

Read a first and second time, and

Referred to the committee on federal relations.

Mr. McIntyre introduced council bill No. 42, a bill providing for the recording of deeds, mortgages and other papers in the unorganized counties of the Territory of Dakota.

Read a first and second time, and

Referred to the committee on public printing.

REPORTS OF COMMITTEES.

Mr. Rossteuscher chairman of select committee of one from each county, submitted the following report:

MR. PRESIDENT.—Your select committee of one from each county have had under consideration council bill No. 25, entitled a bill for an act concerning revenue, and after careful examination find it a most desirable law for our Territory.

The following amendments are recommended by your committee for adoption.

C. F. ROSSTEUSCHER.

Chairman.

D. M. MILLS,

HUGH FRALEY,

ROBT. I. THOMAS,

Strike out all after section 111, and insert "if the county commissioners deem any expenditure necessary greater in amount than can be provided for by the annual tax they shall require a vote of the county thereon either at a general election or one called especially for the purpose. In either case four weeks notice of said election shall be given in any newspaper published in the county and if there be none, in the nearest newspaper published in the Territory and notice shall specify the amount to be raised and the precise purpose for which it is to be expended; and if any majority of the vote cast authorize the tax the county commissioners shall cause the same to be levied and collected in the same manner as the annual tax and if possible at the same time; *provided however*, that no new assessment shall be taken for any especial tax.

Section 112. This act shall be published in the *Union and Dakotian*, and the *Dakota Republican* before the first day of February next so as to enable the county officers to act under its provisions.

Sec. 113. Chapter twenty-four of session laws of 1865-66, is hereby repealed.

Sec. 114. This act shall take effect from and after its passage and publication.

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

MR. PRESIDENT.—I am instructed by the committee on judiciary to report back council bill No. 39, a bill for an act to provide for cataloguing the Territorial library, and recommend its passage.

W. W. BROOKINGS,

Chairman.

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

MR. PRESIDENT.—I am instructed by your committee on judiciary to report back house file No. 47, a memorial to congress relative to a change in the route of the Big Sheyenne wagon road, without recommendation.

W. W. BROOKINGS,

Chairman.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 30, a memorial to Congress praying for an appropriation to complete the Sioux City and Fort Randall wagon road ; also council bill No. 26, an act to establish the county of Grant and find the same correctly enrolled.

C. F. ROSSTEUSCHER,

Chairman.

BILLS REPORTED BACK BY COMMITTEES.

House file No. 47, a memorial to Congress relative to a change in the Big Sheyenne wagon road, reported back by the committee on judiciary,

Was then taken up for consideration.

Whereupon Mr. Brookings submitted the following amendment, which was agreed to.

Strike out all of the bill except the two first words, to wit: "a memorial" and insert in lieu thereof "to the secretary of the interior asking the appointment of Hon. Horace J. Austin, superintendent of the Big Sheyenne wagon road."

Your memorialists the legislative assembly of the Territory of Dakota would most respectfully represent, that the increased travel from Dakota to Montana imperatively demand that the remainder of the appropriation to open a wagon road from the mouth of the Big Sheyenne to connect with the Niobrara and Montana wagon road should be expended during the coming spring and the road completed as provided by the act of Congress entitled an act to provide for the construction of certain wagon roads in the Territories of Idaho, Montana, Dakota and Nebraska, approved March 3d, 1865.

Your memorialists would further recommend that the Hon. Horace J. Austin of Vermillion, Dakota Territory, be appointed superintendent of said Big Cheyenne wagon road. Mr. Austin is a practical engineer and a thorough business man, honest and upright, served his country as a soldier for three years during the late rebellion and is most deserving of the position as well as being in every way well qualified to perform the duties of the office.

Therefore your memorialists most respectfully but earnestly ask Mr. Austin's appointment to the position.

Resolved, That a copy of this memorial be sent to Hon. O. H. Browning and Hon. W. A. Burleigh.

The bill was then read a third time.

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

It was decided in the affirmative,

Ayes 7; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre and Rossteuscher.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

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

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

Council bill No. 39, a bill to provide for cataloguing the Territorial library and to compensate the librarian, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 12; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

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

Council bill No. 25, a bill for an act concerning revenue, reported back by special committee with amendment,

Was then taken up, and

On motion of Mr. Mills,

The amendments were agreed to.

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

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

It was decided in the affirmative.

Ayes 13; noes none; as follows;

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

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

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

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

MR. PRESIDENT.—I am instructed to inform the council that the house has passed a resolution requesting the council to return to the house council bill No. 26, entitled a bill to establish the county of Grant and for other purposes.

P. H. HALNAN,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Saturday, Jan. 4, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day concurred in council's amendments to house file No. 47, entitled a memorial to congress relative to a change in the route of the Big Sheyenne wagon road.

P. H. HALNAN,

Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Saturday, Jan. 4, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on the 3d inst., pass house file No. 46, entitled an act to establish a fence law in Union county, which bill is herewith transmitted and the concurrence of the council respectfully requested.

P. H. HALNAN,

Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
YANKTON, January 4, 1868. }

HON. HORACE J. AUSTIN,

President of the Council.

SIR.—I have the honor to return herewith council bill enti-

titled an act to divide the county of Union into townships, and provide for the election of certain officers therein.

Also a bill entitled an act to provide for the organization of the county of Minnehaha.

Also a bill entitled an act conferring the right of citizenship on certain half breeds in Dakota Territory,

Which I have approved and signed.

I am very respectfully,

Your obedient servant,

A. J. FAULK,

Governor.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills have on this day at half-past ten o'clock, A. M., through their chairman handed to his excellency the Governor, for his approval, council bill No. 26, entitled an act to establish the county of Grant; also council bill No. 30, a memorial to congress praying for an appropriation to complete the Sioux City and Fort Randall wagon road, was presented to his excellency, for his signature

C. F. ROSSTEUSCHER,

Chairman.

On motion of Mr. Rossteuscher,

The communication from the house relative to the return to that body of council bill No. 26, a bill to establish the county of Grant and for other purposes,

Was laid on the table,

FIRST READING OF HOUSE FILES.

House file No. 46, an act to establish a fence law in Union county,

Was then taken up, and

Read a first and second time, and

Referred to the Union county delegation.

House file No. 45, a bill for an act legalizing the acts of John W. Boyle as clerk of the U. S. district court first judicial district, of this Territory, and for other purposes,

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

House file No. 51, a bill for an act in relation to the forms of certain oaths,

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

Council bill No. 21, a bill to legalize the assessment and collection of taxes in Yankton county, for the year 1867, returned from the house with amendment,

Was then taken up, and
On motion of Mr. Brookings,
The amendment was agreed to.

Council bill No. 24, an act concerning incorporations, returned from the house with amendment,

Was then taken up, and
On the motion of Mr. Brookings,
The amendment was agreed to.

House file No. 31, a bill for an act to incorporate insurance companies, was then

On motion of Mr. Brookings,
Taken from the table, and
Indefinitely postponed.

House file No. 8, a bill for an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, was then

On motion of Mr. Brookings,
Taken from the table, and
On motion of Mr. Brookings,
Indefinitely postponed.

House file No. 11, a bill for an act relating to settlers upon land without the legal title thereto, returned from the house with council amendment amended, was then

On motion of Mr. Brookings,

Taken from the table, and
 On motion of Mr. Brookings,
 The house amendment to council amendment was agreed to.

House file No. 14, a bill for an act concerning licenses, was then,

On motion of Mr. Brookings,

Taken from the table, and

On motion of Mr. Brookings,

Referred to special committee of three.

The president appointed as such committee Messrs. Thomas, Mills and Rossteuscher.

Council bill No. 9, a bill for an act to amend section 8, of chapter 23 of the laws of 1863-64, concerning licenses, was then

On motion of Mr. Brookings,

Taken from the table, and

On motion of Mr. Brookings,

Referred to a special committee of three.

The president appointed as such committee, Messrs. Thomas, Mills and Rossteuscher.

Council bill No. 33, a memorial to congress relative to a U. S. district court in Union county, was then

On motion of Mr. Kellogg,

Taken from the table, and

On motion of Mr. Brookings,

Referred to the Clay and Union county delegations.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES, }
 January 4, 1868, }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has on this day passed the following house files Nos. 36, 40, 41, 52; house file No. 36, entitled a bill for an act to indemnify persons in a portion of Union county, against damages done by stock running at large; house file No.

40, entitled a bill for an act providing bounties for wolf, wild cat and swift scalps; house file No. 41, entitled a bill for an act concerning mines and mining; also house file No. 52, entitled a bill for an act to provide for the opening, vacating and change of highways; also house file No. 53, entitled a bill for an act supplementary to an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory.

All of which I herewith transmit and respectfully request the concurrence of the council.

P. H. HALNAN,
Chief Clerk.

On motion of Mr. Brookings,

The council then proceeded to the consideration of the general order for the day,

Accordingly council bill No. 37, joint resolution relative to the 39th and 40th Congress and removal of E. M. Stanton, late secretary of war, and Major General Philip H. Sheridan,

Was then taken up for consideration, and

On motion of Mr. Brookings,

The council resolved itself into the committee of the whole on the said bill, and

After sometime spent therein,

The committee arose and through their chairman reported, That the committee having according to order, had council bill No. 37, joint resolution relative to the 39th and 40th Congress, on the removal of E. M. Stanton, late secretary of war, and Maj. Gen'l P. H. Sheridan, under consideration, have directed him to report the bill back and recommend its passage without amendment.

On motion of Mr. Brookings,

The report of the committee was adopted.

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 8; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill passed, and

Its title was agreed to.

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

On motion of Mr. Hampton,

The council adjourned.

HORACE J. AUSTIN,

President.

Attest:

GEO. I. FOSTER,

Secretary.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER, }
Monday, Jan. 6, 1868. }

Council met pursuant to adjournment and was called the order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

On motion of Mr. Brookings,

Reading of the journal of the 4th inst. was dispensed with.

On motion of Mr. Brookings,

The order of business was passed, and

House file No. 53, a bill for an act supplementary to an act

to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Rossteuscher,

The rules were suspended, and the bill read a third time.

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

It was decided in the affirmative.

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Those who voted in the negative, are

Messrs. Brookings, Carpenter and Green.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Mr. Brookings presented the petition of E. W. Wall of Bon Homme county claiming a right to the seat now occupied by Hugh Fraley in this council which was,

On motion of Mr. Brookings,

Referred to the committee on elections.

REPORTS OF COMMITTEES.

Mr. Rossteuscher chairman of special committee to wait upon the Hon. W. A. Burleigh, in relation to a lot in the town of Yankton, on which to build an arsenal, submitted the following report:

MR. PRESIDENT.—As one of your special committee of two appointed to wait upon Walter A. Burleigh our delegate to Congress, and request him to donate to the Territory a lot in the town of Yankton for the purpose of erecting an arsenal thereon ask leave to report that on the 4th inst. I waited upon Walter A. Burleigh and after stating my mission the honorable declined to comply with the request by saying in a very ungentlemanly manner, that he was not owing anything to the Territory; if the legislature wanted a lot for the Territory they might buy

it, at the same time making further remarks on the subject, in which he used language too low and disgraceful to be repeated before this honorable council.

CHAS. F. ROSSTEUSCHER,

Mr. Lewis chairman of the committee on railroads submitted the following report :

MR. PRESIDENT.—Your committee on railroads to whom was referred council bill No. 14, an act to create and regulate railroad companies have the same under consideration and recommend that it be indefinitely postponed.

J. A. LEWIS.

Chairman

Mr. Thomas chairman of special committee submitted the following report :

MR. PRESIDENT.—Your special committee to whom was referred council bill No. 9, a bill for an act to amend section 8 of chapter 23 of session laws of 1863 and 1864, concerning licenses ; also house file No. 14, a bill for an act concerning licenses, have had the same under consideration and recommend their indefinite postponement.

ROBERT I. THOMAS,

Chairman.

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

MR. PRESIDENT.—Your special committee to whom was referred council bill No. 17, an act to prevent bulls from running at large ; also, to prevent sheep and swine from running at large ; have had the same under consideration and report by substitute bill and recommend its passage.

W. W. BENEDICT,

AARON CARPENTER,

R. R. GREEN,

HUGH FRALEY,

J. A. LEWIS,

ROBERT I. THOMAS.

Mr. Green chairman of the committee on Territorial affairs submitted the following report :

MR. PRESIDENT.—Your committee on Territorial affairs to whom was referred house file No. 12, a memorial to congress relative to the survey of public lands on and near Red River of the North, have had the same under consideration and report it back with recommendation that it do pass.

R. R. GREEN,
J. A. LEWIS,
C. F. ROSSTEUSCHER,

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills to whom was referred council bill No. 24, an act to regulate incorporations; also council bill No. 21, an act legalizing the assessment and collection of taxes of Yankton county for the year 1867, ask leave to report said bills correctly enrolled.

C. F. ROSSTEUSCHER,
Chairman.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor;

EXECUTIVE OFFICE. }
YANKTON, January 4, 1868. }

HON. HORACE J. AUSTIN,
President of the Council:

SIR.—I have the honor to return herewith a memorial to congress praying for an appropriation to finish the Sioux City and Fort Randall wagon road.

Which I have signed.

Very respectfully,
Your obedient servant,
A. J. FAULK,
Governor.

EXECUTIVE OFFICE, }
YANKTON, January 4, 1868. }

HON. HORACE J. AUSTIN,
President of the Council:

SIR.—I have the honor to return herewith council bill enti-

bled an act to amend an act entitled an act to incorporate the Dakota and northwestern railroad company.

The act referred to was approved January 11, 1867, and contains no clause reserving to the legislature the right to alter, amend or repeal. Section 10 declares the rights, privileges and immunities, accruing to the persons named as a body politic and corporate, to be perpetual. The incorporators have since met and fully organized; and, as I am informed, have taken other important steps, agreeably to the powers conferred on them by their charter. Having deliberately vested in this company the duties, rights and powers of a chartered corporation reserving to the legislative power no right of repeal, it would seem now to be too late to modify section 18, or any other important feature of the act, so as to reduce or abridge said privileges or powers, or require any compliance whatever with new conditions, without their prior consent. If there now exists no right of repeal, there can exist no right to modify, either with a view to enlarge or abridge the vested powers which the company now possess. What cannot be done directly cannot be accomplished by indirection. To enlarge their powers would, in my opinion, conflict with the act of congress, approved March 2, 1867, prohibiting the granting of special privileges; and to abridge their powers, would be to infringe the 6th section of the the Organic Act, which prohibits any legislation inconsistent with the constitution of the United States. This amendment, now proposed, would be in the nature of an *ex post facto* law; or a law impairing the obligation of contracts, expressly prohibited in Section 9 of the 1st article of the federal constitution. The Organic Act cannot abridge the personal rights and liberties, or immunities of the citizen, except for crime. No more can a legislature acting under that organic act, abridge the chartered rights or immunities of a body corporate, in which such rights or immunities have become vested by the act of a prior legislature. The first powers never came within the jurisdiction of the congress which framed the organic act; and no more have the second ever come within the jurisdiction of the legislative assembly created under that act. If the said company possess vested rights, as I assume, those rights must be taken as an entirety, and no

longer subject to the caprice of legislation, unless they become forfeited subsequently by their own act or dereliction.

In some states certain preliminary duties are enjoined on the company upon the completion of which letters patent are issued by the Governor, under the seal of the state, and unless the right to repeal has been expressly reserved by the legislature, they can have no further jurisdiction over the subject. In this act creating the Dakota and North Western railroad company no such preliminary conditions have been imposed, but the the rights, privileges and immunities granted, are declared to be complete on the approval of the act by the Governor.

For the reasons thus briefly and imperfectly set forth, I most respectfully return the bill to the council without my approval.

I have the honor to be,

Your ob't servant,

A. J. FAULK,

Governor.

EXECUTIVE OFFICE, }
YANKTON, January 4, 1868. }

HON. HORACE J. AUSTIN,

President of the council:

SIR.—I have the honor to return herewith council bill No. 26, entitled an act to establish the county of Grant, and for other purposes.

I have felt it to be my duty to return this bill without approval, on the ground chiefly of hasty and inconsiderate legislation. This fact seems to be incontestably established, by a majority of the house of Representatives requesting an opportunity to reconsider the bill, and by the action of the majority of the council in refusing to grant such reconsideration. I trust there is no law now so urgently required, that we can afford to dispense with time, reflection, and ample discussion, to obtain it. In this instance the bill, in its present shape, seems of doubtful utility or importance in its application to those for whose benefit it is professedly passed. The population of the district here denominated "the county of Grant," so far as I can learn, are chiefly, if not exclusively, located along the valley of the Missouri, and cut off from the county

of Yankton by two intervening counties, which have long been established, and which contain election precincts, and a judicial district; rendering it very evident that the citizens of the said county of Grant could derive no appreciable benefit whatever from such legislation. But, on the contrary, by the approval of this bill on my part, the citizens of the locality would be put to great inconvenience, and burdened with unnecessary expenses, if not practicably deprived of the benefits of the elective franchise, and a judicial district, altogether. Nor have I heard of any evidence that the citizens of said locality have petitioned the legislature to confer on them so singular a favor. And if they have not, I respectfully submit, that we should be slow to compel them to accept it. As a law making power, it might be profitable, on the principle of the golden rule, to seriously inquire whether we would be able to appreciate legislation, which should impose upon us the burden of traversing the counties of Bon Homme and Todd, or Bon Homme and Charles Mix, to the county named in this bill, to secure any or all of the benefits described. And if we would not, why should we, under the solemn obligation of an oath, do for them what we would not have them do for us, under similar circumstances?

Were these obstacles removed, it would give me pleasure to contribute my mite, to honor the illustrious hero whose name you propose to perpetuate.

I am very respectfully,

Your ob't servant,

A. J. FAULK,

Governor.

On motion of Mr. Brookings,

The communication from the Governor relative to council bill No. 12, an act to amend an act entitled an act to incorporate the Dakota and North-Western rail road company; also the communication relative to council bill No. 26, an act to establish the county of Grant, were

Laid on the table.

Council bill No. 14, a bill for an act to create and regulate railroad companies, reported back by the committee on railroads,

Was then taken up, and
 On motion of Mr. Brookings,
 Indefinitely postponed.

House file No. 12, a memorial to Congress relative to the survey of public lands on and near the Red River of the North, reported back by the committee on Territorial affairs,

Was then taken up, and
 Read a third time, and

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 17, (substitute) a bill to prevent bulls from running at large; also, to prevent sheep and swine from running at large, reported by special committee of one from each county.

Was then taken up, and

On motion of Mr. Brookings,

Adopted.

The bill was then read a third time,

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

It was decided in the affirmative,

Ayes 11; noes 2; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Fraley, Kellogg, Lewis, McIntyre, Mills, Thomas and Mr. President.

Mr. Hampton and Mr. Rossteuscher voted in the negative.

So the bill passed, and

Its title was agreed to,

Mr. Brookings moved to reconsider the vote last taken, which was seconded.

Mr. Brookings moved to lay the motion to reconsider on the table,

Which latter motion was agreed to.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
Monday, January 6, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed house file No. 54, entitled joint resolution. The house respectfully requests the concurrence of the council in this bill. I am also instructed to inform you that the house has this day passed council bill No. 38, entitled a bill for an act to create the ninth representative district. Both of which I herewith transmit.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES. }
Monday, January 6, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform you that the house did on the 4th inst. pass (substitute) for council bill No. 18, entitled a bill for an act relating to road supervisors, which bill is herewith returned and the concurrence of the council respectfully requested.

P. H. HALNAN,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE FILES.

House file No. 52, a bill for an act to provide for the opening, locating and change of highways,

Was then taken up and

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

House file No. 41, a bill for an act concerning mines and mining,

Was then taken up, and
 Read a first and second time, and
 On motion of Mr. Brookings,
 The rules were suspended, and the bill
 Read a third time.

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

It was decided in the affirmative,
 Ayes 12; noes none; as follows:

Those who voted in the affirmative, are
 Messrs. Brookings, Carpenter, Fraley, Green, Hampton,
 Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and
 Mr. President.

None voting in the negative,
 So the bill passed, and
 Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 36, a bill for an act indemnifying persons
 in a portion of Union county against damages done by stock
 running at large,

Was then taken up, and
 Read a first and second time, and
 On motion of Mr. Kellogg,
 Referred to the Union county delegation.

House file No. 40, a bill for an act providing bounties for
 wolf, wild cat and swift scalps,

Was then taken up, and
 Read a first and second time.

Mr. Kellogg moved to commit the bill to the committee on
 counties.

Which motion was disagreed to.

Mr. Brookings moved to commit the bill to the committee on
 agriculture.

Which motion was disagreed to.

Mr. Hampton moved to indefinitely postpone the bill,

Which motion was disagreed to.

Mr. Brookings moved to commit the bill to a select committee
 of one member, Mr. G. W. Kellogg.

Which motion was agreed to.

House file No. 54, joint resolution,

Was then taken up, and

Read a first and second time.

Council bill No. 18, a bill for an act relating to road supervisors, returned from the house with substitute,

Was then taken up, and

On motion of Mr. Brookings,

Referred to the committee on Territorial affairs.

House file No. 48, an act in relation to the Territorial auditor and treasurer, was then

On motion of Mr. Brookings,

Taken from the table, and

On motion of Mr. Brookings,

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills ask leave to report council bill No. 38, an act to create the ninth representative district as correctly enrolled.

C. F. ROSSTEUSCHER,

Chairman.

House file No. 34, joint resolution authorizing the adjutant

general to rent a building for the purpose of storing of arms and so forth, was then

On motion of Mr. Brookings,

Taken from the table, and

On motion of Mr. Brookings,

Referred to select committee of three.

The president appointed as such committee Messrs. Brookings, Rossteuscher and Kellogg.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following reports :

MR. PRESIDENT.—Your committee on enrolled bills ask leave to report that council bill No. 21, a bill to legalize the assessment and collection of taxes of Yankton county for the year 1867 ; also council bill No. 24, an act concerning incorporations, have been this day at 11 o'clock A. M. transmitted to his excellency the Governor for his approval.

C. F. ROSSTEUSCHER,

Chairman.

MR. PRESIDENT.—Your committee on enrolled bills have this day at 12 o'clock M., handed to his excellency the Governor for his approval council bill No. 38, an act to create the ninth representative district.

C. F. ROSSTEUSCHER.

Chairman.

On motion of Mr. McIntyre.

The council adjourned.

HORACE J. AUSTIN,

President of the Council.

Attest :

GEO. I. FOSTER,

Secretary.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
Tuesday, January 7, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

Journal of the preceding day read.

Mr. Thomas moved to strike from the journal all that portion of Mr. Rossteuscher's report, not referring to the refusal of Mr. Burleigh to grant a lot to the Territory on which to build an arsenal.

Mr. Rossteuscher moved to lay the motion of Mr. Thomas on the table,

Which latter motion was disagreed to.

The question then recurring on the motion of Mr. Thomas, It was agreed to.

On motion of Mr. Benedict,

That portion of the journal to be stricken out was referred to Messrs. Rossteuscher and Thomas.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to allow the county commissioners to hold special meetings.

INTRODUCTION OF BILLS.

Mr. Rossteuscher introduced council bill No. 43, a bill for an act relative to county commissioners and county clerks.

Read a first and second time, and

Referred to the committee on counties.

MOTIONS AND RESOLUTIONS.

Mr. Brookings moved to reconsider the vote by which house file No. 41, an act concerning mines and mining, was passed on the 6th inst.

Which motion was agreed to.

Mr. Brookings then moved to reconsider the third reading of the said bill.

Which motion was agreed to

Mr. Brookings moved that the secretary be instructed to request of the house the return to this body of the said bill,

Which motion was agreed to.

Mr. Brookings submitted the following resolution which was read, considered and agreed to :

Resolved, That the committee on elections be and are hereby authorized to examine into the cases of J. A. Lewis and R. I. Thomas, holding seats in this council for the counties of Todd and Charles Mix, and ascertain if said Lewis and Thomas are not holding their seats in this council in violation of the organic act and laws of this Territory, and report by resolution or otherwise, and that the committee be empowered to send for persons and papers.

REPORTS OF COMMITTEES.

Mr. Mills from the committee composed of the Union county delegation submitted the following report :

MR. PRESIDENT.—Your committee composed of the Union county delegation to whom was referred house file No. 36, a bill to indemnify persons in a portion of Union county against damages done by stock running at large, have had the same under consideration and report it back with the recommendation that it do not pass.

D. M. MILLS,
R. R. GREEN,
G. W. KELLOGG.

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

MR. PRESIDENT,—Your committee on judiciary to whom was referred house file No. 45, a bill for an act legalizing the

acts of John W. Boyle, as clerk of the first judicial district court and for other purposes, have had the same under consideration and agree to recommend its passage.

W. W. BROOKINGS,

Chairman,

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

MR. PRESIDENT.—Your committee on judiciary to whom was referred house file No. 49, a bill for an act constituting the counties of Laramie and Carter, a part of the second judicial district, have had the same under consideration and report it back without recommendation.

W. W. BROOKINGS,

Chairman.

Mr. Mills from the committee on judiciary submitted the following report:

MR. PRESIDENT.—Your committee on judiciary to whom was referred council bill No. 35, a bill for an act to prevent the spread of prairie fires, have had the same under consideration and report it back with the following amendment and recommend its passage.

D. M. MILLS.

Strike out all of section two after the word "liable" in line four, and insert the following:

To the parties injured, for all damages done by such fire to be recovered in a civil action before the district court.

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

MR. PRESIDENT.—Your committee on counties to whom was referred house file No. 50, a bill in relation to the forms of certain oaths, have had the same under consideration and report it back and recommend that it do pass.

D. M. MILLS,

HUGH FRALEY.

Mr. Kellogg from the committee of Clay and Union county delegation, submitted the following report:

MR. PRESIDENT.—Your special committee to whom was referred council bill No. 33, a memorial to congress relative to a U. S. district court in Union county, have had the same under consideration and have agreed to report by substitute bill and recommend its passage.

G. W. KELLOGG,
D. M. MILLS,
R. R. GREEN,

Mr. McIntyre chairman of the committee on public printing submitted the following report :

MR. PRESIDENT.—Your committee on public printing to whom was referred council bill No. 52, a bill providing for the recording of deeds, mortgages and other papers in the unorganized counties of the Territory of Dakota, have had the same under consideration and beg leave to report it back recommending that it do pass.

C. H. McINTYRE,
Chairman

BILLS REPORTED BACK BY COMMITTEES.

House file No. 49, a bill for an act constituting the counties of Laramie and Carter a part of the second judicial district, and providing for terms of court therein, reported back by the committee on judiciary,

Was then taken up,

Whereupon Mr. Brookings submitted the following amendment :

Strike out all after the enacting clause and insert the following in lieu thereof :

Section 1. That the counties of Laramie and Carter shall constitute the third judicial district, and the district court shall be held at Cheyenne City, in the county of Laramie, on the second Tuesday of February, and first Tuesday of August, in each year.

Sec. 2. That the judge of said third district court may order and hold a special term of the district court in any other county within his district whenever in his opinion justice may require such special term.

Sec. 3. That justice John W. Boyle, be, and is hereby as-

signed to aforesaid third judicial district, *provided*, that either justice's Ara Bartlett and J. P. Kidder, may exchange with or assist said justice Boyle in holding the court in said third judicial district.

Sec. 4. That the said counties of Bon Homme, Hutchinson, Charles Mix, Buffalo, Todd and Gregory, shall be attached to the second judicial district for judicial purposes and all cases on the docket of the third district shall be transferred to the docket of the second district.

Sec. 5. Should the counties of Laramie and Carter be organized into a new Territory prior to September, 1868, then the said third district shall be the same as it was prior to the passage of this act.

Sec. 6. All cases on the docket of the second judicial [court] that have been brought from Laramie county, may be transferred to the third district.

Sec. 7. This act shall take effect and be in force from and after its passage.

Mr. Kellogg moved that the bill and amendment be referred to a special committee of one from each county.

Which motion was agreed to.

Whereupon the President appointed Messrs. Brookings Mills, Hampton, Fraley, Lewis and Thomas as such committee.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills ask leave to report that they have examined council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes, and find it correctly enrolled.

CHAS. F. ROSSTEUSCHER,

Chairman.

Mr. Kellogg chairman of the committee on highways, bridges and ferries, by unanimous consent, submitted the following report :

MR. PRESIDENT.—Your committee on highways, bridges and ferries, to whom was referred council bill No. 36, an act to establish public roads along the section lines in this Territory,

have had the same under consideration and have agreed to report it back without recommendation.

GEO. W. KELLOGG,
W. W. BENEDICT,
A. H. HAMPTON,

House file No. 45, a bill for an act legalizing the acts of John W. Boyle as clerk of the U. S. district court, first judicial district, of this Territory, and for other purposes, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Mills, Thomas and Mr. President.

Mr. Kellogg voted in the negative.

So the bill was passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 36, entitled a bill to indemnify persons in a portion of Union county, against damages done by stock running at large, reported back by Union county delegation,

Was then taken up, and

On motion of Mr. Kellogg,

Indefinitely postponed.

Council bill No. 33, a memorial to congress relative to a U. S. district court in Union county, reported back by special committee, with substitute,

Was then taken up, and

On the motion of Mr. Brookings,

Made the special order for to-morrow at 12 o'clock M.

Mr. Green chairman of the committee on Territorial affairs, by unanimous consent, submitted the following report:

MR. PRESIDENT.—Your committee on Territorial affairs have had council bill No. 11, a bill for an act fixing the fees of the clerk of the district court, county attorney, county officers, justices of the peace, constables, jurors, referees, appraisers and notaries public, under consideration, and ask leave to report the following amendments and recommend that the amendments be adopted and that the bill do pass.

R. R. GREEN,

C. F. ROSSTEUSCHER,

J. A. LEWIS.

In section three line eight strike out the words "two dollars and fifty cents" and in lieu thereof the words "one dollar."

In section 17 strike out the word "ten" in line four and insert in lieu thereof "five"; add to section 14 "and twenty cents per folio for drawing protests and twenty cents per folio for filing the same."

Strike out all of section 7 and insert in lieu thereof "the county attorney shall receive such fees for services as the county commissioners of the county in which such services have been rendered may deem just and proper."

In section 8 strike out the word "three" and insert in lieu thereof "two."

Council bill No. 35, an act to prevent the spread of prairie fires, reported back by the committee on judiciary with amendments,

Was then taken up, and

On motion of Mr. Kellogg,

The amendments were agreed to.

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

Being engrossed it was accordingly read a third time.

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

It was decided in the affirmative.

Ayes 11; noes 2; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Mr. Brookings and Mr. Carpenter voted in the negative.

So the bill passed, and

Its title agreed to.

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

Council bill No. 42, a bill providing for the recording of deeds, mortgages and other papers, in the unorganized counties, reported back by the committee on public printing,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and President.

None voting in the negative,

So the bill passed, and its

Title was agreed to.

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

House file No. 50, a bill in relation to the forms of certain oaths, reported back by the committee on counties,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows;

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 36, a bill for an act to establish public roads on the section lines of the public surveys in this Territory, reported back by the committee on highways, bridges and ferries,

Was then taken up, and

On motion of Mr. Mills,

Recommitted to a special committee of one from each county.

The President appointed as such committee :

Messrs. Mills, Benedict, Carpenter, Fraley, Lewis and Thomas.

Council bill No. 11, a bill for an act fixing the fees of the clerk of the district court, county attorneys, county officers, justices of the peace, constables, jurors, referees, appraisers and notaries public, reported back by the committee on territorial affairs, with amendment,

Was then taken up, and

On motion of Mr. Rossteuscher,

The amendments were agreed to.

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

Being engrossed it was accordingly,

Read a third time.

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

It was decided in the affirmative,

Ayes 10 ; noes 3 ; as follows :

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, Mills, Rossteuscher and Thomas.

Those who voted in the negative, are

Messrs. Kellogg, McIntyre and Mr. President.

So the bill passed, and

Its title agreed to.

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

Mr. Brookings chairman of the committee on judiciary, by unanimous consent, submitted the following report :

MR. PRESIDENT.—I am instructed by the committee on judiciary to report back house file No. 34, joint resolution authorizing the adjutant general to rent a building for the pur-

pose of storing of arms and ammunition, without recommendation.

W. W. BROOKINGS,
Chairman.

House file No. 34, reported back by the committee on judiciary,

Was then taken up,

Whereupon, Mr. Brookings submitted the following amendment which was

On motion of Mr. Brookings,

Agreed to.

Amend by striking out of first section of the resolution and insert the following in lieu thereof:

That the Territorial auditor and treasurer be and are hereby authorized to cause to be erected a suitable building in the town of Yankton in which to store the arms and ammunition belonging to the Territory of Dakota.

Provided however, That the costs of such building shall not exceed the sum of two hundred dollars, and, *provided further*, that the town of Yankton shall donate a lot to the Territory of Dakota, on which to erect such building.

Amend section second of the resolution, by striking out all after the word "act" in the fourth line of said section.

The bill was then read a third time,

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

It was decided in the affirmative.

Ayes 9; noes 4; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis, McIntyre and Mills.

Those who voted in the negative, are

Messrs. Green, Rossteuscher, Thomas and Mr. President.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house:

HOUSE OF REPRESENTATIVES, }
 January 7, 1868. }

MR. PRESIDENT.—I am instructed to inform the council that the house has this day passed council bill No. 40, a bill to repeal chapter 39 of the laws of 1862, with the attached amendment, to-wit :

Amend section two, line 4, by striking out the figures, "68" and inserting in lieu thereof the figures "75," and the concurrence of the council is respectfully requested in said amendment.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 January 7, 1868. }

MR. PRESIDENT.—I am instructed by the house in accordance with your request of this date to return to the council house file No. 41, entitled an act concerning mines and mining Which bill I herewith return.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Jan. 7, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed council bill No. 39, entitled a bill for an act to provide for cataloguing the Territorial library and to compensate the librarian.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Jan. 7, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform you that the house has this day passed house file No. 55, entitled a bill for an act supplemental to an act entitled an act to simplify and abridge the practice and proceedings of the courts of this Territory.

Which bill is herewith transmitted and the concurrence of the council respectfully solicited.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Jan. 7, 1868. }

MR. PRESIDENT.—I am instructed to inform the council that the house has this day passed house file No. 56, entitled a bill for a memorial to the post master general for a mail route from Fort Bridger, Utah Territory, to South Pass City, in Dakota Territory.

Which I herewith transmit and the concurrence of the council is respectfully solicited.

P. H. HALNAN,

Chief Clerk.

House file No. 41, a bill for an act concerning mines and mining, returned from the house by request of the council.

Was then taken up for consideration.

Whereupon Mr. Brookings submitted the following amendments:

Which were agreed to.

Amend house file No. 41, by inserting between the words "feet" and "with" on the 6th line of section 1, the words "the ledge or lode."

By striking out the words "or persons finding" on first line of section 2, and insert in lieu thereof the words "discovering" and by inserting between the words "lode" and "shall" on the 3d line of 2d section the words "or who shall locate a claim thereon after discovery."

And by striking out the words "or names" and "or persons" in last line of said 2d sec., and by adding to said section the words "or discovery."

Amend section 5, by inserting between the words "feet" and "on," on line 21, the words "and not more than two thousand feet."

Of section 5, and by striking out of lines 23 and 24, the words "and who have complied with the general incorporation law of the Territory."

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 13 ; noes none ; as follows :

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No. 55, a bill for an act supplemental to an act entitled an act to simplify and abridge the practice and proceedings of the courts of this Territory,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Rossteuscher,

The rules were suspended, and the bill read a third time.

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

It was decided in the affirmative.

Ayes 9 ; noes 4 ; as follows :

Those who voted in the affirmative, are

Messrs. Benedict, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Brookings, Kellogg, Mills and Thomas.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

House file No 56, a bill for a memorial to the post master general for a mail route from Fort Bridger, Utah Territory, to South Pass City, Dakota Territory,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 13; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 40, a bill to repeal chapter 39 of the laws of 1862, returned from the house with amendment,

Was then taken up, and

On motion of Mr. Brookings,

The amendment was disagreed to.

COMMUNICATIONS FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE.

YANKTON, January 6, 1868. }

HON. HORACE J. AUSTIN,

President of the Council:

SIR.—I have the honor to return herewith council bill entitled an act to regulate incorporations:

Also, a bill entitled an act to legalize the assessment and collection of taxes of Yankton county, for the year 1867.

Also, a bill entitled an act to create the ninth representative district.

Which I have approved and signed.

I have the honor to be,

Your obedient servant,

A. J. FAULK,

Governor.

On motion of Mr. Benedict,
The council adjourned.

HORACE J. AUSTIN,
President.

Attest:

GEO. I. Foster,
Secretary.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
Wednesday, Jan. 8, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Members all present.

On motion of Mr. Brookings,

The reading of the journal of the 7th inst. was dispensed with.

INTRODUCTION OF BILLS.

Mr. Rossteuscher introduced council bill No. 44, joint resolution of the legislative assembly of Dakota Territory relative to our delegate in congress.

Read a first and second time, and

On motion of Mr. Benedict,

The rules were suspended, and

The bill was then read a third time.

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

It was decided in the affirmative.

Ayes 9; noes 4; as follows:

Those who voted in the affirmative, are
 Messrs. Benedict, Brookings, Carpenter, Green, Hampton,
 Kellogg, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are
 Messrs. Fraley, Lewis, Mills and Thomas.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house thereof and
 request concurrence.

REPORTS OF COMMITTEES.

Mr. Brookings chairman of special committee submitted the
 following report:

MR. PRESIDENT.—Your special committee to whom was re-
 ferred house file No. 49, a bill for an act constituting the
 counties of Laramie and Carter a part of the second judicial
 district, have had the same under consideration and beg leave
 to report it back without recommendation.

W. W. BROOKINGS,
Chairman.

Mr. Mills chairman of the special committee submitted the
 following report:

MR. PRESIDENT.—Your special committee to whom was re-
 ferred council bill No. 36, an act to establish public roads on
 the section lines of the public surveys in this Territory, have
 had the same under consideration and report it back without
 recommendation.

D. M. MILLS,
 ROBERT I. THOMAS,
 W. W. BENEDICT,
 J. A. LEWIS,
 A. CARPENTER,
 HUGH FRALEY.

Mr. Benedict chairman of the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT.—Your committee on highways, bridges and ferries, have had house file No. 52, a bill to provide for the opening, vacating and change of highways, under consideration, and have agreed to report the same back and recommend its passage.

W. W. BENEDICT,
GEO. W. KELLOGG,
HUGH FRALEY.

SECOND READING OF COUNCIL BILLS.

Council bill No. 3, an act to regulate the criminal procedure of Dakota Territory,

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

BILLS REPORTED BACK BY COMMITTEES.

House file No. 52, a bill to provide for the opening, vacating and change of highways,

Was then taken up, and

Read a third time,

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

It was decided in the affirmative.

Ayes 10; noes 3; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rossteuscher and Thomas.

Those who voted in the negative, are

Messrs. Carpenter, Hampton and Mr. President.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Council bill No. 36, an act to establish public roads on the section lines of the public surveys in this Territory, reported back by special committee,

Was then taken up, and
 On motion of Mr. Green,
 Indefinitely postponed.

Mr. Green chairman of the committee on Territorial affairs,
 submitted the following report by unanimous consent:

MR. PRESIDENT.—Your committee on Territorial affairs,
 have had under consideration house substitute for council
 bill No. 18, an act relating to road supervisors, and re-
 commend its adoption.

R. R. GREEN,
 C. F. ROSSTEUSCHER,
 J. A. LEWIS,

House substitute for council bill No. 18, an act relating to
 road supervisors, reported back by committee on Territorial
 affairs,

Was then taken up, and
 On motion of Mr. Kellogg,
 The substitute was agreed to.

Mr. Kellogg chairman of the committee of one to whom was
 referred house file No. 40, a bill for an act providing bounties
 for wolf, wild cat and swift scalps, submitted the following re-
 port, by unanimous consent.

MR. PRESIDENT.—Your committee of one has had house
 file No. 40, under consideration, and report it back with at-
 tached amendment and recommend that it do pass.

G. W. KELLOGG,

In line six, section 2, after the word "wolf," insert the words
 "wild cat or swift."

House file No. 40, a bill providing bounties for wolf scalps
 &c., reported back by Mr. Kellogg,

Was then taken up, and
 Read a third time.

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

It was decided in the negative.

Ayes 6; noes 7; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Fraley, Kellogg, McIntyre, Mills and Thomas.

Those who voted in the negative, are

Messrs. Brookings Carpenter, Green, Hampton, Lewis, Rossteuscher and Mr. President.

So the bill was not passed,

Mr. Fraley chairman of the committee on federal relations, submitted the following report by unanimous consent:

MR. PRESIDENT.—Your special committee on federal relations ask leave to report back council bill No. 41, a memorial to congress asking a modification of the homestead law in behalf of the ministers of the gospel, with the following amendments and recommend its passage.

HUGH FRALEY,
W. W. BENEDICT,
A. CARPENTER.

Strike out the last four lines of the memorial and insert the following in lieu thereof: Quarter section of the public lands upon condition that they have lived upon the same for one year and have at least five acres inclosed and cultivated, and are living upon the same at the time of application for said land: and your memorialists will ever pray.

Council bill No. 41, a memorial to congress asking a modification of the homestead law in behalf of ministers of the gospel, reported back by the committee on federal relations, with amendments, was then taken up,

Whereupon Mr. Kellogg moved to indefinitely postpone the bill.

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

Which latter motion was disagreed to.

On motion of Mr. Brookings,

The amendments reported by the committee on federal relations, were agreed to.

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

Mr. Kellogg chairman of special committee submitted the following report, by unanimous consent:

MR. PRESIDENT.—Your special committee to whom was referred house file No. 39, an act to amend chapter 32 of the session laws of 1865-66, entitled an act to prevent sheep and swine from running at large, have had the same under consideration and have agreed to report it back with the following amendment and recommend that the bill do pass.

G. W. KELLOGG,
A. CARPENTER,
W. W. BENEDICT,
J. A. LEWIS.
ROBT. I. THOMAS,
HUGH FRALEY.

Provided, That nothing in this act shall be so construed as in anywise to apply to Union county.

House file No. 39, a bill to strike the word "sheep" out of the swine law, reported back by special committee with amendment,

Was then taken up, and

On motion of Mr. Kellogg,

The amendment reported by the committee was agreed to.

The bill was then read a third time,

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

It was decided in the affirmative,

Ayes 12; noes 1; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

Mr. Hampton voted in the negative.

So the bill passed, and

Its title was agreed to,

Ordered, That the secretary acquaint the house therewith, and request concurrence in the amendment.

Council bill No. 33, a memorial to congress relative to a U.

S. district court in Union county, together with substitute bill reported by special committee, made special order for 12 o'clock m., to-day.

Was then taken up for consideration.

Mr. Hampton moved to indefinitely postpone the bill.

Which motion was disagreed to.

Whereupon Mr. Brookings submitted a substitute bill for the bill and substitute.

Which was agreed to.

On motion of Mr. Kellogg,

The bill with substitute, was

Referred to the committee on judiciary.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 8, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform you that the house did on this day pass (substitute) Nos. 1 and 2, for council bill No. 13, entitled a memorial and joint resolution of the legislature of the Territory of Dakota to the Congress of the United States asking for a grant of land to aid in the construction of certain railroads in the Territory of Dakota.

Which bill is herewith transmitted and the concurrence of the council respectfully requested.

P. H. HALNAN,
Chief Clerk.

Council bill No. 13, a memorial and joint resolution of the legislature of the Territory of Dakota, to the Congress of the United States asking for a grant of land to aid in the construction of certain railroads in the Territory of Dakota, returned from the house with substitutes, Nos. 1 and 2,

Was then taken up, and

On motion of Mr. Brookings,

The substitutes were agreed to.

Ordered, That one hundred copies of each substitute be printed.

House file No. 49, a bill for an act constituting the counties of Laramie and Carter a part of the second judicial district, reported back by special committee,

Was then taken up,

Whereupon Mr. Brookings submitted the following amendments, which were agreed to.

Amend by striking out section 1, 2, 3, 4, 5, 6, 7 and 8, and insert in lieu thereof the following:

Section 1st. That all that portion of the Territory of Dakota, known and designated as the counties of Laramie and Carter shall constitute the third judicial district and the district court shall be held at Cheyenne city in the county of Laramie on the second Tuesday of February and July in each year; also at South Pass City, in the county of Carter, on the third Tuesday of August in each year.

Sec. 2nd. That justice John W. Boyle be and is hereby assigned to said judicial district, *provided* that either justices Ara Bartlett or J. P. Kidder may exchange with or assist said justice Boyle in holding the courts in said third judicial district.

Sec. 3rd. That said counties of Bon Homme, Hutchinson, Charles Mix, Buffalo, Todd and Gregory, shall be and are hereby attached to the second judicial district for judicial purposes and all cases now pending in said third judicial district court shall be transferred to the second judicial district and shall there be disposed of in the same manner as if they had been originally brought in said district.

Sec. 4th. There shall be allowed and paid by the treasurer of the said counties of Laramie and Carter respectively to the judge holding said terms of courts the sum of five dollars per day for each and every day he shall be necessarily occupied in holding said court.

Sec. 5th. That in case said counties of Laramie and Carter shall be organized into a new Territory then the same counties that now constitute the third district shall after such organization constitute the third judicial district.

Amend the title so it will read: a bill to constitute the third judicial district.

Whereupon Mr. Kellogg moved to postpone the further consideration of the bill until to-morrow.

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

Which latter motion was agreed to.

The bill was then

Read a third time.

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

It was decided in the affirmative,

Ayes 8; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill passed, and

Its title agreed to.

Ordered, That the secretary acquaint the house therewith and request concurrence in the amendments.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES, }
Wednesday Jan. 8, 1868, }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day pass a substitute for council bill No. 17, entitled a bill for an act to amend chapter 36 of the session laws of 1862, entitled an act concerning horses and other animals, approved May 15, 1868.

Which with the original I herewith transmit, and respectfully request the concurrence of the council.

P. H. HALNAN,

Chief Clerk.

Council bill No. 17, a bill to prevent bulls from running at large, also to prevent sheep and swine from running at large, returned from the house with substitute,

Was then taken up, and

On motion of Mr. Benedict,

Indefinitely postponed.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 8, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day adhere to the house amendments to council bill No. 40, entitled a bill to repeal chapter 39 of the laws of 1862.

P. H. HALNAN,
Chief Clerk

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 8, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed council bill No. 42, entitled a bill providing for the recording of deeds, mortgages and other papers in the unorganized counties of the Territory of Dakota, with attached amendment, and respectfully request the council to concur in said amendment.

Which bill is herewith returned.

P. H. HALNAN,
Chief Clerk.

Council bill No. 42, a bill providing for the recording of deeds, mortgages and other papers in the unorganized counties of the Territory of Dakota returned from the house with attached amendments,

Was then taken up, and

On motion of Mr. Brookings,

Laid on the table.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills have examined council bill No. 39, an act to provide for cataloguing the Territorial library and to compensate the librarian: also council bill No. 18, and act relating to road supervisors, and find the same correctly enrolled.

C. F. ROSSTEUSCHER,
Chairman.

By unanimous consent Mr. Brookings introduced council bill No. 45, a bill to organize the county of Montana in the Territory of Dakota.

Read a first and second time, and

Referred to the committee on counties.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills ask leave to report that council bill No. 8, an act to regulate the sale of spirituous liquors and for other purposes; also council bill No. 39, an act to provide for cataloguing the Territorial library and to compensate the librarian; also council bill No. 18, an act relating to road supervisors, have been handed to his excellency the Governor for his approval at 12 o'clock M. this day.

CHAS. F. ROSSTEUSCHER,

Chairman.

On motion of Mr. Hampton,
The council adjourned.

HORACE J. AUSTIN,

President of the Council.

Attest :

GEO. I. FOSTER,
Secretary.

THIRTY-NINTH DAY.

COUNCIL CHAMBER,
Thursday, Jan. 9, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,
Prayer by the chaplain,
Roll called.

Absent, Mr. Green.

Journal of the 8th inst. was read and approved.

On motion of Mr. Brookings,

Colonel Knox was invited to a seat within the bar of the council.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council No. 46, a bill to provide for holding a term of the supreme court.

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and

The bill read a third time.

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

It was decided in the affirmative,

Ayes 12; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

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

Mr. Benedict introduced council bill No. 47, an act to prevent swine from running at large in Yankton county,

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

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

It was decided in the affirmative,

Ayes 11; noes none; as follows :
 Those who voted in the affirmative, are
 Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton,
 Kellogg, Lewis, McIntyre, Mills, Thomas and Mr. President.
 None voting in the negative,
 So the bill was passed, and
 Its title was agreed to.
Ordered, That the secretary request the concurrence of the
 house therein.

Mr. Brookings introduced council bill No. 48, a bill to create
 the tenth representative district, and for other purposes.

Read a first and second time, and
 On motion of Mr. Brookings,
 The rules were suspended, and
 The bill read a third time.
 The question then being on its passage, and it being put,
 "shall the bill pass?"

It was decided in the affirmative,
 Ayes 12; noes none; as follows :
 Those who voted in the affirmative, are
 Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton,
 Kellogg, Lewis, McIntyre, Mills, Rössteuscher, Thomas and
 President.
 None voting in the negative,
 So the bill passed, and
 Its title was agreed to.
Ordered, That the secretary request the concurrence of the
 house therein.

REPORTS OF COMMITTEES.

Mr. Brookings chairman of the committee on judiciary, sub-
 mitted the following report :

MR. PRESIDENT.—Your committee on judiciary to whom
 was referred council bill No. 33, a memorial to congress relative
 to U. S. district court in Union county, have had the same
 under consideration and have agreed to report by substitute bill
 and recommend its passage.

W. W. BROOKINGS,
 D. M. MILLS.

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

MR. PRESIDENT.—Your committee on counties to whom was referred council bill No. 45, a bill to organize the county of Montana in Dakota Territory have had the same under consideration and have agreed to report the same back and recommend that it do pass.

D. M. MILLS,

A. CARPENTER,

On motion of Mr. Brookings,

The council adhered to amendment to council bill No. 40, a bill to repeal chapter 39, of the laws of 1862.

Ordered, That the secretary acquaint the house therewith.

On motion of Mr. McIntyre,

The council disagreed to house amendment to council bill No. 42, a bill providing for the recording of deeds, mortgages and other papers, in the unorganized counties of Dakota Territory.

Ordered, That the secretary acquaint the house therewith.

BILLS REPORTED BACK BY COMMITTEES.

Council bill No. 33, a memorial to congress relative to a U. S. district court in Union county, reported back by committee on judiciary with substitute,

Was then taken up, and

On motion of Mr. Rossteuscher,

The substitute was agreed to.

The bill was then read a third time,

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

It was decided in the affirmative.

Ayes 10; noes 2; as follows:

Those who voted in the affirmative, are Messrs. Benedict, Brookings, Carpenter, Fraley, Kellogg, Lewis, McIntyre, Mills, Rossteuscher and Thomas.

Mr. President and Mr. Hampton voted in the negative.

So the bill passed, and its

Title was agreed to.

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

Council bill No. 45, a bill to organize the county of Montana in Dakota Territory, reported back by the committee on counties,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 12; noes none; as follows;

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill was passed, and

Its title was agreed to.

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

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the house :

HOUSE OF REPRESENTATIVES. }
Thursday, January 9, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed substitute for council bill No. 35, entitled an act to prevent the spread of prairie fires. Which I herewith transmit, with the original, and respectfully request the concurrence of the council therein.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES,)
Thursday, Jan. 9, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed house file No. 51, entitled a bill for an act to amend chapter 14, of the session

laws of 1865 and 1866. Which I herewith transmit and respectfully request the concurrence of the council therein.

P. H. HALNAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 9, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house did on this day pass house file No. 59, entitled an act to legalize the acts and proceedings of the acting city clerk of the city of Cheyenne, and the acting register of deeds of the county of Laramie. Which bill I herewith transmit and respectfully request the concurrence of the council therein.

P. H. HALNAN,
Chief Clerk.

Council bill No. 35, an act to prevent the spread of prairie fires, returned from the house with substitute,

Was then taken up, and

On motion of Mr. Brookings,

Postponed until Saturday, January 11, 1868.

HOUSE FILES FIRST READING

House file No. 51, a bill for an act to amend chapter 14 of the session laws of 1865-6,

Was then taken up, and

Read a first and second time, and

Referred to the committee on counties.

House file No. 59, an act to legalize the acts and proceedings of the acting city clerk of the city of Cheyenne and the acting register of deeds of the county of Laramie,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and

The bill read a third time.

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

It was decided in the affirmative,

Ayes 12; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Mr. Brookings moved to reconsider the vote by which council bill No. 33 (substitute) a memorial to congress relative to U. S. district court in Union county, was passed on the 8th inst.

Which motion was agreed to

Ordered, That the secretary request the return of said bill from the house to this body.

Mr. Kellogg moved that the council do now adjourn.

Which motion was disagreed to.

HOUSE FILES ON THIRD READING.

House file No. 54, joint resolution,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 12; noes none; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis, McIntyre, Mills, Rossteuscher, Thomas and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

On motion of Mr. Brookings,
The council adjourned.

HORACE J. AUSTIN,
President.

Attest:

GEO. I. FOSTER,
Secretary.

FORTIETH DAY.

COUNCIL CHAMBER, }
Friday, January 10, 1868. }

Council met pursuant to adjournment and was called to order by

The president in the chair,

Prayer by the chaplain,

Roll called,

Absent, Mr. Green,

On motion of Mr. Brookings,

The reading of the journal of the 9th inst. was dispensed with.

Mr. Brookings chairman of the joint committee on the mineral, agricultural and manufacturing resources of the Territory, submitted the following report:

MR. PRESIDENT.—I am instructed by the joint committee to report on the mineral, agricultural and manufacturing resources of Dakota, to submit the accompanying report as the result of their efforts.

W. W. BROOKINGS,
Chairman.

MINERALS.

In an article on the prospects of building the Pacific Railroad which is attached to the valuable report on foreign and domestic commerce issued by the Treasury Department in 1864, on page 217, we find the following :

"It now well ascertained that the Black Hills of Dakota Territory, situated on the 34th parallel of latitude, and between the 103d and 105th meridians of longitude are rich in gold and silver as well as coal, iron, copper, and pine forests. With the pacification of the Sioux nation, and the establishment of emigrant roads, Dakota will be the scene of great mining excitement, as the gold fields of the Black Hills, are within one hundred and twenty miles of the steam-boat navigation of the Missouri river, at the intersection of its channel with the forty-fifth parallel of latitude."

On the 643d page of Senate Documents, 2nd Session 35th Congress, Vol. 2, Lieut. G. K. Warren, (now Major General) U. S. Topographical Engineers, in his explorations in the Black Hills in the summer of 1857, says :

"In these mountains formations, which border the great plains on the west, are to be found beautiful flowing streams, and rich valleys covered over with fine grass for hay, and susceptible of a high state of cultivation. Fine timber for fuel and lumber, limestone and good stone for building purposes are here abundant. Gold has been found in places in valuable quantities, and without doubt the more common and useful minerals will be discovered when more minute examinations are made." In the summer of 1866, the Indians brought gold from the Black Hills.

Capt. John Mullen, U. S. A., in his report on Military Wagon roads in the Upper Missouri country, published in 1863, says in relation to western Dakota and east Montana :

"So, that now gold is profitably being taken out at the following points: At Big Hole, Beaver Head and Prickly Pear, in west Dakota (now East Montana). From the same report: "The result of Captain Reynolds's explorations would show that traces of gold were found by his party in all the tributaries of the Yellowstone from the south. Enough discoveries have been made to warrant us in thinking that the entire mountain system will be found to be gold bearing." The same author speaks of sulphur being found on the Yellowstone."

"And a coal oil spring exists on the Big Horn river, a tributary of the Yellowstone."

Father De Smet, an Indian Missionary, who has spent many years with wild tribes of the North West, asserts that the Indians have long known and concealed the localities of inexhaustible "graves" of precious metals slumbering in the remote and hidden recesses of the Black Hills of Dakota, where the white man has never intruded.

Captain Reynold's report has never been published so that the most your committee know about his discoveries, is that persons on the expedition with him say that he found gold on several of the small streams running out of the Black Hills into the Big Cheyenne.

The Black Hills of Dakota are but the continuation of the Big Horn and Snow mountains, which are but the continuation of the Rocky Mountains. Gold has already been discovered in the Big Horn and Snow mountains, and in the bed of every stream taking its rise in the mountains, to-wit: Powder, Tongue, Rose Bud and Big Horn rivers, so that reasoning from analogy, gold should be found in the "Black Hills of Dakota," but we have the positive evidence of Lieut. G. K. Warren and several others, that it actually exists there. Lieut. G. K. Warren thus describes Geological formation of the Black Hills of Dakota.

- I. Metamorphosed azoic rock, including granite.
- II. Lower silurian (potsdam sandstone).
- III. Devonian.
- IV. Carboniferous.
- V. Permian.
- VI. Jurasiac.
- VII. Cretaceous."

This whole geological range of rocks from the granite and metamorphosed azoic to the cretaceous formation of the surrounding plains, are developed by the upheaval of the mountain mass. Thus at the junction of the silurian rocks, gold becomes accessible, and the carboniferous strata bring coal measures within reach. The geological formation of these Hills would certainly indicate great richness of minerals of all kinds.

The distinguished geologist, Prof. Owen, says that the Black Hills of Dakota, the silver bearing placers of the Amazon, the rich Cordilleras of Mexico, and the Himlayba range of India, have all emerged from the sea at the same geological period, and the same formation of mineral bearing strata can be traced in each.

IRON.

There is no limit to the amount of iron ore in Dakota Territory. Prof. Gregg, of New York, who visited our Territory and Montana Territory, in the summer of 1865, after analyzing some of our iron ore, says: "That the carbonate of iron or clay or iron stone similar and equal to the English iron ore, crops out on the Missouri river from Bijou Hills to above Fort Sully, a distance of one hundred

miles, and that the bed in some places is fifty feet thick and inexhaustible." The writer has seen the iron ore and fully confirms the above statement of Prof. Gregg, that in the vicinity of Fort Sully, D. T., there is no limit to iron ore. The men that accompanied Gen. Harney's expedition to the Black Hills say that iron was found so pure that it was used by the blacksmiths of the expedition in its native state; also, the Ponca Indians have brought into the white settlements specimens of iron from these Hills in a very pure state.

Recent discoveries show abundance of iron and coal on the Big Cheyenne river.

COAL.

Coal on the Missouri river at Fort Rice has been discovered in great abundance, some veins from ten to fifteen feet thick. The opinion of Dr. J. V. Hayden and Mr. Meek, geologists, is that the carboniferous limestone around the Black Hills belong to the true coal measures, if so, there must be an abundance of coal in that portion of Dakota. Within the last two years inexhaustible beds of coal have been discovered in western Dakota, and iron near these vast coal beds.

According to all analysis coal ought to occupy the geological interval between the limestone of Minnesota and the cretaceous formation on the Upper Missouri; and Featherstonaugh says, that the cretaceous rocks of the Missouri rest upon the carboniferous limestone of the Big Sioux. The coal formation must exist in Dakota. Prof. Owen says that the erratic specimens of coal found on the Blue Earth river in Minnesota, have probably been brought down in the great drift movement from the concealed beds of Dakota; so that when a geological survey of the Territory shall be made, abundance of coal will be found extending over our Territory.

COAL OIL, OR PETROLEUM.

Captain Mullen, U. S. A., says, "that a coal oil spring exists on the Big Horn river." The water in many of the springs along our rivers tastes very much like water coming from the vicinity of coal oil, especially is this so of several springs on the Big Sioux.

CLAYS.

There is an abundance of clay, that will make the best of brick, on the Big Sioux, extending to the noted Red Pipe Stone Quarry,

an abundance of white marl, that would make brick of great beauty, resembling the celebrated Milwaukee brick, only of more variable colors.

BUILDING MATERIAL,

At Sioux Falls, on the Big Sioux river, and at Fort James, on the Dakota river, there is abundance of red sandstone that makes an excellent building stone. Also plenty of good building stone near Yankton. Lieut. G. K. Warren, says of the western portion of the Territory, "Pine timber of the finest quality, in abundance, grows there, easy of access, from which the finest lumber can be made; building stone of good quality abounds." An excellent quality of limestone, as white as marble, was found on the Vermillion river last season where the Brookings wagon road crosses the same. There is more or less limestone on all of the streams of Dakota, and very fair building timber on most of the streams.

RIVERS OF DAKOTA.

The Missouri river extends a thousand miles through the Territory, and is navigable for steamboats the entire distance and hundreds of miles above; the river is from one half to one-third of a mile wide, and Dr. J. V. Hayden, U. S. Geologist, says thus of it in his report of the Missouri country: "The broad bottom prairies of the Missouri, are of inexhaustible fertility, sustaining a vegetation variable in its character and of enormous growth, the upland prairies possess a soil composed of yellow marl well adapted to agriculture and grazing." This stream is well timbered almost its entire length.

The Big Sioux river is two hundred miles long, a running stream of clear water, and quite well timbered; this beautiful valley cannot be surpassed for fertility of soil and the variety and luxuriance of its vegetation; the bottomlands on this stream are from a half to three miles wide, and bear an enormous growth of blue joint grass, which makes hay of an excellent quality.

What has been said of the Big Sioux, may be said of the Dakota and Vermillion rivers, except that there is not so much timber as on the Sioux, although of very good quality, and well adapted to stock growing. As to the character and description of the other streams, we shall quote from Lieut. Warren.

"The Big Cheyenne is a most important river, and has its extreme source west of the Black Hills, which its two main branches enclose. These forks are supplied by numerous streams from the mountains, and they unite in about longitude 102° 20', the river flowing into

the Missouri in latitude $44^{\circ} 48'$. In its lower course I am informed there is fertile land on its banks, and there are considerable areas in and around the Black Hills. The Cheyenne river can be rafted, and the stream that comes from the Hills could be used to drive the logs down the river." And thus the way is open to this supply of timber.

"White Earth river has generally an open well wooded valley, with fine soil and luxuriant grass. Any one who travels in Dakota will always feel rejoiced when he reaches the banks of this beautiful stream. It is much resorted to by the Brule's. It has numerous branches, the largest of which is called the South Fork. The pine on White river and its tributaries is nearly equal in extent to that on the Niobrara. This stream has been used by traders to boat down their furs. I believe it can also be used to raft down the pine timber on its banks and branches." Lieut. Warren speaks very favorably of the Niobrara river which is partly in our Territory, that there is considerable pine timber on its banks and branches, and much good land and excellent water.

The Red River of the North, rises in Lake Traverse, and flows north 380 miles to the British Possessions, is a navigable stream its entire distance, well wooded and a soil unsurpassed in fertility.— There are a number of other small streams, some of which have abundance of timber and a good soil and clear running water. There are quite a number of lakes in East Dakota remarkable for their beauty, and with their sylvan associations form the prominent charm of its rural landscape. There is an abundance of timber on some of these lakes surrounded with a good soil, water, and plenty of fish in the waters of the same. All the streams of Dakota abound in delicious fish of many varieties.

RAILROADS.

The Union Pacific Railroad has already penetrated the southern portion of Dakota, and will, before another year passes by, have crossed the Territory from East to West, and open up some of the richest gold mines in the country.

There are at the present time some six or seven lines of railroads in Minnesota and Iowa, all tending towards Dakota. The Chicago and Northwestern has already reached Sioux City on the eastern border of the Territory. Two other land grant railroads in Iowa, have their terminus on the eastern boundary of Dakota. The Dubuque and Pacific at Richland, about the center of Union county, and the McGregor road, which will strike our Territory about the center of Lin-

coln county. The land grant railroads in Minnesota that strike the eastern boundary of Dakota, are as follows :

"Routes one and two, from Stillwater by way of Saint Paul, to a point between the foot of Big Stone Lake and the mouth of the Sioux and Wood river, and branch down the Red River of the North."

"Routes three and four, from Saint Paul to the southern boundary of the State in the direction of the Big Sioux river." "Route five, from Winona via Saint Peter to a point on the Big Sioux river, south of the forty-fifth parallel of north latitude." This grant was transferred to the Transit railroad company." The western terminus of this road was once located, temporarily, at Sioux Falls, now in Dakota.

Besides two other roads in Minnesota, which have very liberal grants of land that run through the entire breadth of the State from east to west, having their terminus on our eastern border.

The proposed railroads in Dakota, are as follows:

1. From Sioux City to Yankton, a distance of sixty miles. This road will be constructed in course of two years.

2. The Minnesota and Missouri River Railroad from a point on the eastern boundary line of the Territory, where the first road from Minnesota shall intersect that line, thence via Sioux Falls to Yankton a distance of one hundred miles. This road will pass through one of the finest agricultural countries in the west, besides it will open the way to develop the vast water power of Sioux Falls.

3. The Northern Pacific, which road passes through the northern portion of the Territory, for a full description of which we refer you to an article from the New York Tribune published in this report.

4. A Road from Yankton to Columbus, Nebraska, connecting there with the Union Pacific, a distance of about eighty miles.

5. A Railroad from Yankton (being a continuation of the road from Sioux City to Yankton,) via Bon Homme and Greenwood, to the mouth of White Earth River, thence westerly up the said White Earth River about eighty miles, thence westerly to the forks of the Big Cheyenne river, there to unite with a road from Minnesota, (starting at the foot of Big Stone Lake,) where the two roads will unite and form one line, and then run westerly up the north fork of the Big Cheyenne to the Little Missouri river, thence northwesterly along the base of the Big Horn Mountains to Helena, Montana Territory, thence to connect with the Northern Pacific, where the two roads united will take the most practicable route to Puget's Sound. This route from Yankton to Helena, Montana, passes through one of the richest mineral countries in the world, which it will take

centuries to exhaust. Much of the country along this route is unsurpassed in agricultural resources, the entire route being well timbered and well watered. We can safely say that the resources along this entire line are four times as great as those of the Union Pacific; gold, silver, copper, iron and coal being found in inexhaustible quantities. As to the feasibility of this route, we shall quote from the Pacific Railroad explorations and surveys made by the United States, and an editorial of the New York Tribune of December 24th, 1867.

PUGET SOUND; ITS HARBOR, &C.

Captain McClellan, after a thorough examination of the different harbors, pronounces Puget Sound to be superior to all others, and the most suitable for the western terminus of the Pacific Railroad.

"Seattle is the nearest point to the straits of Fuca. It is easily entered with any of the prevailing winds, is secure from heavy seas, and has a most excellent holding ground of blue clay, and a great depth of water—thirty fathoms. The banks are suitable for a town; the deep water comes so near to the shore that but very short warves will be required. Semi-bituminous coal has been found within fourteen miles by water up the D'Wamish. The harbor can be defended by permanent fortifications." Pacific Railroad Surveys, volume 1, page 183.

There are a combination of circumstances beyond those stated by Captain McClellan, which make Puget Sound necessarily the great western terminus of this road. The inexhaustible beds of coal in that vicinity, which already commands \$22 a ton in San Francisco, determines the question of precedence between the two points.

ESTIMATED COST, \$50,000,000.

Mr. Lander, on page 35 of his report (Vol. 2, Pacific R. R. Surveys,) says:

"But a road of rough class, admitting the passage of weighty trains, and reaching the Puget Sound terminus by practicable detour, can be completed from the waters of the Missouri river to Seattle, on Puget Sound, for fifty millions of dollars in cash capital, actually expended on the construction and equipment of the road."

Lieut. Saxton, who traversed the route from Wallah-Wallah in Washington Territory, to Dakota, says:

"From the mouth of Wallah-Wallah river (on the Lower Columbia river) to Fort Benton, (on the Missouri river,) no insurmountable obstacle to the construction of a railroad exists, and the Blackfoot or Cadotte's Pass is much the lowest pass through the Rocky Mountains that has yet been discovered, and eminently fitted by nature for the line of railroad. The region is well watered, rich in ag-

ricultural and mineral resources, and abounding in fine timber and all other materials necessary for the construction of a railroad. It is destined, and no very distant period, to be occupied by a civilized and energetic population, capable of making roads for themselves, independently of those which are to form the great lines of communication between the eastern and western oceans." Vol. 1, Pacific R. R. Surveys, page 268.

From Cadotte's Pass to Puget Sound, the route is the same as that surveyed by Gov. Stevens. The Hon. Jefferson Davis, Secretary of War, in summing up the advantages of this route, says :

"The advantages of this route are—its low profile, which is important in relation to climate ; its easy grades and small amount of ascents and descents, both important, if the road should be developed to its full working power ; the great extension west of the prairie lands ; in the supplies of the timber over the western half of the route ; the facilities with which the Columbia river and its tributaries, and the Missouri, will afford to the construction of the road ; in the short distance from the Mississippi to a seaport on the Pacific (1,864 miles to Vancouver ;) in the western terminus of the road on Puget Sound, being nearer to the ports of Asia than the termini of other routes ; and in the existence of coal on Puget Sound."

For a further description of the route and the country, see in this book the chapter entitled, Description of the Rocky Mountain region from the South Pass to the British possessions, including the region of the headwaters of the Missouri river.

By reference to the map it will be seen that the routes from Yankton to Puget Sound, are almost continuously in the valleys of different streams. The obvious advantage of roads thus located forms a marked and significant characteristic of these routes, the value of which can hardly be overrated.

DESCRIPTION OF THE ROCKY MOUNTAIN REGION.

EXTRACTS from the report of Lieutenant R. Saxton, published in Vol 1 of Pacific R. R. Surveys, Page 260, et seq :

"FRIDAY, August 26.—To-day we moved our camp twenty-five miles to the south-east, and encamped on a small creek, a tributary of the Columbia. Our route was along the Flathead river through a fine, open country, with an abundance of fine timber upon the hills back from the river. I found a great quantity of wild fruit particularly excellent plums, nearly as good as those cultivated in the States." Page 260.

"For the last eight miles of the march we followed up the valley of the Jocko river, a beautiful mountain stream, full of fine trout, and capable of supplying water-power enough to propel all the cotton-mills of Lowell." Page 269.

SEPTEMBER 5.—Marched 25 miles due west, along the banks of the Blackfoot Fcrk river through a magnificent country, fitted to support a numerous population of civilized men. Its bracing air;

and the grand mountain scenery, will give inspiration and energy to the future inhabitants of this mountain region." Page 262.

SEPTEMBER 6.—We marched 30 miles and are now encamped on the last dividing ridge of the mountains. We passed through a region of the same fine character as that of yesterday, but with more timber, and more game. I saw numerous large, fine looking elk, which would have made a welcome addition to our slender stock of provisions; but we did not succeed in taking any. We are now near the headwaters of the Blackfoot fork, a branch of the Hell-Gate river, full of mountain trout. The grass and timber are as good as can be found anywhere. It is contrary to my preconceived ideas of the Rocky Mountains, to find such a country in their very heart. Saw to the north-east some high snow-capped mountains." Page 622.

"The mountains, at this point, (speaking of the ridge which divides the waters flowing into the Atlantic from those flowing into the Pacific,) offer no obstacle to the construction of a railroad from this place to the Flathead village. With the exception of one mountain, easily to be avoided, a finer region through which to build a road can nowhere be found. The vast amount of timber and stone, granite and marble, will furnish an inexhaustible resource of materials for its construction." Page 262.

SEPTEMBER 25.—We anchored at night within a few miles of Muscle-Shell river; saw a great number of deer, elk and bears along the banks. The timber on the river is excellent, the soil good, and very few obstructions to navigation by light-draught steamers." Page 263.

OCTOBER 2.—We arrived at Fort Union, near the mouth of the Yellowstone, without having met any trouble from low water or Indians, having traveled from Fort Benton, 750 miles by the river, in eleven days. For the last few days we have seen innumerable herds of buffalo cows, in many places extending in every direction as far as the eye could reach. They are very fat at this season, and I would consider their flesh as preferable to beef.

"I think Fort Union is the finest place on the Missouri for a Military post—in the heart of the Indian country, surrounded with a fertile soil and the finest hunting range, and of easy access by the Missouri, for eight months in the year." Page 264.

"Arrived at Fort Berthold about sunset, (October 9th). We received many visits from the Gros Ventres, and gave them a few presents. These Indians are fine specimens of the red men. They are industrious and raise enough to supply many of their neighbors with bread. They are well disposed towards the whites." Page 265.

EXTRACTS from the Report of Mr. A. W. Tinkham, Assistant Engineer published in Vol. 1, of *Pacific R. R. Surveys*, Page 276 et seq.

"Until near Flathead lake, the valley of this river (Flathead river,) continues wide, grand, and bordered partially by wooded hills. Most of this land is capable of occupation and settlement. The river is a fine clear stream, one hundred to one hundred and fifty yards wide, occasionally fordable, swift current, and is estimated to have a descent of about ten feet per mile. The Flathead lake is a sheet of water of

great beauty, some 25 miles long and 6 or 8 broad; is adorned with a number of picturesque islands rising some 300 feet above the water." Page 276.

"Following down the valley of a fork of Hell Gate river to its junction with the Blackfoot river, as I estimated, about 95 miles from the summit, (much too small an estimate, according to Lieutenant Mullen's odometer measurement,) the valley is unusually favorable either for a wagon route or a railway. From the running water at the foot of the divide to Hell Gate, the valley, according to my estimated distances, has an average descent of $22\frac{1}{2}$ feet per mile, (undoubtedly greater than the actual fall by several feet per mile,) is generally wider than Blackfoot river valley; is generally unobstructed by the woods, and although the present trail in several instances for a few miles, is steep and difficult when forced to the hill side by the river, all these difficulties could be removed with a small amount of labor, or apparently avoided without labor, sometimes by taking the bed of the river for a short distance, (the river has a general depth of near three feet,) or by making river crossings.

The greater part of this valley is a desirable region for settlement. The soil is often gravelly, as is the soil in St. Mary's valley but it is fertile, and there are many agreeable and promising locations for farming, where a good soil, plenty of good wood sufficiently near for lumbering or fuel, pure cool water, good grazing an agreeable and healthy climate, and a pleasing prospect, are inducements not often found united, and are sufficiently attractive to throng these mountain valleys at no distant day with a central population of vast importance, making in the heart of the mountains, and midway between the Missouri and Columbia, a central depot of supplies, a distributing point of labor and materials, and finally a region productive of valuable exports." Page 279.

"Turning up the St. Mary's valley, on November 17th, I rested at Lieut. Mullan's winter establishment, in St. Mary's valley, 14 miles above Fort Owen; the weather mild and pleasant, and, during my stay there, occasionally raining; the grass good, and the animals of the expedition in a thriving condition." Page 279.

"On the 30th day of December I reached Wallah-Wallah. The wooded country ends with the mountains, and then commences the great plain known farther north and west as the great Spokane Plain, and through which, in deep channels, flow the Clearwater, Snake and Wallah-Wallah rivers, and other and smaller streams. There is a great deal of good land along the whole route on this section. The bottom lands of the Clearwater were to some extent, cultivated by the Indians, and looked fertile—a dark, gravelly soil. Their corn was of good size and heavy; wheat of good weight. Corn, wheat, peas, potatoes and melons, are produced by the Indians." Page 281.

EXTRACTS from the Report of Lieut. John Mullan, in Vol. 1, Pacific R. R. Surveys Page 306 et seq.

"SEPTEMBER 13, 1853.—On rising this morning we found our camp surrounded by buffalo, so numerous were they in the vicinity. Between the main chains of the Girdle and Judith mountains, and near the gap between them, is a large and beautiful prairie, well

grassed, with numerous streams flowing through it, where the buffalo congregate in vast numbers, so that the traveler may be well assured to find an abundance of game, both of the buffalo and antelope, as large bands of the latter were to-day seen along the margin of the western tributary of the Judith river, which are so tame and gentle as to allow the hunter to approach them within a very few yards, and stop and look their pursuers in the face with the greatest curiosity. Our course lay this morning, till near noon, a few degrees east of south; first, over a partially broken country, and then over a most beautiful and large prairie that extends from the Muscle-Shell river to within 30 miles of a spur of the Girdle mountains, covered with very fine grass. We had this morning a very fine view of the Snow mountains, which rear their lofty snow covered summits far above the country for miles around. Game we found on this day exceedingly abundant—the hills and prairies, as far as the eye could reach, being perfectly alive and black with buffalo; not less than from ten to twenty thousand might be seen in bands, running over the prairies. One of our Indians ran into a large band; and having selected one of the fattest, he singled him out from the rest and brought him down, immediately on our pathway. We were not in want of game this day, as we killed, during the morning, two large buck antelopes, the meat of which we found exceeding fine; this, with the buffalo, made us an abundant supper at night. We moved this day at the source of a small stream that empties into the Muscle-Shell river, after having made a journey of twelve miles. During the afternoon our journey lay over the prairie already mentioned, to the muscle-Shell river, which we reached at 5 P. M., making five days from Fort Benton, where we struck the river. I estimated it to be 130 miles from the fort. This river is a wide and deep stream, that rises in the Belt mountains, which here form the most eastern range of the Rocky mountains, and empties into the Missouri just below the mouth of the Judith river. It winds through a most beautiful valley of ten miles in width, the grass of which we found very high, excellent and green. This river is about forty to fifty yards wide, and between two and four feet deep, with a very rapid current; the current is much more so where we struck it than that of the Missouri itself." Page 306.

"Our journey lay up the valley of the right bank of the Muscle-Shell river. We struck one of its forks coming in from the south, upon which we moored, eight miles above its junction with the main stream. This fork, or tributary, flows through a beautiful and well grassed valley of two and a half miles in width. The stream, with a rapid current, is at present, (September 18, 1853) only ten yards wide, with a gravelly bottom, well wooded to its source in the Snow

mountains, the cottonwood occurring in great abundance. Extending for a long distance on the right bank of this fork, is a bed of lignite, of twenty-five feet in thickness. From this fork our trail led over a very excellent road for twelve miles, till we struck the main stream of the Muscle-Shell, crossing in the meanwhile several prairie streamlets, that empty their waters into the Muscle-Shell. Traveling up the river four miles further, we encamped on its right bank, finding an abundance of grass, wood and water. Game, to-day, was very abundant. Buffalo in large bands, antelope, elk, geese and ducks were seen during the day." Page 309.

EXTRACTS from the Report of Mr. F. V. Hayden, published Senate Document entitled, *Explorations in the Dakota Country in 1855*, by Lieut. G. K. Warren.

On page 71, he says: "The streams flowing into the Sheyenne at this point, (about 100 west of Fort Pierre, on the Missouri,) have their origin in perpetual springs in the Black Hills, and contain an abundance of fish, and swarms of beaver live along their banks. They are skirted with excellent timber of ash, oak, elm and box-elder, and the level plains are covered with fine carpet of grass which, in spring and early summer is enamelled with myriads of flowers of the richest hues. On the 9th of March, 1855, I ascended Bear Butte, and on the south side, six hundred feet above the level prairie, I found a beautiful plant, (*Anemone Patens*,) just putting forth its blossoms. The Indians call it the navel flowers, for they say that when it blooms young spring is born. At that time the grass was springing up green, and herds of antelopes were quietly reposing upon the sunny sides of streams, like flocks of sheep. This is a portion of the country similar to the White river valley, well adapted for grazing purposes, and capable of sustaining a tolerably dense population."

"Three tribes of Indians on the Missouri are somewhat of an agricultural people. The Minnitaes at Fort Berthold raised, in 1854, two thousand bushels of corn and beans, pumpkins in proportion. The Mandans sixty miles below, one thousand five hundred bushels, and the Aricarees, at Fort Clark, four thousand bushels."

On page 79, Mr. Hayden says: "Probably at this time game, such as buffalo, antelope, elk, bighorn and beaver, are more abundant in the Yellowstone valley than in any other portion of the Upper Missouri. In descending the Yellowstone river in 1854, for a distance of 350 miles, I do not think there was a moment in which I could not see game in great numbers."

"The antelope is the most abundant animal in the Sioux country, and confined to the open prairies. Elk are still abundant in the region of the mountains. Large herds of them are seen in the valley of the Yellowstone and along the Missouri above Fort Union."

THE NORTHERN PACIFIC RAILWAY.

While the Central Pacific and Union Pacific Railroad companies are pushing on their roads, both from the eastern and western points of departure, with amazing energy and success, the Northern Com-

pany has as yet done little more than enlighten the country on the comparative advantages of its route over any other. The reason is plain. The former has a large government subsidy, a loan of United States credit, while the latter only a simple land grant. These roads lie at all points nearly six hundred miles apart, and for local trade, could never be rivals. If there be any jealousy between them, it is because the Northern road, on account of its shorter distances and easier grades, must eventually be the great highway of international commerce between Europe and Asia, and between Asia and our Atlantic seaboard. But we do not propose to discuss the relative prospects of the roads from any point of view. The vast importance of either to the solid and permanent growth of the Union, to its commercial prosperity and its defensive strength, is beyond any possible estimate. In the midst of the general satisfaction which hails the rapid construction of the one, we simply desire to call attention to the grand resources which the other is likely to command—to the stupendous empire in extent and in natural wealth which is destined to develop. In the success of the latter enterprise, New York and New England have a deep interest, worthy of their most practical consideration. The commercial supremacy of the city of New York can never, of course, be disturbed, but it may be enhanced; and it seems perfectly evident that, should the trade of Asia and the great Northwest be poured into the lakes which wash the northern boundary of the State, whatever is broken in bulk, or distributed to the Atlantic States, will be drawn off to the advantage of this metropolis.

The Company is authorized to build a road from the head of Lake Superior, on a line north of the forty-fifth degree of north latitude, to Puget's Sound, throwing off a branch down the Columbia valley, to Portland, Oregon, from a point on the main line less than 300 miles from its western terminus. This is not only the shortest route across the continent, connecting lines of water communication, but its termini are nearer, the one to Europe, and the other to Asia, than that of any other. Seattle, at the head of Puget's Sound, is one of the finest and safest harbors on the globe, with a broad and deep channel to the ocean. In the distances to Amoor, Shanghai, Canton, and Calcutta, Seattle has the average advantage of 260 miles. Beside, the prevailing winds of the Pacific compel all sailing vessels to enter the Straits of Fuca; and thus, for them, Seattle, has practically an advantage of 700 miles. Seattle is three hundred miles nearer to Chicago by the Northern route than San Francisco by the Central; or, if we compare distances to the commencement of lake navigation, at the heads of Lakes Michigan and Superior respectively

the difference is more than 700 miles in favor of the Northern route,

But is this route between termini so much nearer to each other, and so much better situated with regard to the great commercial points of both hemispheres than those of any other, entirely practicable? We no longer propound the question in doubt, nor attempt to solve upon imperfect data. United States surveyors, explorers, travelers, and scientific men, unite, so far as we are able to learn, in declaring it not only practicable, but comparatively easy and desirable. Leaving the shores of Lake Superior, it will pass for 2,010 miles, to the eastern base of the Rocky Mountains, through a fertile and beautiful country, every square mile of which will sustain a dense population, producing wheat, rye, corn, barley, potatoes, and grass of a superior quality, and in great abundance. Here the mountains are crossed at an elevation 2,500 feet less than on the Central. Even on this mountainous section, there is much fine timber and excellent wheatlands, while the grades are not more difficult than some of those on the Baltimore and Ohio. Here the mountains are so low that the miners have actually conducted the waters of the Missouri across the divide in the little ditches, through the Cascade Range, just east of the Sound, which it was feared might prove a serious obstacle. The recent accurate surveys have developed three passes, either of which is entirely feasible, and the summit of the middle or Snoqualmie Pass is but 3,000 feet above the sea. The snows on these uplands, unlike those on the same range a few hundred miles further south, are never more than two-and-a-half feet deep. They do not fall soft and pack hard, but dry and light, presenting no difficulty to the snow plow. Grand lines of railroad are now in operation in various parts of the world where the snows are heavier and the climate far more severe than upon this. From a point on a line with Fort Laramie, to the Pacific, nature has provided the tepid winds of the ocean, and numberless boiling springs, which make the atmosphere milder and warmer than it is eight or ten degrees further south. This road passes through no vast sage plains or sandy deserts, but through a country everywhere propitious, everywhere inviting to either the grain producer or the stock raiser, whose most ungenial portions sustain animals in winter upon grass alone. It is intersected by four great navigable rivers. It abounds in beautiful lakes and streams of pure water, teeming with fish and wild fowl. When we add to the landscape grandeur of those boundless and luxuriant plains, agreeably diversified with water, wood, and hill, the prodigal yield of food for man and beast which is there promised to the settler, it would seem that in no land under the sun can the immigrant find a more charming home.

When this road strikes the Red River of the North in the neighborhood of Fort Abercrombie, it will receive the trade of that stream, which flows north into Lake Winnipeg, a body of water as large as Lake Michigan. Into the same lake falls the Saskatchewan, a magnificent stream which drains the British Territory from the Rocky Mountains to the Great Slave Lake, and giving, with the Red River and the lake itself, a continuous navigation of over two thousand miles in length, whose outlet must be over this road and through Lake Superior. Again, when it reaches the great bend of the Missouri, about four hundred miles from the west end of Lake Superior, a thousand miles of that mighty stream to the north alone, from Fort Benton to the point of crossing, immediately becomes its tributary. In short, were we to state all or half the grand facts which favor the enterprise in hand, the prodigious sum of that which is possible, and may be accomplished, would startle the imagination. Out of the territories of the United States it seeks to develop eleven great States will be added to the Union, containing some of the richest mineral districts on the continent. Montana, Idaho, and Dakota give as yet but a bare promise of the future. While politically the British Possessions are the property of another power, commercially they are ours, if we choose to make them so; and this fact is one of stupendous importance, whether we consider their extent, their natural capabilities, or the trade they are destined to maintain. From the British line to the sources of the Mackenzie, stretches a magnificent wheat country a thousand miles in breadth; much of it open prairie, and ready for the plow.

Lake Superior projects into the far Northwest several hundred miles further than any other navigable water, and at its head there will be seen a city rivaling any of those which in the ages gone by had enjoyed the commerce of the East before it. West and northwest of it the mighty area we have described, inexhaustible in its minerals and its agricultural productiveness, will pour its unimagined wealth of exchanges into and through it. With fifty bushels of wheat to the acre, as we find it on the Saskatchewan, what may not be predicted of the point which, by geographical necessity, it is to handle the products of a region so vast? Here will be the largest grain elevators ever seen, and that trade which has built so many flourishing cities will build another where nature has made a depot for the most extensive grain growing country on the globe. In the Bay of Superior, at the mouth of the St. Louis, we have the largest harbor on the Lake, land-locked and perfectly sheltered. It now admits lake boats of the heaviest tonnage, and to what extent it may be artificially improved we do not know; but an appropriation for

this purpose was made by the last Congress. A city, on the point of land formed by the St. Louis and the Nemadji, has an elevation of thirty-four feet, and will possess nearly forty miles of water-frontage, where vessels may discharge their freights on all the the four sides of a square. The distance to St. Paul the centre of North-Western railways, is only a hundred and thirty-five miles, while from Chicago it is over three hundred and fifty; and when at Chicago you are no nearer to Europe or the Atlantic ports than when at Superior. Various railroads are projected, or in course construction, to connect the Upper Mississippi with the head of the lakes, and the work on the St. Paul end of the St. Paul and Superior road is rapidly progressing.

In view of the facts that we are an essentially pioneer people, that we plant and build wherever nature permits, and especially where she invites, and that we are annually reenforced by an increasing porportion of immigrants from the northern latitudes of Europe peculinary fitted for the settlement of the North-West, it is fair to presume that this generation will see completed what we have only faintly sketched—the commerce of Asia and Europe passing over a grand highway connecting the Atlantic and Pacific, Lake Superior and Pugets Sound, the headwaters of the Mississippi, the Missouri, and the Columbia, with cities at either terminus, whose importance can only be measured by that of the trade they will control.—*New York Tribune Dec. 24, 1867.*

HYDRAULIC CAPACITY AND MANUFACTURING RESOURCES.

On all of the streams and their branches, running into the Missouri, there are more or less water falls. At Sioux Falls, the Big Sioux river falls in a few rods over one hundred feet; there are three perpendicular falls, one twelve, fifteen and twenty one feet. Prof. Hayden speaking of this water power says: "The falls of the Sioux fall 110 feet in the distance of half a mile and forms the finest water power I have ever seen in the West, and will some day be of immense value." Gov. Jayne speaking of this water power says: "The falls on the Big Sioux furnishes a motive power sufficient to drive the machinery of the New England mills." With this fine water power, and the great advantage which the Territory possesses for wool growing—the development of woolen manufactories promises largely for the future.

SALT.

It is generally believed that there are more or less salt springs

spread over the entire northern portion of our Territory. A statistical writer of Minnesota, says: "A few years ago a supply of salt for the British settlements of the Red river was obtained from north-western Dakota. With the imperfect apparatus employed by the half breeds engaged in the manufacture, the springs near Lake Manitoba are said to yield one bushel of good salt to 24 gallons of brine or 33-1 3 per cent., yielding same proportion of salt to brine as East Saginaw springs, Michigan."

THE SOILS OF DAKOTA.

The prevailing soil of east Dakota is a dark calcareous sandy loam, containing a various intermixture of clay, abounding in minerals, salts and an organic ingredient derived from the accumulation of decomposed vegetable matter for long ages of growth and decay. The earthly materials of our soil are minutely pulverized, and the soil is everywhere light, mellow and spongy, while its sandy predominance makes our soil very early. The upland soil of east Dakota, cannot be surpassed for fertility and the variety and luxuriance of its vegetation. And Dr. Hayden, geologist, thus speaks of the western portion: "The numerous broad valleys in the Black Hills possess a very fertile soil, and abound in springs of pure water, and the time cannot be far distant when they will be settled by a thriving population, and the vast forests of pine rendered servicable to the wants of man."

For the productions of Dakota the reader is referred to the reports of the different counties.

THE STOCK GROWING BUSINESS.

Dakota is the finest field in the world for stock growing. It stands prominent above all other countries as the best for the production of grass. "The grasses," says Farrey, "are proverbially in perfection only in northern and cold regions. It is in the north alone that we raise animals from meadows and are enabled to keep them fat and in good condition without grain." In none of the prairie districts of North America are the native grasses so abundant and nutritious as on the plains and in the valleys of Dakota. This is sufficiently proved by the countless herds of buffalo that pasture throughout the year upon its plains, even north of the 49° parallel of latitude; a fact which suggests an equivalent capacity for the herding of domestic cattle. Horses and cattle roam during summer and winter over the prairies and through the woods, and keep fat with-

out housing or hay. The wild grasses of Dakota are of many varieties. The blue joint of the valleys makes the best of hay, and generally yields about three tons per acre. The gramana or buffalo grass of the upland prairies is so nutritious that horses will work all the time, that are fed on it, without any grain and keep fat. All of the wild grasses of Dakota are more nutritious than any of the tame grasses; cattle become fatter by pasturing on it. When cut it shrinks much less in curing for hay. It seldom heats. There is no dust in the hay. Horses that eat it never have the heaves. The hay in appearance is green and it smells much sweeter than tame hay. On the whole, it is superior either for pasturage or hay for horses, cattle or sheep. Owing to the healthiness and dryness of the climate of Dakota, sheep must do extremely well in Dakota. We have no cold sleet storms here, that are so fatal to sheep in many countries. The Indians have always kept thousands of horses in this country but never feed them hay in winter.

A MARKET FOR DAKOTA.

And here we quote again from Lieut. Warren; who speaking of the frontier settlements on the prairies, says: "But this gives them much of the value of places along the Atlantic frontier, in view of the future settlements to be formed in the mountains, between which and the present frontiers a most valuable trade would exist. The western frontier has always been looking to the east for a market, but as soon as the wave of emigration has passed over the desert portion of the plains, to which the discoveries of gold have already given an impetus that will propel it to the Rocky Mountains, then will the present frontier of Nebraska and Dakota become the starting point of all the products of the Mississippi valley which the population of the mountains will require. We see the effects and benefits from the Santa Fe trade and the impetus given to Leavenworth and Utah trade. The flow of products has, in the last instance been only in one direction, but when these mountains become settled as they eventually must, then there will be a reciprocant trade materially beneficial to both." This is already true, and there is at the present time at least a population of fifty thousand persons in the mountains directly west of Dakota, that depends on the country east of their borders to supply them with all the products that they need for consumption, and such is the demand that all kinds of products raised by the farmers in Dakota, including cattle and horses, are worth twenty-five per cent. more in Dakota than on the Mississippi river. Some of the farmers of Dakota, the present season, although

we have no large farms opened, have raised from fifteen hundred to three thousand dollars worth of crops. The rich discoveries of gold recently made in all the mountain regions on the western boundary of Dakota, will furnish a better market for years to come, than the farmers of the valley of the Mississippi have at present.

CLIMATE.

The following table will show the mean temperature at the several points indicated, for six months, from Dec. 1853 to May 1854, inclusive. It is compiled from official tables contained in the first and second volume of Pacific Railroad surveys :

MONTHS.	Great Salt Lake City; 5'gt above sea 4350 ft	Ft. Benton, lat. 47° 56'; long 110°; height above sea, 2612 f. et.	Olympia, on Puget So'd D. c. 1854, to May 1855	Ft. Clark on the Missouri river, [lat. 4°	Dubuque, Iowa	Detroit, Mich.	Le di, N. Y.	Amherst Mass	Warrington, N. J.	New York City	Philadelph la, Pa	Pittsburg Pa.	Lewisburg, Va.
DECEMBER	42°	33°	43°	33°	27°	27°	23°	22°	29°	28°	31°	21°	34°
JANUARY	26	17	42	19	15	24	25	24	33	29	32	26	33
FEBRUARY	39	27	45	22	27	27	23	22	32	33	34	31	38
MARCH	47	36	47	35	39	37	32	30	39	37	43	33	47
APRIL	57	55	50	57	52	45	42	43	50	43	51	47	52
MAY	66	58	54	60	60	59	59	57	63	60	65	61	65
Average	46°	38°	47°	38°	37°	36°	34°	33°	40°	39°	43°	39°	45°

It will be seen by the above table that at Fort Clark in Dakota Territory, latitude 47, for the six months of December, January, February, March, April and May, it is but one degree colder than at New York City, and Pittsburg, Pa. Besides in our dry atmosphere, the cold is not so intensely felt as in more moist climates. It is impossible to estimate the importance of the manifold services which this characteristic element of the climate of Dakota, the dryness of its atmosphere, renders it the development of all organic life. Dry air is a non-conductor of heat, and as the decrease of moisture is in exact proportion to the decline of temperature, the minimum of both culminating with the mid winter nadir, the atmosphere of Dakota, even in its coldest state, is a robe of arctic furs, which holds in and stimulates the resilient fires of vital heat within the body, imparting in their reaction, a sense of elastic vigor and redundant animation. Damp air on the other hand is a conductor of heat which it insidiously steals from the softened tissues, making a comparatively slight

degree of cold unendurable to the sensation. Thus the same degree of cold in Dakota is felt much less than in the Atlantic states. Colds, shills, coughs and all of the pulmonary diseases are scarcely known in Dakota.

It is owing also to the conservative influence of this dry winter's air, that sheep, cattle and horses which will scarcely survive the damp winter of even the middle States, without careful warm housing, thrive in Dakota, the season through, in the open air, without shelter in winter. The diseases which destroy the herds and flocks of moister latitudes are unknown here. Horses are equally exempt from heaves and similar affections. The winter is thus the season of hearty digestion, of rapid secretion of fat and muscular development in men and animals. This pure and dry atmosphere will make Dakota the sanatorium of consumptive invalids.

This same dry air has a great influence in preventing mildews, rust, blight and other diseases incident to wheat, which pervades most countries, but are unknown to Dakota.

Spring is much earlier in Dakota than in the same latitude east, and here I quote again from J. V. Hayden, U. S. geologist, explorations in Dakota, in the year 1853. "March 7, weather fair; grass starting up fresh and green near Black Hills, ants quite active; antelopes returning to the open prairie from their winter's home in the north." "March 8, weather very fair and warm, saw some striped snakes." "March 10, saw two fine plants on the south side of Bear Peak, one of them was in blossom, the other was fast coming into bloom." "The ice broke up in the Missouri river March 6th, as far as Fort Clark, latitude 47°." April 12, various kinds of insects quite abundant; common garter snake; American elm in full bloom." The foregoing data was taken in latitude 44°, showing how much earlier the Spring is on the Missouri than on the Mississippi in the same latitude. Often all of our spring wheat is sown in March.

The writer's attention was called to the fact stated above in the Spring of 1865, by several officers of Gen. Sully's staff. When this officer left Dubuque, Iowa, none of the trees were in blossom on the Mississippi. They were three days crossing the State of Iowa and were much surprised to find the trees in full bloom on the Missouri. The buffalo grass always starts up fresh and green in March, in Dakota.

CONCLUSION.

In conclusion, your committee have not thought it out of the line of their instructions to say a few words in relation to the prospects of

Dakota for the emigrant. Dakota is new and recently organized and consequently very sparsely settled in the southern portion. Most of the land is yet in possession of the general government, and under the homestead law can be had for ten cents per acre, so that he who desires a home can get it in Dakota, and hold it against the merciless creditor, for the homestead law of our Territory protects a man against his creditors to the amount of three thousand dollars. Here is a place for him to rebuild his fortune again; here there need be no poor or destitute, for all that will work there is abundance; here is a land yielding bountifully, open to all nations, where all may enjoy the blessings of a home.

“Dakota Territory occupies the most elevated section of country between the Arctic Ocean and the Gulf of Mexico; forming to a great extent the water shed of the two great basins of North America—the Missouri and Mississippi rivers and the tributaries of Hudson Bay. Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reach a region of eternal ice, while those flowing southward pass from the haunts of the grizzly bear and the region of wild rice, through the cotton fields and the sugar plantations of the Southern, until their waters are mingled with the blue waves of the Gulf.

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

The mighty Missouri runs through the very heart of our Territory, and gives us more than one thousand miles of navigable water course, thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands to the southern markets, and receive in exchange the trade and commerce of all climes and lands.

We have, located on the Missouri, Big Sioux, Red River of the North, Vermillion, Dakota, Niobrara, millions and millions of acres of the richest and most productive lands to be found anywhere within the bounds of the National Government.

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

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

We find that Fort Benton on the Missouri river, in latitude $47^{\circ} 50'$, possesses the same mean temperature of Chicago and Albany, New York.

The corn producing belt of country which runs through Ohio, Indiana and Illinois, extends north and west through Iowa, up the valley of the Missouri, through Dakota. According to Blodget, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn is a mean temperature of 67 degrees for July, and it may go a little beyond 65 for the Summer. According to the same authority, the thermal capacity required for the successful cultivation of wheat is a mean temperature of from 62 to 65 degrees, during the ripening months. Statistics proves that our Territory possesses a considerable excess of the temperature required, being beyond seventy. The capacity of our Territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat, potatoes, sorghum, melons, fruits and vegetables, demonstrate the ability of our country to sustain a dense population.

Shall we not judge of the future by the past. As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers

upon which to float our cereal products and commercial exchanges, what section of the country within the broad confines of our Republic, is fairer, or lovelier, or richer, or more inviting, as the home of the active, intelligent and industrious citizen; before a generation shall have passed more than a million of people will be living in the valley of the Missouri alone. Pacific railroads will have been completed connecting the two oceans with its iron bands. And here we quote from an able report on Foreign and Domestic commerce published in 1864 by the U. S. Treasurer, on railroads to the Pacific, in speaking of the Northern or Lake route. "The latitude of 45° north, extending west of Minnesota is not only central to the lake coast and the railroads of northern Illinois and Iowa, Wisconsin and Minnesota, but in its traverse of the great plains and the Rocky Mountains, it is most accessible from the mining district now developed, or soon to be occupied in the Territories of Dakota, Montana and Idaho. Other conditions being favorable, the future emigrant route will follow the parallel of 45° and when population warrants, that will be the general direction of the northern or lake railroad route." The same writer predicts that this road will be needed and built in a very few years. Since the foregoing article was written, richer gold discoveries have been made along the proposed line of this route, than any person ever dreamed of. This line passes through the heart of Dakota. "The trade with India and Japan, the commerce of the opulent and gorgeous East, will pass through our borders, on its way to the great cities of the Atlantic. By the transit of a world's commerce over a thousand miles of our Territory, we will derive incalculable benefit. The experience of six thousand years, and the verification of all history is pointed and conclusive that activity, prosperity and opulence are inseparably connected with the great lines of intercourse between nations.

Along the great highways of the world, where pass and re-pass the goods, wares, merchandise; the products, the commodities and wealth of nations, there towns and cities spring up, manufactories are established, and all the industrial arts are quickened and encouraged, and from these centers ramify and extend rivulets of business and avenues of wealth.

Dakota possesses within itself all the elements which are

necessary to constitute a great, prosperous and powerful State. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses, which are ample to feed and support cattle to supply every market in the Union.

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

The high, rolling prairies south and west of the Missouri seem especially intended for the herdsmen of sheep and the growth of wool.

The falls on the Big Sioux furnish a motive power sufficient to drive all the machinery of the New England mills.

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

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

TO ENCOURAGE MANUFACTORIES.

Our legislature has wisely exempted all property invested in woolen manufactories for a period of ten years, cotton manufactories twenty years, and one half of all others five years; sheep are also exempt a certain number of years from taxation.

In the course of two or three years, several towns are to spring up on the Missouri river within the Territory of Dakota, and between the mouth of the Big Sioux river and the mouth of the Big Sheyenne river, that will vie with Omaha, Nebraska City, and Leavenworth for the overland trade to Montana, Idaho and the northern Pacific states. These new towns will have the advantage of some several hundred miles in distance, over Omaha, Nebraska City and Leavenworth. The thousand miles of country between St. Louis and Fort Sully, Dakota, must soon be supplied with pine lumber from the several millions of acres of pine land of the Black Hills of Dakota, via the White Earth and Big Sheyenne rivers; and we look to see the prediction of J. W. Taylor, fulfilled, the coming spring, who says: "Even if there were no proofs of gold, silver, iron, and copper,

in the gulches of the Black Hills, the demand for pine lumber in the valleys of the lower Missouri, will send armed parties into the forests which darken the flanks of the mountains. Give Dakota the supply of pine timber, to the towns and plains below, and a greater accumulation of wealth, a greater stimulant of agriculture and commerce are assured to the pioneers of this Territory than if the Black Hills prove as auriferous as California."

LETTERS FROM THE PEOPLE.

UNION COUNTY, DAKOTA TERRITORY, }
 January 4th, 1868. }

To the Honorable Committee &c.

GENTLEMEN:—In accordance with your request, I hereby submit for your consideration my observations in Union county for the past season, in regard to agricultural productions, &c.

Four years residence in Union county, Dakota Territory, during which time I have been chiefly engaged in agricultural pursuits and stock growing, enables me, I imagine, to speak with some degree of accuracy in relation to the agricultural and manufacturing resources of the county.

Union county was, but a few years ago, the home of the savage and the haunt of the wild beast. Here the buffalo roamed undisturbed save by the untamed red man whose bloody war path alone marked the verdant prairie, and led through the dark depths of the deep forest. But civilization has wrought a marvellous change, and instead of the herds of buffalo, elk, and antelope; droves of domestic animals now browse, in the rich pastures of this favored land. Towns and settlements have sprang up as if by the magic wand of the enchanter and the future seems pregnant with prosperity and plenty.

The south eastern portion of Dakota, which includes Union county, is situated between the Big Sioux and Missouri rivers, consequently the south and east boundaries of the county, bordering on these streams, consists of bottom lands unsurpassed in fertility, and covered with a luxurious growth of wild nutritious grasses. The banks of these streams are skirted with heavy bodies of timber containing hundreds of acres, principally cottonwood, although numerous other varieties are found. The northern portion of the county is chiefly gently undulating prairies, especially adapted to sheep grazing, though capable of producing very heavy crops of all kinds of grain usually cultivated in this latitude. The Sioux Valley extending along the eastern boundary of the county, into Lincoln county, is, in my opinion, unequalled in point of fertility. During the past year a number of industrious and hardy settlers have occupied lands in this valley, both in Union and Lincoln. In fact it cannot long remain unsettled, as it offers superior inducements to the agriculturist as well as the stock growers. Considerable bodies of timber fringe the shores of the river, consisting principally of oak and walnut. Sioux Falls, on the Big Sioux river in Minnehaha county, besides being a natural wonder, combines the practicable with the sublime. Its remarkable water power will, at no distant day, be rendered subservient to the wants of man in propelling machinery. The capacity of these Falls in this respect, is almost beyond calculation. With these great advantages, the hum of the wheel must soon mingle with the roar of its turbulent waters, and its vicinity be teeming with an industrious and intelligent population.

There are other smaller streams in the county, which find outlets in the Sioux and Missouri rivers. Brule Creek is the principal, and empties into the Big Sioux opposite Elk Point. Its valley contains a flourishing settlement, and like all other portions of the county, it keeps pace with the march of improvements and civilization, and continually gains increased advantages and facilities in the general advancement of the Territory. I can scarcely forbear the use of the most extravagant language when I attempt a description of this beautiful country, I refer to the entire south eastern portion of the Territory. With a prolific soil, climate dry and salubrious, it is destined to

become the garden spot of the Northwest. Its great advantages are not confined to agricultural matters alone, for it has no superior as a stock growing country in any other section of our broad National Domain.

During the spring and summer months, cattle subsist and fatten on the rank and nutritious grass of the open prairies, and in the winter they find abundant nutriment in the timber. The wild pea vine with the rushes that are there found in large quantities, afford them a sustenance scarcely inferior to the best cured hay, and it is eaten by them with avidity. The dried prairie grass with these pea vines furnish ample nutriment for horses during the winter months without any other feeding. Several residents of the county thus allow their horses to subsist on this prairie fodder during the entire winter and though it may seem incredible, they actually thrive on it.

The traveler coming into this portion of our Territory from the eastern States, is agreeably surprised to behold numerous herds of sleek and improved breeds of cattle grazing in these fertile meadows. He is reminded of the Scriptural allusion to the pastoral valleys of the Jordan in the chosen land of the Jews, where the sons of Jacob watched their flocks thousands of years ago. With such facilities for stock raising, Dakota will one day feed millions of the hungry with beef from her boundless prairie pastures, exported to eastern as well as to western markets.

In regard to the productions of wheat and other cereals in this county, I am enabled to state reliably that the past year, wheat averaged from 20 to 22 bushels per acre; oats 40 bushels. On account of drouth, corn did not produce a full crop, my fields only yielded 40 bushels per acre. During favorable seasons I have known a crop of from 60 to 70 bushels to be gathered from the acre. All other fruits, cereals and vegetables indigenous to the soil and climate yield profusely and amply reward the husbandman for the toil and care he is necessarily subjected to in sowing, planting and reaping. No better wheat growing country can be found in any section of the United States than Union county. I have known 40 bushels to be secured from the acre in this county, and have no doubt but that in unusually good seasons the yield would exceed even this. The

average yield in ordinary seasons is from 30 to 35 bushels per acre.

It is scarcely necessary in me to speak of the amount of hay that can be secured from the acre, in these rich bottom lands, as Western men are familiar with the subject, knowing as they do, that enormous crops are produced on the level prairie lands all over the west.

Respecting the manufacturing resources of the county, I am gratified to state that during the past year a grist mill has been erected on the Big Sioux river, by Messrs. Hotchkiss & Dexter. It is I believe the first mill of the kind in the Territory. Three steam saw mills are also in operation, one at Elk Point, one at Big Sioux Point and the other in what is known as Bowman's Bend on the Missouri river.

Considerable improvement in agricultural implements and machinery has been made in the introduction of the latest and most approved reapers, mowers, threshers, &c. This alone is an evidence of the enterprising character of our citizens and is indicative of our future prosperity and increase of wealth and population.

Elk Point the county seat of Union county, continues to prosper, and is constantly receiving additions to its population. In case the railroad, which points this way through the Territory, touches in this vicinity, it will become a center of importance to all the adjacent country. It contains churches, school houses and a two story court house, besides two dry goods stores, a tin and hardware store, blacksmith shops and hotels, and new buildings are constantly being erected. In a few years, with favorable circumstances, it will contain a population of three or four thousand.

When I first settled in Union county, it contained but a small scattering population, but the steady stream of emigration that continuously pours its living tide into these inviting western fields, has increased it nearly a hundred fold. I now imagine myself in some old Eastern community, surrounded with all their luxuries, comforts and conveniences. I estimate the present population of the county at from three to four thousand souls, and feel confident of a large influx of emigrants during the year just begun. Churches and schools multiply as the population increases, thus giving our youth educational advan-

tages rarely to be obtained in a frontier settlement.

In conclusion, I am convinced that no other Territory possesses the advantages, or offers the inducements, that Dakota does to the settler. No irrigation is required to produce the fruits of her fertile soil, as in the barren wastes of Colorado, or the arid plains of Arizonia and New Mexico. The reviving dews and rejuvenating showers of Heaven replenish her broad acres, causing an abundant production of manifold grains and fruits.

Very respectfully,

GEO. W. KELLOGG,

To the Joint Committee to prepare and submit a report of the Agricultural and Mineral Resources of Dakota Territory:

GENTLEMEN.—In compliance with your request, I herewith submit the following statement of facts based upon the observations made by a residence of twelve years in this region of the country, most of which time has been spent in agricultural pursuits. I shall here speak more especially of the valley of the Big Sioux, and the general features of the country bordering this beautiful river, together with its many living springs of water, their peculiar location, its countless number of murmuring brooks having their rise in the distant hills, emptying their pure limpid waters into the Sioux.

In briefly noticing the peculiarities of this beautiful valley, I shall only speak of its general appearance for a distance of about seventy miles from its junction with the Missouri.

The character of the soil in this valley is a dark loam, with so little of the mineral in it that a plow must be well polished or the dust will adhere to the plow, showing it to be in a great measure composed of decayed vegetable matter; a very easy soil to work, never baking if plowed when wet; those implements so necessary in pulverizing the soil in other countries are entirely unnecessary here. Mr. I. T. Gore, now a Representative of the Legislature, has been engaged in farming on this valley for five years, and he tells me he has never failed

to raise an excellent crop of the staple grains, such as wheat, corn, oats, and vegetables of all kinds yielding in great abundance and of the most excellent quality.

Mr. Boney, who lives in the same neighborhood, and has been farming some three years, has met with uniform success in raising all kinds of grain and everything usually raised on a farm; the same gentleman came there with limited means, but by determined industry has surrounded himself with the comforts of life, and now has a beautiful farm. The stranger and immigrant will as they pass up the valley notice his beautiful situation on the banks of the Sioux; 'tis indeed a fairy spot; no other region affords so many truly beautiful situations. The width of the valley varies from one and one-half to three miles, with a gentle inclination from the high lands to the river, so that in case of excessive rains or an occasional overflow of the river, the valley is soon in a condition to plow and cultivate; the grass of the valley is of the best quality, mostly what is known as the blue joint, which will yield from one and one-half to two tons per acre, and thought by many to be nearly, if not quite, equal to the tame hay of the East: one peculiarity is worthy of notice, that horses that are fed on this hay are never troubled with the heaves, whether this is entirely owing to any peculiarity in this hay, or to climate, or other causes, I am unable to say. There are other kinds of grasses that grow abundantly in this valley, one of which is very noticeable, growing very tall, moderately fine, with rather broad blade; this kind is thought by many to be better for stock; especially horned cattle, than the blue joint; I am however inclined to the opposite opinion, there is still another kind of grass natural to this valley growing on the more cultivated portion of this valley; I here refer to what is known as the porcupine grass. It is a grass which grows very early in the spring, so that horses which are turned to grass, in the month of March if an early spring, if a late spring in the month April, will get a good coat of flesh on them before there is any grass on the lower lands; this grass has remarkable fattening properties, so much so, that a horse that grasses for one month on it will have a better coat of flesh than could be put on him by the best care that could be given to him in the stable, with a full supply of grain. This species of grass is regarded with especial favor, not only be-

cause it is very early in its spring growth, but it retains its fresh green growth till late in the winter, and sometimes even till spring, so that horses will at all times when the ground is not covered with snow get a good living, and even improve in condition.

In relation to the supply of timber I will say that it is not abundant, but I believe if used with economy there is sufficient to fence all of the valley and in many places a supply for the uplands.

I will here speak of the settlements at Canton, on the Sioux, sixty miles from its junction with the Missouri; this is a new settlement made last summer, of some twenty-five families, at what is known as the Big Timber, eleven miles above the Rock river, here is a fine body of timber and of the best quality, principally oak, with a good quantity of walnut; this portion of the valley is not subject to overflow, and is the most beautiful place I ever saw. Our good mother nature, who has done so much for this beautiful valley seems here to have outdone herself; the beautiful river in its rapid flow over its rocky bed, together with numberless little murmuring brooks with their prattling tide and song go far indeed to make this a picture of almost ideal beauty and grandeur; happy indeed must be he who secures a home in this Eden of the West.

The valley above this is very beautiful, with numerous creeks and generally plentifully supplied with timber. The river bottom in this region lays very high, secure from overflow, with a gentle inclination from bluff to river.

One very prominent feature in this river is its almost innumerable mill privileges; it would be speaking within the bounds of truth to say that there might be one mill put in operation on every mile of the river from Sioux Falls to the mouth of the Rock river a distance by the river of over one hundred miles, and in many places I doubt not, even more than one.

This portion of the river, the bed or bottom of which is very rocky, affords an abundance of stone for building dams and other purposes, rendering it in every sense a remarkable stream for milling and manufacturing purposes, before closing I desire here to notice in a brief manner the famous water fall on the Sioux river, nine miles west of the point where the Iowa State

line touches the Sioux river. In the month of October, 1856 the first settlement was made at this place by myself. I continued to reside at the place a portion of the time, for about one year.

At a point a few rods above the Falls there is a small island densely covered with oak timber, each side of which flows the river, over a stony bed to the first perpendicular fall, which is about twenty-two feet, the river then runs a few rods and falls again in a perpendicular manner a distance of eighteen feet, there is still another fall of some fifteen feet, the three falls together with the rapids making a fall of water in the aggregate of about one hundred feet; the whole bed of the river as well as each side is a stone formation of a red color or nearly so; there is in the vicinity of the Falls vast ledges of stone, all of the same general appearance. I believe it to be an excellent stone for building purposes.

Few water falls that I have ever seen are so available for milling purposes as this one. I have no hesitation in saying that almost any number of mills or machinery of every kind might be put into successful operation at a very small expense. Soon I believe that this fall will be used extensively for the purposes an all wise Being designed them for.

This point is at present held as a military reservation. There is a fine settlement above the Falls composed of hardy pioneers who have determined to make this place their abiding home. Few regions of the west have been so abundantly blessed as this section of the country. I confidently expect to see at no distant day a wealthy farming settlement, and a thriving busy town, with its factories and mills, and other appliances of a prosperous growing city.

I will now proceed to give a short description of the appearance of the country on the lower Sioux, or that portion of the country embraced within the limits of Union county: The county of Union is bounded on the east by the Sioux river, and perhaps the best agricultural county in the Territory; and has a population of about twenty-five hundred; I believe there is not one foot of waste land in the county, all could be brought under cultivation and rendered productive at a very small expense; there are I believe now in the county about four hundred

farms, some of them large and under a good state of cultivation; the farmers of Union county have made commendable progress in improving the soil, when we consider that a great portion of them were men of limited means when they came here, many are now in good circumstances and are plentifully supplied with the necessaries and in some instances with the luxuries of life. When we consider that eight years ago this whole Territory was the property and home of savage Indians, and that four of those years were spent in a struggle for national life and existence; we think that the Territory has made rapid strides towards that grandeur and greatness which awaits it: none need despond or doubt for a moment; this fair land so lately the home of the savage, will soon be a great and prosperous commonwealth; already we see springing up thriving little towns, with their stores and work shops, surrounded by industrious farmers, which are but the forerunners of wealthy communities and thriving populous cities. We have, to bound us on the west and south, the great Missouri, which sends its mighty waters in uninterrupted flow to the mighty Ocean, giving to this fair land an outlet to the broad waters of the Gulf of Mexico. Who will say in view of so favorable a situation that this Territory has not within her borders the elements and resources necessary to make a great and prosperous State. With a climate unsurpassed in healthfulness; with a soil unsurpassed in fertility; with unbounded mineral wealth; with a plentiful supply of timber; with its fertile valleys and prairies growing an abundant supply of grass of the best quality scarcely inferior to the tame hay of the East; with its countless number of murmuring brooks of pure limpid water; its innumerable springs, most of which are situated on high land, affording pure sweet water, some of which are medicinal in their character; with its two great navigable rivers; in view of these advantages, who will doubt the future of this most beautiful of our Territories. Already we have a railroad to within two miles of our border. Next summer we hope to see the commencement of a road that make a continuous line of railway from the Black Hills in our Territory to Chicago. God speed the good work, should be the prayer of every citizen of Dakota. Those of us who have been long in the country have waited patiently for the good time when we should see the iron horse pass through

our fertile valleys; behold I come quickly, for all are prepared to welcome with outstretched arms the coming train which shall carry us with rapid flight to our boyhood homes and friends. With our railroad prospect we shall have a population ere another year rolls around, of double our present population.

Farmers, I say unto you, sow all your cultivated land, you cannot raise to much, for you will find a ready market at your own door, and you now have a fine flouring mill built and put in operation by Hotchkiss, Dexter and Company, who are ready to grind your wheat and corn upon such terms as will satisfy the most fastidious lover of justice and right; the firm will also attach a saw that will make all your logs into boards and such other kinds of lumber as you wish; their mill is built on the Sioux, and is in good running order, demonstrating the assertion that has been made, that this stream may be made available for milling purposes to any extent; there is another firm who are going to put up another flouring mill the coming summer at Canton, forty miles above, all will be needed for we have only commenced the good work.

Dakota looks forward to a bright and happy future; her hardy and industrious sons have seen the dark and gloomy hour, all is bright in the future, perseverance and patience will do the work, and our sons and daughters shall bless us for their future happy homes.

D. M. MILLS.

UNION COUNTY.

Is the most populous county on the Missouri slope by one half; is situated between the Big Sioux and the great Missouri river's; its population at present is upwards of two thousand, and a climate not to be surpassed on this continent. It is well supplied with timber. The cottonwood timber along these rivers cannot be excelled in any State or Territory; the prairie lands in this county are thickly coated with luxuriant grass, such as blue joint and other varieties found in Iowa, Kansas and Nebraska.

For farming and stock raising this county is not excelled by any

portion of Iowa or Nebraska. The average yield of wheat is from twenty to thirty-five bushels per acre, and is a sure crop.

Corn does well in this county, but we have been visited with grasshoppers this last season which damaged this crop to a great extent, but in portions of this county there was some good average yields, amongst these are Messrs. D. Robinson and J. B. LaPlant, residents of the southern portion of this county. Mr. Robinson planted twenty-eight acres which yielded about forty-three and one-half bushels per acre. Mr. LaPlant's yield was more, being of a different variety. The average yield of the large yellow corn is when seasonable from forty-five to sixty bushels per acre. Oats do well in this county; I have seen when thrashed and well cleaned eighty bushels per acre, but I would put the average yield to sixty-five bushels per acre.

Potatoes.—This crop is raised with great success. The white me-shanic, and pinkeye, and the Baltimore blue's yield one hundred and fifty to two hundred bushels per acre, and a flavor and size equal to those of Colorado and California.

Rye, and Barley.—I know of none being sown in this county during the present year, but farmers that have tried both previous to the present year inform me that each yield well.

Cabbage.—My brother raised four hundred heads of as good large nice cabbage as I have ever seen.

Melons, squashes, onions, carrots, and in fact all kinds of vegetables grow and perfect as well here as any State or Territory in the Union.

Stock Raising.—This country is bordered the whole length on two sides by the Big Sioux and Missouri rivers, which afford abundance of stock water all the year round, and the immense rush beds that grow along these rivers are sufficient to nourish hundreds of cattle and horses all the year. I have known stock to feed all winter on these rushes and wild peas and be fat and in good order in the spring. The rich and nutritious wild hay that is gathered from these bottoms which will yield when cut from two to three tons of hay per acre, is of a quality as nutritious as most of the cultivated grasses of the eastern States. Cattle require but little care or attention.

Sheep do well, and our farmers within the last two or three years have been turning their attention to this most important branch of stock raising, and thus far with gratifying success. There is probably no climate better adapted to sheep growing than this, the pure bracing atmosphere, with the great variety and nutritious grasses seems to be peculiar adapted to the wants of this as well as othe

animals, and from my observations I am led to believe, that wool growing can be prosecuted here with greater success and profit than in the most favored districts of Ohio, or the garden state of Illinois, and the great water power at Sioux Falls, which is so inviting to capitalists, will before many short years be the manufacturing depot of the west, and is distant only fifty miles from the northern boundary of this county.

Union county has passed the hardships and trials of which all new countries are subject. We have a well organized system of free schools, good school houses and the best court house in the Territory at our county seat, Elk Point. We have now in our county six good threshing machines which have been running all the fall, and there are three good steam mills and one of the best flouring mills in the West, which has been completed by those enterprising and energetic men, Messrs. Hotchkiss and Dexter, on the Big Sioux river.

Public Lands.—There are quite a number of goods claims yet to be obtained in this county, though they are rapidly being occupied by settlers under the homestead and pre-emption laws, and I know of no State or Territory on the continent that holds out such inducements to the emigrant seeking homes on the public lands and where so valuable lands can be procured as cheap.

Railroads in Union County.—The Legislature during this present session has passed two memorials to Congress, asking grants of land to aid in the construction of certain railroads in this Territory, one of which runs the full length of this county commencing at Sioux City, Iowa, a distance of four miles from the eastern boundary of this county, by way of Elk Point, the county seat, and thence to Yankton, the capital of Dakota. The Sioux City branch of the Union Pacific railroad was completed to within twelve miles of Sioux City by the 15th of February, and the probability is, that the road will be built to Yankton within a very short time, a distance of sixty-five miles over a level valley. It is not likely to remain long at Sioux City. As to mines and minerals, we have none in this county. Having completed my task I submit this as my report.

MARTIN V. FARRIS,

Chairman House Committee on the Agricultural and Mineral Resources of Dakota Territory.

UNION COUNTY, DAKOTA, }
 BRULE CREEK, January 1st, 1868. }

To the Honorable the Committee of the Legislative Assembly of the Territory of Dakota, appointed to gather Agricultural statistics, and enquire into the mineral resources of the Territory of Dakota.

MESSRS :— In reply to your request, I have the honor to state that I have collected a few items in my immediate neighborhood, in the way of agricultural products, and before proceeding to give items allow me to state that I have been a resident of Union county, Dakota Territory, for upwards of seven years, and notwithstanding we have been subjected to some of the inconveniences and drawbacks that are met with in almost all countries and localities, I can say in all truth that I have yet to regret the day that I took up my abode upon the fertile and rich lands of Dakota Territory, and allow me to say further, that I came into the Territory ruined in fortune and have met with severe accidents and losses since I have been a resident in this Territory, for which the country is not to blame, yet thanks be to the Supreme Ruler of the Universe for myself and family we have food and raiment, and as mellow, rich and fertile lands to till as can be found in North America, and that in great abundance, in a word it is a country for the poor and the landless; the wealthy can find also, a good chance for investment; and again, these lands are clothed with all the nutritious grasses known in all the western States of the best and finest quality. A great amount of these lands are almost on a level, or in other words as level as a plane, and the beauty is, after the spring opens and the lands become settled, we have no wet sloughs and marshes to contend with, and I am free to say that it is one of the finest stock growing countries known in this latitude and east of the Rocky Mountains. And, again, with the rich and fertile soils, the great advantages of growing stock of all descriptions, together with the flattering prospects of a railroad within two years and a half, to the Capitol of our Territory, which by the way, is one of the finest locations for a city in the western country, and we know of no good reason why it should not become such, it certainly has many natural advantages, and is now doing a heavy business in the way of trade, and its influence is being felt. And again, we have the flattering prospects that there will be obtained some of the precious metals the coming season, from the Black Hills, in the western portion of our Territory, as Capt. Davy intends to conduct an expedition to those Hills the coming summer, and we believe Capt. Davy is good for it, as we had the honor of listening to Capt. Davy's remarks on this subject, and the Captain

inspired great faith in us when he said that Gen. Grant subdued and vanquished Richmond, and he was bound to take the Black Hills. We wish Capt. Davy's expedition success.

In conclusion allow me to say that we have inducements for the emigrant. Attached to this letter I transmit a few items of the agricultural products of Brule Creek settlement in Union county for the year 1867.

Messrs., I have the honor to remain,

Your most obedient servant,

THOS. C. WATSON.

WHEAT.

	ACRES LAND.	NO. BUSHELS.
Thos. C. Watson	13	356
Caleb Cummings	20	510
David Kilgore	3	72½
Ira Seward	3½	104
Julias Fletcher	14	270
Louis Johnson	17	430
C. Lewison	12½	400
Syvert Barrasson	2½	62
Andrew Larson	2½	72
Hopkins Lutes	5	150
Andrew Anderson	11	346
Thomas Olson	30	633
Carlos Kingsley	5	145
A. R. Stodard	13	316
John Reams	28	690

OATS.

Ira Seward	3½	140
Hopkins Lutes	4	300
Andrew Anderson	1	86
Thomas Olson	2½	150
John Reams	3	125
Louis Johnson	2	110
C. Louison	1½	85
A. R. Stodard	9	367

CORN.

Ira Seward	12	360
Julias Fletcher	1	50

YANKTON COUNTY.

The capital of the Territory is located at the town of Yankton within this county. The town of Yankton is located on the Missouri river, upon an elevated table land, gently sloping to the south and east. It has one of the most magnificent and best locations of any town on the Missouri river above St. Louis, a stone levee that prevents any washing of the banks. Yankton is the largest town in the Territory, and destined at no distant day, to rival any town in the northwest. Some of the merchants of the town during the last year have done a trade to the amount of ninety-six thousand dollars (\$96,000,) and were not able to meet the demand.

There are a large number of stores here at present, but not enough to do the business and more of all kinds are needed. Additional mechanics of all kinds will be wanted in the spring.

This county is twenty-four miles square, and there is not one foot of poor soil in it, but it is covered throughout its whole extent with a fertile soil, producing all the cereals and roots of the temperate zone in great abundance. The soil is a silici calcareous loam lying from two to four feet in depth, thinning on the ridges and deepening in the slopes upon a various subsoil, irregularly distributed in sections of clay, marl, and gravel; in all the valley bottoms a deep alluvial soil prevails to the depth of from two to six feet. This county is bounded on the south by the Missouri river, and the bottom lands along the river are in some places ten miles wide, and heavily timbered. The Dakota river runs through the county from north to south, the second river in size in the Territory, the bottom lands of which are among the best agricultural lands in the west, forming natural meadows unsurpassed in luxuriant vegetation.

Ex-Governor Edmunds of this county, has the largest sheep farm in the Territory; he keeps about seventeen hundred of the best kind of fine wooled sheep. It has been nearly three years since these sheep were brought from Michigan to the Territory and they have done exceedingly well, and proved to be very profitable, the county being admirably adapted to wool growing. All kinds of stock do well and pay fifty per cent yearly on investment. The highest amount of wheat for the year of 1867, was forty-one bushels per acre, and lowest was twenty, in this county.

This county may be considered one of the best grape countries. The wild grape attain an extraordinary luxuriance in the wooded bottoms and large amounts of excellent wine have been made from the same. One person during the last season made as high as three hundred gallons. We believe that the domestic grape will do as

well. No better plum grows than the wild plums of Dakota and other wild fruit in proportion.

The wild hop grows profusely here which indicates that the domestic species would yield bountifully and at the present prices of hops and the increased demand yearly, will eventually make hop growing a most lucrative business in the rich bottom lands of Dakota.

Yankton has a first class school house and graded free schools the year round. Mr. Foster and Mrs. Stewart, experienced teachers from the east having charge of the same at the present time.

BON HOMME COUNTY, D. T., }
January 9th, 1868. }

To the Joint Committee to prepare and submit a report of the Agricultural Resources of Dakota Territory.

GENTLEMEN:—In accordance with your request I hereby submit for your consideration my observations in Bon Homme county, for the past season in regard to the Agricultural Products.

In regard to farming, we have one of the best farming county's in Dakota, wheat averaged this year 45 bushels per acre notwithstanding the grasshoppers damaged it considerably. Corn averaged 60 bushels per acre, potatoes 125 bushels to the acre, and everything else in proportion.

We have one of the best stock raising county's in the west. Cattle live in the timber the most of the winter and come out in good order in the spring. We can cut four tons of hay to the acre, that of the very best quality of blue joint.

There has been specimens of coal and iron found in this county which I have no doubt will prove to be of very great importance to our Territory. There is also several very fine mtl privileges in this county.

The resourcee of this county compare very favorably with any county in the Territory, it is well watered and plenty of timber, several clear running streams passing through it. This county is exceedingly well adaptep to sheep growing and offers strong inducements to the immigrant.

I remain

Respectfully yours,

JAMES KEIGAN.

CLAY COUNTY

This county is named in honor of Kentucky's noble statesmen—Henry Clay. It consists of townships 91, 92, 93, 94 and 95 and of ranges 51, 52 and 53. It has within its boundaries fourteen townships. The Missouri river or its southern boundary. Within its limits and on the land adjacent to the streams is some of the best grass land there is in the United States. The high land consists of the best agricultural lands in the West, and on its streams are some of the best mill sites in the country. For an agricultural people there is no country which exceeds it and very few equal it. The husbandman can raise his crops which yields him a large harvest, the stock raiser can raise his cattle at little cost; the capitalist can expend his money and have a larger return by investing his means in all kinds of mills and various other manufactories which will be demanded as the country fills up. Such a country must and will be thickly settled. All it requires is for the eastern people to be informed of our advantages and then our prairies will be filled with hamlets and our rivers dotted with mills. The past year has witnessed this country double in numbers. Our town has been filled up with merchants, and yet there is room for more.

Agriculture—This county is rich in agricultural resources. All kinds of grain and vegetables yield abundantly. The time has passed when it can be doubted about this being an agricultural country. With a climate that is unexcelled, with a soil the fertility of which is as yet fully unexplored and with seasons that will assist our present natural advantages, our present immense yield of crops is only a commencement of what we can produce. The bottoms and uplands are equally productive. The Genessee county of New York was long claimed as "the garden of the world," in wheat. In this almost unknown country her most productive yield is surpassed. Thirty bushels of wheat was called at one time an immense crop. This country yields far more. I quote the following from a letter:

"At Green Point, J. L. Fisher sowed upon three acres of ground broke the year before, 5 bushels of wheat put in the first of April, it was harvested and stacked in two stacks one large and the other small, and the small one was torn to pieces by the cattle and the fowls consequently had full play upon it till treshed, 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 experient." Green Point is in Clay county. This was in the year 1866. Other farms yielded equally as well it may be presumed, but no record is made of it. Last year the farmers went to work with a will, and on an average this grain yielded thirty bushels to the acre.

Corn yields on an average sixty bushels per acre; many cases are known where it has produced eighty bushels. This grain is in great demand, and high prices are paid for it. All that can be raised finds a ready sale at a high figure.

Oats are a very productive crop and command a very high price at a home market. The average yield is seventy bushels per acre. These two last grains commanded one dollar per bushel last fall almost at the farmer's door.

Potatoes yield from 150 to 300 bushels per acre. This is an average yield. In many places there have been larger yields than this.

Sorghum produces from 200 to 300 gallons of malasses per acre. In garden vegetables, this county cannot be excelled. Onions, cabbages, beets, turnips, mellons, squashes and pumpkins, in size and quantity, the yield is almost wonderful. Mr. Brady planted some sweet potatoes last summer, as an experiment, and he reports that they did very well.

There are a number of large farms in the county, and each year finds the farms increasing in size and number. Hon. E. M. Bond has a farm of one hundred acres each, and many of forty acres.

Everything that can be raised by farmers, find a home market. In this county there was purchased in a few days, 2,000 bushels of potatoes for the Forts on the Upper Missouri. This will be for years a market for the farmers of this county. The railroad will soon be at our doors, which will carry to the eastern markets all our surplus crops. Before long, with the large population we are receiving and the extensive farms that are opening, it will require such an outlet to carry away the extra grain of this county.

Timber.—This county is a thickly timbered county along the banks of the Missouri river. There are many groves along the Vermillion river and Clay Creek. The principal timber is cottonwood, but there is a great quantity of hard wood timber consisting of oak, ash, mulberry, walnut and various other kinds. In ten years from now there will be more timber than there is at present. Every farmer will have his grove. The manner and rapidity of the growth of cottonwood is surprising. The small branch planted in the ground in a few years is a large tree, which forms a beautiful grove, and in time becomes thick heavy timber.

Stock Raising.—This at present is a very profitable business in this county. Every farmer has from one hundred to ten head of cattle. The cost of keeping them is very little, and the money made in keeping stock makes it a good investment. During the greater part of the year it costs nothing to keep cattle. The excellent grass land affords them ample food. The cost of wintering them is very little. In summer they roam the prairie almost without care, and are always in excellent condition. The many rivers and creeks serve as good watering places for stock, and in winter the timber serves as a protection for them. In some cases cattle have been known to wander for years no one supplying their wants, at the end of that time have been found in first class condition. Hay can be put up at the small cost of one dollar and fifty cents per ton in the fall of the year; two tons is plenty for each head of cattle. Men of capital who wish to go into this business cannot find a better field than this county to embark in such an enterprise. It is one of the safest and best investments that can be made in any county. There is a good market for all the cattle that can be raised. Drovers pass through the county annually in the fall buying cattle for the eastern market.

Fruits.—Wild fruits is plenty, and so far as experiments have been made, the result has proven that all kinds of fruit can and will grow here. Grapes, plums and mulberries grow wild in great profusion and are a great delicacy. There is more of this kind of fruit than can be used to supply a population four times as large as at present within our borders. Some peach and apple trees have been set out, and after two years have given sufficient indications that in this climate the yield will be large. The coming season will witness many thousands of dollars worth of fruit and shrubbery set out in the county. The trees and bushes are obtained from the Rochester, New York nurseries. The reason why this branch has not been attended to before with more care is that in this, like all new countries, settlers think first of providing themselves with the substantial and afterwards take care of the delicacies.

Indians.—One great drawback in keeping people from settling in our county is the fear of Indians. This danger exists only in the imagination; there is no real danger. For years we have been as safe from such dangers as the people of Chicago, Milwaukee or Detroit. It is five years since any harm was done by Indians. If they did hazard such a foolhardy raid, the injury would be but small, the attempt would be a complete failure. In the county there is a military company of one hundred men fully armed and equipped by the general government with carbines, revolvers, saddles, bridles and a

complete set of all that is necessary to prepare for the war path in as short time. The company is commanded by the best Indian fighter in the country—Captain Nelson Miner, who served three years under General Sully on his expeditions against the Indians in 1863-64 and 65. Those who live here entertain no fears of these enemies to the settler on the frontier. The time has long since past when such danger was apprehended. The idle rumors started last summer about an attack of Indians on the settlements, originated in the evil mind of those who started such reports. The settlers laughed at such rumors, well knowing them to be false.

Mills.—On the Vermillion river there are some of the very best mill sites in the country. The water is ample and the locations are the very best. The banks on either side are so formed that many mills can be erected on them. At present there is not a grist mill in the county. To any one with sufficient means to erect such a mill, this is a capital location and where a good investment can be made.

Population.—The population of the county is from 1200 to 1500 persons; this number is constantly increasing. Ere another year passes with everything remaining as favorable as present appearances indicate, this population will increase to 5000 persons. Emigration is rapidly pouring in from every quarter; this county this year will receive a greater part of the people coming into the Territory. There are good reasons for this; the country between this county and the present terminus of the railroad is all taken by settlers. People coming in now can obtain land from the government in this county nearer an eastern market than in any other county. There are thousands upon thousands of acres of land as good as the sun ever shone on, offered by the government under the homestead and pre-emption laws. Farms can be taken along the rivers and creeks, with plenty of land for cultivation—with a sufficient quantity of grass land to supply a large herd of cattle, and with fine watering places for stock. One hundred and sixty acres of land is offered to any one who will settle with us. The speculators have not yet made this Territory a harvest and monopolized the land. The land is not in the market. The settlers coming here the present year will fare better than they delay their coming for another season. Ere another season comes there will be given by the general government a railroad land grant, which reduces the claims taken within the land granted, one-half. Now is the accepted time for the people of the east to avail themselves of this generous offer of the government.

Railroads.—In a few years there will be a railroad running through this county. There is a company organized to build a

road from Sioux City, Iowa, to the Cheyenne river. A memorial was passed this Legislature asking for a grant of land to aid in the construction of a railroad. If the anticipations of the people, and the general desire of the inhabitants are realized, in less than three years the railroads will be built. This road will be a great benefit to the country, running as it will a direct line to all parts of the East.

Town of Vermillion.—This is the county seat of the county. It is situated on the Missouri river, at the mouth of the Vermillion river. The channel runs past the town, and there is a steamboat landing for boats carrying freight up the river. Several thousand dollars worth of merchandise was shipped for this point from St. Louis, Mo., during last summer. It is a place of from between 100 to 200 persons, and is constantly growing. The town is not ahead of the country as is generally the case with western towns. The contrary is the fact, for the country is far ahead of the town, and the town must and will increase.

There is now, at this place, two grocery and dry good stores; one large hotel, kept by Capt. Nelson Miner; one hardware store; one harness shop; drug store; a wagon shop; a blacksmith shop; a shoe shop; a saloon; a milliners store; one printing, and three or four law offices. Besides the U. S. land office of the Territory is located here, and the United States district court.

The town needs a tin shop and a furniture store. These stores will pay here. Adjoining the town is a steam saw mill, run by Curless & Brother; it does a very large business, at the same time it is unable to supply the demand for lumber. The mill can saw 4,000 feet per day, and still the cry is for more lumber.

There is also, at this place a printing office. A weekly newspaper is published called "*The Dakota Republican*," edited and published by Lucien O'Brien. It is Republican in politics, and is a live wide-awake active paper.

The military road to Fort Randall meets the Missouri river at this town. It is the main traveled road. This road and the river do not meet after they separate at Sioux City, Iowa, until they meet at Vermillion, and here they separate to meet at Yankton, the Capital of the Territory. Vermillion is distant from Sioux City 35 miles, and from Yankton 30 miles. The situation selected for the town promises at some future day a place of considerable importance. Its location on the river, and in the heart of so extensive a settlement, demands a place of some considerable size so as to supply the wants of so large a population.

Conclusion.—From the description of the county it can be seen

that the locality is a desirable one. The county is not yet full. There is room for many more, and a right hearty welcome to greet them. Any man, either single or with a family, who is willing to work can find plenty to do, and at the same time establish for himself a home. This is probably the last Territory in the United States in which agricultural pursuits can be followed with profit. Then we ask the men of the East who live a whole lifetime on land belonging to another; why not come out here and obtain sufficient land to make you a home and a competence for life? The Government offers you 160 acres under the Homestead law, by living on it five years and for the small sum of eighteen dollars. The same land can be taken under the pre-emption law, and after a residence thereon for six months, and improvements, it can be purchased for one dollar and twenty five cents per acre. This is far better land than that which brings 25 and 30 dollars per acre further east. To the poor thrifty industrious man, this is a paradise. All can make an honorable living. Then men of the East why not join us? Come, and be our neighbor; come into the land "flowing with milk and honey." Do not be kept back by the dread of Indians, there is no danger from them in this county. Do not remain away by false reports that it does not rain in Dakota; the rain falls in frequent and refreshing showers, which tend to render our harvest abundant. Ample rain falls to assist our grain in ripening in due season. Come to us now. The longer you remain away the further you must go back to obtain your farm.

We ask settlers to come among us, as much for their own benefit and good as for our own advantage. We hope to live to see the day when our prairies will be dotted thickly with abodes of thrifty, honest, and industrious pioneers.

TODD, GREGORY, CHARLES MIX AND BUFFALO COUNTIES.

These counties all border on the Missouri river, two of them being on the west side and the others on the east side, they are well timbered along the stream and possess much very good farming land but are better adapted to grazing purposes than agricultural.

Minnehaha, Brookings and Deuel counties, are situated along the western boundary of the State of Minnesota. The Big Sioux river running through the center of them from north to south. The mag-

nificent water power of Sioux Falls is in Minnehaha; these three counties are remarkable for the number and beauty of their lakes, with their sylvan associations form the prominent charm of their rural landscape. These lakes consist of transparent, generally very pure and sweet water, and abound with various species of fish of a quality and flavor greatly superior to those of the middle or other western states. The soil of these three counties is unsurpassed for fertility, being composed largely of a black vegetable mould, and yielding luxuriantly of all the more useful crops.

The Minnesota and Missouri river railroads passes through these counties and Sioux Falls, the county seat of Minnehaha is destined to be one of the largest towns in the Territory.

LETTER FROM HON. ENOS STUTSMAN of *Pembina county, D. T.*, relative to the *Agricultural and Mineral resources of the Valley of the Red River of the North*, to the *Chairman of the Joint Committee of the Legislative Assembly, on the Agricultural and Mineral resources of Dakota Territory, January 8th, 1868.*

SIR: There is perhaps no subject upon which a man can write, that will give rise to a greater variety of expressions of opinion as to the credibility and truthfulness of facts and descriptions, than when one attempts to write about the mineral or other resources of a new country, of which but little is known by a great majority of the people seeking homes in the West. But so long as such writer confines himself to truth, he should have no fear as to what may be said.

I shall, therefore, in this brief letter on the resources, &c., of the Red River country, confine myself to facts coming within my personal observation, or derived from the most reliable sources, without any regard whatever to the opinion of persons who have never visited that portion of the North-West.

What I shall term the "Red River Valley," is that belt of country lying north of the forty-sixth degree of north latitude, and south of the British Possessions, and between nineteen and one-half and twenty-one degrees of west longitude from Washington, and embraced in the Territory of Dakota.

In giving this high northern latitude many will say, the country must be extremely cold, the climate uncharitable; this, however, is because the subject is not generally understood, and indeed cannot be until the same has been studied.

Humboldt, in his countries that will successfully grow all the grains and vegetables of a temperate climate, lays down "Isothermal lines" inside of which agriculture may be followed with success. This is a crooked, irregular line governed by altitude, air currents, large bodies of water, &c.

This line runs through northern Michigan and Wisconsin, and eastern Minnesota, coming within less than one hundred miles of St. Paul, nearer however, to the head of Lake Superior, but there bears north to Rainy Lake and Lake of the Woods, and where it crosses the longitude of the Red River of the North it is north of Lake Winnepeg, or about the fifty-second degree of north latitude, thereby leaving the northern boundary of Dakota (49° latitude) very much further south of the "Isothermal line" than in St. Paul, Minnesota, and nearly the same distance as are the great wheat fields of Southern Minnesota and northern Iowa. Again, the Red River Valley is in a nearly level basin, lying between the high and heavily timbered lands west of Lake Superior, and the "Grand Coteau Des Prairies" and the Pembina and Turtle Mountains.

Very few streams empty into this great basin from the east or Lake Superior side, in the State of Minnesota, while a great number run east into the main artery—the Red River, from the above named uplands and mountains.

This valley in length being nearly north and south, the sun's rays, are nearly vertical in summer, and consequently the heat greater than it is at points further east on the same parallel of latitude; consequently the spring is as early as at Madison, Wisconsin, and frost in the fall is not as early by about ten days, or from the 20th of September for Wisconsin and northern Illinois, to the 1st of October for the Red River Valley.

This valley in Dakota, is about two hundred miles long, and from forty to sixty miles in width, covering an area of eight thousand square miles, or more than five million acres of land, and possesses greater natural advantages than any district of country in the west, now open to settlement.

The Rivers.—There are eight rivers, varying in length from forty to one hundred miles, that run across this valley from west to east, emptying into the Red River, within this Territory, each having numerous creeks and small tributaries that water the country upon each side. The names of these eight rivers are, Wild Rice, Cheyenne, Elm, Goose, Turtle, Big Salt, Park and Pembina.

The Timber.—The timber, which is oak, ash, elm, poplar, lynn and maple, is that which will be used for the various purposes of the

farmer for building and fencing, and the various kinds of small timber grown in a timbered country are interspersed with the above. In addition to this home supply of timber, that probably covers a se-eighth of the entire valley and pretty equally distributed for use, we have the benefit of the Otter Tail river pineries in Minnesota, which find their natural outlet down this eastern tributary of the Red River, thence to be floated in the logs or in boards, rafted down the Red River the entire length of the valley, thus supplying us with the kinds, quality and quantity that the most favored country can boast.

Like all prairie countries the timber is chiefly confined to the water courses, or in groves, and there is hardly a creek without its belt of timber in and near which are found the various kinds of wild fruits, such as raspberries, strawberries, blueberries, gooseberries, currants, cranberries, grapes, plums, &c., in large quantities and of excellent quality.

As yet no attempt has been made to grow apples, but I have reason to believe that that fruit can be grown as easily as in New England, or Wisconsin.

The Soil.—The soil is a black sandy loam of alluvial and vegetable deposit, from two and a half to four feet deep, resting upon a stratum of yellow clay from four to ten feet in thickness. This soil is exceedingly rich, and easily worked, and in a state of nature yields a luxuriant growth of blue joint grass, which makes a quality of hay almost equal to the timothy and herds grass of the Middle States, and in quantity from two to three thousand pounds per acre, and a farmer having a mower and horse rake, can secure his winter's supply of excellent hay at a cost of about one dollar per ton.

One good pair of horses, or two pairs of oxen with a good plow, will turn over from one and a half to two acres of prairie per day, which is then ready for the next seed time; and the same field may be sown to the same kind of grain for years without any apparent diminution in the yield per acre. The soil being of that rich, strong nature, that manuring is never resorted to, nor is it deemed necessary. It does not leach, nor does the surface wash or blow away, or need under draining, offering to the hardy pioneers one of nature's richest gifts to man, needing but his industry to render this entire valley one of the most productive as well as prosperous countries in the North-West.

What will Grow.—The grains now raised, and to which the country is especially adapted are wheat, rye, barley and oats. The yield per acre being in excess of anything known east of the Rocky Mountains, but to say fully equal to Minnesota will be quite modest, and

will fall below rather than above the truth. Everything in the line of garden vegetables is raised in the greatest abundance and of the very best quality, with a heavier yield than is usual in the Middle States, and far less labor.

Our Winters.—The great dread of deep snow, and cold winters in so high a northern latitude is altogether imaginary. The average depth of snow for the last ten years has not exceeded sixteen inches, which usually remains upon the ground from about the 15th of November, to the last of March, and while the mercury may fall to even thirty-five degrees below zero, owing to the absence of high winds the weather does not seem rigorous, nor does it seem as cold as it does in Michigan or Ohio, when the mercury is at, or even from five to ten degrees above zero.

The snow does not drift as in open prairie countries, and as good sleighing can be relied upon, no trouble is experienced in winter traveling. Cattle and horses that are allowed to run at large in the timber, gather their own living, and but little if any hay is given them during the winter months.

Our Markets.—There are but few sections of the United States that have a better home market for their surplus products than has the Red River Valley at the present time. The Red River being navigable from lower Ft. Garry, in British America, eighty-five miles north of our northern boundary, to Fort Abercrombie in this Territory, two hundred miles south of said boundary, making a total distance of two hundred and eighty-five miles, the steamer "International" affords cheap transportation for our surplus products which is purchased by the Hudson's Bay Company, for the supply of their army of employees and trading posts in the interior of their territory, and in addition to this, the various military posts in north-eastern Dakota, and the mining country of the Saskatchewan, in British America, will look to this valley for supplies.

With an eye to this future granary of the West, capitalists are pushing a railroad from St. Paul, north and west, to tap this valley at or near the head of navigation on the Red River, in order to carry to eastern markets our grain, beef, pork, butter, cheese, wool, furs &c., and to do the already gigantic carrying trade of the Hudson Bay Company, and the British settlements. Eighty miles of this road is already in running order, and within a few years it will be extended to the Red River, placing us in direct communication, by water and rail, with St. Paul, Chicago and the East.

Public Lands.—The survey of public lands in the Red River Valley was commenced by the Government late last summer, and with the exception of a few townships subdivided on the Pembina river,

only boundary and meridian lines were run. But during the coming summer the surveys will be extended.

And it is confidently expected that in compliance to the memorial of the present session of our legislature, Congress will provide for the establishment of a United States land office in the Red River Valley, thereby enabling settlers to secure title to their lands by homesteads or pre-emptions.

Our Minerals.—Except coal and salt, we have as yet discovered no minerals in this Valley. It is, however, believed that various valuable metals will be discovered in the Pembina and Turtle mountains. But of salt there is an inexhaustable supply. Coal has but recently been discovered near the east base of the Pembina mountain, and accessible to the settlements, and while it is known to be very extensive, its quality has not as yet been tested.

I have sir, the honor to be,

Very respectfully,

Your ob't serv't,

ENOS STUTSMAN.

THE TAXES.

The Territory of Dakota is entirely free from all indebtedness and ever having contracted any debts faster than they have been paid; and are also all of the counties of the Territory, free from the county debts. County and Territorial warrants are at par, a fact which is rarely found in new territories. Our taxes are very light.

To merchants we would say that Elk Point, Richland, Vermillion, Yankton and Bon Homme offer excellent situations for the opening of all kinds of mercantile business; besides affording remunerative and constant labor to the mechanic and laboring man. Wages are high, and business is generally done on the cash system.

Ordered, That two thousand copies be printed.

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

MR. PRESIDENT.—I am instructed by the committee on coun-

ties to submit the accompanying report on house file No. 51, a bill for an act to amend chapter 14 of the session laws of 1865 and 1866.

MR. PRESIDENT.—Your committee to whom was referred house file No. 51, have had the same under consideration and do for the reasons herein set forth agree to report adversely to the bill.

1st. Your committee believe that the clause in the bill which provides that none shall vote at any other place than the place in which they reside is likely to work great hardship and great injustice to all who may for the time being be absent from their homes; we further believe that all persons who are legal voters should be allowed to vote for Delegate to Congress and all Territorial officers at any legally organized precinct within the bounds of the Territory. To refuse them this right would be to refuse our own citizens the most sacred of all rights, that of the elective franchise, which privilege should be denied to none, but given to all who are legal voters; it has been thought advisable heretofore by legislative bodies to exercise the most liberal views in relation to the elective franchise. We still hope that the liberal spirit heretofore displayed by our legislature will find a response in the minds of every true lover of liberty. Innovations upon and abridgements or amendments of those laws, which from long experience have been found to be amply sufficient for all emergencies, we think to be very unwise, and we earnestly ask members of the council to exercise the utmost caution in the enactment of laws, the tendency of which is to abridge or circumscribe the liberties of the people.

2nd. We the committee believe that section 50 $\frac{1}{2}$, a new section to be added to the present law, is in spirit directly in antagonism to the spirit of American liberty; a restriction upon the rights of the people, an innovation upon wholesome and just law which if persisted in will open the door to further legislation of a like nature, the result of which secures the repeal of all laws which secure a citizen in his right of person and property.

To say that a person may not dispose of that which is legally and lawfully his own is saying much; to say that he may not dispose of what is lawfully his own at any place he thinks proper, is saying more.

And in conclusion your committee believe the present election law is all that could be desired, and that further legislation is unnecessary and uncalled for.

D. M. MILLS,
HUGH FRALEY.

Mr. Thomas moved that the council adopt the report of the committee on counties.

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

Which motion was agreed to.

House file No. 51, a bill for an act to amend chapter 14 of the session laws of 1865-6, reported back by the committee on counties,

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 7; noes 5; as follows:

Those who voted in the affirmative, are
Messrs. Benedict, Brookings, Carpenter, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are
Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Mr. Brookings moved that the council do now go into executive session.

Which motion was agreed to.

After a brief time spent therein the doors were again thrown open.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received from the house:

HOUSE OF REPRESENTATIVES, }
Friday, Jan. 10, 1868. }

MR. PRESIDENT.—I am instructed to inform the council that the house has refused to concur in council's amendments to house file No. 49.

P. H. HALNAN,
Chief Clerk

HOUSE OF REPRESENTATIVES. }
Friday, Jan. 10, 1868. }

MR. PRESIDENT.—I am instructed by the house to inform the council that the house has this day passed council bill No. 46, entitled a bill to provide for the holding of a term of the supreme court, which I herewith return.

I am also instructed to inform you that the house has rejected council bill No. 33, (substitute) an act relating to the United States court in the first judicial district. Which I herewith return.

P. H. HALNAN,
Chief Clerk.

On motion of Mr. Brookings,

The council recessed from council to amendment house file No. 49.

Ordered, That the secretary acquaint the house therewith.

Mr. Thomas chairman of the committee on engrossed bills submitted the following report :

MR. PRESIDENT.—Your committee on engrossed bills have examined council bill No. 41, a memorial to congress asking a modification of the homestead law in behalf of ministers of the Gospel, and find the same correctly engrossed,

ROBT. I. THOMAS,
Chairman.

Council bill No. 41, a memorial to Congress asking a modification of the Homestead law in behalf of the ministers of the Gospel,

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed.

COMMUNICATIONS FROM THE HOUSE

The following communication was received from the house :

HOUSE OF REPRESENTATIVES. }
Friday, January 10, 1868. }

MR. PRESIDENT.—I am instructed to inform the council that the house has passed council bill No. 48, entitled a bill to provide for the tenth representative district and for other purposes.

P. H. HALNAN,
Chief Clerk.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills have to report that they have examined council bill No. 46, an act to provide for the meeting of the supreme court ; also council bill No. 48, an act to create the tenth representative district and for other purposes, and find the same correctly enrolled.

C. F. ROSSTEUSCHER,
Chairman.

Mr. Thomas submitted the following resolution which was read, considered and agreed to :

Resolved, That a committee of two be appointed to act with a like committee on the part of the house, to wait upon his excellency the Governor and inquire whether he has any further matter to communicate to this legislative assembly.

Whereupon the president appointed as such committee Messrs. Thomas and Hampton.

Mr. Thomas submitted the following resolution which was read, considered and agreed to.

Resolved, That the house be requested to state the time of the adjournment of the two houses *sine die*.

Mr. Rossteuscher chairman of the committee on enrolled bills submitted the following report :

MR. PRESIDENT.—Your committee on enrolled bills ask leave to report that they have this day a 1 o'clock P. M., presented to his excellency the Governor for his approval, council bill No.

46, an act to provide for the meeting of the supreme court; also council bill No. 48, an act to create the tenth representative district and for other purposes.

CHAS. F. ROSSTEUSCHER,

Mr. Thomas chairman of the committee appointed to wait upon the Governor, &c., submitted the following report at one o'clock and fifteen minutes:

MR. PRESIDENT.—Your committee appointed to act in conjunction with a like committee on the part of the house have discharged their duty as required and have to report that his excellency will be pleased to communicate to this legislative assembly in thirty minutes.

ROBERT I. THOMAS.

On motion of Mr. Brookings,

The communication from the Governor relative to council bill No. 12, an act to amend an act entitled an act to incorporate the Dakota and North-western railroad company,

Was taken up.

Mr. Brookings then moved a reconsideration of the past action of the council on council bill No. 12, an act to amend an act entitled an act to incorporate the Dakota and North-western railroad company.

Which motion was agreed to.

The bill was then,

Read a third time.

The question then recurring on the passage of the bill over the Governor's veto, the question was put "shall the bill pass over the Governor's veto?" and

It was decided in the negative.

Ayes 7; noes 5; as follows:

Those who voted in the affirmative, are

Messrs. Benedict, Brookings, Carpenter, Hampton, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, are

Messrs. Fraley, Kellogg, Lewis, Mills and Thomas.

So the bill did not pass over the Governor's veto; two thirds not voting in favor thereof.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor :

EXECUTIVE OFFICE, }
YANKTON, January 10, 1868. }

HON. HORACE J. AUSTIN,

President of the Council :

SIR.—I have the honor to transmit herewith a bill entitled an act to provide for the meeting of the supreme court, which I have approved and signed.

I am, very respectfully,

Your obedient servant,

A. J. FAULK,
Governor.

EXECUTIVE OFFICE, }
YANKTON, January 10, 1868. }

HON. HORACE J. AUSTIN,

President of the Council.

SIR.—I have the honor to transmit herewith a memorial to Congress asking for the organization of a new Territory, out of the south-western portion of Dakota.

Which I have signed.

I am very respectfully,

Your obedient servant,

A. J. FAULK,
Governor.

EXECUTIVE OFFICE, }
YANKTON, January 10, 1868. }

HON. HORACE J. AUSTIN,

President of the Council :

SIR.—I have to return herewith council bill No. 8, entitled an act to regulate the sale of spirituous liquors, and for other purposes.

Also, council bill No. 18, entitled an act relating to road supervisors.

Also, council bill No. 39, entitled an act to provide for cataloguing the Territorial library, and to compensate the librarian.

All of which I have approved and signed.

I have the honor to be,

Your obedient servant.

A. J. FAULK,

Governor.

Mr. Kellogg submitted the following resolution which was read, considered and agreed to.

Resolved, That the ability and impartiality with which the officers of this council have discharged their arduous duties during the present session merits our thanks while their uniform courtesies in their official as well as private capacity has secured for them our warmest personal regard.

COMMUNICATIONS FROM HOUSE.

The following communication was received from the house :

MR. PRESIDENT.—I am instructed to inform the council that the house has adopted the following resolution :

Resolved, That in response to the message from the council that the chief clerk inform the council that the house will be ready to adjourn *sine die* this day at 2 o'clock P. M.

P. H. HALNAN,

Chief Clerk.

The hour of 2 o'clock having arrived the president declared the council adjourned *sine die*.

HORACE J. AUSTIN,

President of the Council.

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11—105, 166, passed.

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19—120, 151, passed.

20—119, 128, passed.

27—119, 126, passed.

16—119, 138, passed.

23—120, 127, passed.

18—121 laid on the table, 127 passed.

21—126, 151 passed.

24—126, 134 passed.

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- 52—211, 231, passed.
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- 54—213, passed 245.
- 55—227, passed.
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