

COUNCIL JOURNAL

NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY) OF DAKOTA.

PUBLISHED BY AUTHORITY.

**YANKTON, DAKOTA TERRITORY:
STONE & KINGSBURY, PUBLIC PRINTERS, YANKTON PRESS OFFICE.
1870-71.**

COUNCIL JOURNAL.

1870-71.

FIRST DAY.

TERRITORY OF DAKOTA, COUNCIL CHAMBER,
YANKTON, Monday, December 5th, A. D. 1870.

On the 5th day of December, A. D. 1870, being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota, a quorum of the members of the Council of said Assembly met in the Council Chamber of the Capitol, at Yankton, at the hour of 12 o'clock M.

A. F. Shaw called the Council to order and proceeded to call the roll of members.

The following gentlemen responded to their names:

First District.—Messrs. Wm. M. Cuppett, J. C. Kennedy and Emery Morris.

Second District.—Messrs. Silas W. Kidder, Nelson Miner and John W. Turner.

Third District.—Messrs. Moses K. Armstrong, Jacob Brauch, Chas. H. McIntyre and James M. Stone.

Fourth District.—Mr. Hugh Fraley.

Fifth District.—Mr. W. T. McKay.

The members of the Council then came forward and the oath of office was administered by the Hon. George W. French, Chief Justice of the Territory.

The Council then proceeded to a temporary organization in the following manner, to wit:

Mr. Armstrong nominated John W. Turner for temporary President.

Mr. McIntyre nominated Jacob Brauch.

Mr. Brauch nominated Chas. H. McIntyre.

A vote being taken, the result stood as follows:

Those who voted for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those who voted for Mr. Brauch were

Messrs. Cuppett, Kennedy, Kidder, McIntyre, McKay, Miner, Morris and Stone—8.

Those who voted for Mr. McIntyre were

Messrs. Brauch and Turner—2.

Mr. Brauch having received a majority of all the votes cast, was declared elected temporary President.

The Council then proceeded to elect a temporary Secretary.

Mr. Armstrong nominated Geo. T. Rea.

Mr. McIntyre nominated H. J. Brisbane.

Mr. Kidder nominated Geo. I. Foster.

A vote being taken the result stood as follows:

Those who voted for Mr. Rea were

Messrs. Armstrong, Cuppett, Kennedy, Morris and Turner—5.

Those who voted for Mr. Brisbane were

Messrs. Brauch, McIntyre, McKay and Stone—4.

Those who voted for Mr. Foster were

Messrs. Fraley, Kidder and Miner—3.

The whole number of votes cast—12.

Necessary for a choice—7.

There being no choice and Geo. I. Foster's name having been withdrawn, the Council proceeded to vote for temporary Secretary.

The vote being taken the result stood as follows:

Those who voted for Mr. Rea were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, Miner, Morris and Turner—8.

Those who voted for Mr. Brisbane were

Messrs. Brauch, McIntyre, McKay and Stone—4.

Mr. Rea having received a majority of all the votes cast was declared duly elected temporary Secretary of the Council.

On motion of Mr. Stone the Council adjourned to meet tomorrow at 11 o'clock, A. M.

Attest:

GEORGE T. REA,
Secretary, pro tem.

JACOB BRAUCH,
President, pro tem.

SECOND DAY.

COUNCIL CHAMBER,
YANKTON, Tuesday, Dec. 6, 1870.

Council met pursuant to adjournment and was called to order by the temporary President in the Chair.

Roll called.

Members all present.

On motion of Mr. McIntyre,

The Council proceeded to vote for permanent President.

The nominations were,

Messrs. Turner, Morris, Miner, Kidder and Fraley.

Those who voted for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those who voted for Mr. Morris were

Messrs. Branch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

For Mr. Miner—Mr. Kidder—1.

For Mr. Kidder—Messrs. Miner and McKay—2.

For Mr. Fraley—Mr. Turner—1.

Necessary for a choice 7.

After balloting six times with the same result as above, the President appointed temporary officers as follows, to-wit:

Fireman—Chas. Greno.

Sergeant-at-arms—Col. Edwards.

Chaplain—Rev. P. B. Morrison.

On motion of Mr. Kennedy,

The Council adjourned to meet at 3 o'clock P. M.

At 3 o'clock P. M.,

The Council was called to order by the temporary President in the Chair.

Roll called.

Members all present.

The Council then proceeded to vote for permanent President.

The vote being taken, the result stood as follows:

Those voting for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Mr. Kidder were

Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast, 12.

Necessary for a choice, 7.

There being no choice the Council proceeded to a second vote.

The vote being taken, resulted as follows:

Those voting for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Mr. Kidder were

Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast, 12.

Necessary to a choice, 7.

There being no choice the Council proceeded to a third vote.

The vote being taken, resulted as follows:

Those voting for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were
Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and
Stone—6.

Those voting for Mr. Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast, 12.

Necessary for a choice, 7.

On motion of Mr. Turner,

The Council adjourned to meet to-morrow at 11 o'clock
A. M.

Attest:

GEORGE T. REA,
Secretary, pro tem.

JACOB BRAUCH,
President, pro tem.

THIRD DAY.

COUNCIL CHAMBER,
YANKTON, Wednesday Dec. 7th, 1870.

Council met pursuant to adjournment, and was

Called to order by the temporary President in the chair.

Roll called.

Members all present.

Journal of the 5th and 6th inst. read and approved.

The Council then proceeded to vote for permanent Presi-
dent.

The roll being called, the vote stood as follows:

Those voting for Mr. Turner were

Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice the Council proceeded to vote the second time.

The roll being called, the vote stood as follows:

Those voting for Mr. Turner were
Messrs. Armstrong and Fraley—2

Those voting for Mr. Morris were
Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone.—6.

Those voting for Mr. Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice the Council proceeded to vote the third time.

The roll being called the vote stood as follows:

Those who voted for Mr. Turner were
Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were
Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Mr. Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice the Council proceeded to vote the fourth time.

The roll being called the vote stood as follows:

Those voting for Mr. Turner were
Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were
Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone.

Those voting for Mr. Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice the Council proceeded to vote the fifth time.

The roll being called, the vote stood as follows:

Those voting for Mr. Turner were
Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Mr. Kidder were
Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice the Council proceeded to vote the sixth time.

The roll being called, the vote stood as follows:

Those voting for Mr. Turner were
Messrs. Armstrong and Fraley—2.

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Morris and Stone—6.

Those voting for Mr. Kidder were

Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

For Mr. Fraley—Mr. Turner—1.

Whole number of votes cast—12.

Necessary for a choice—7.

There being no choice, the Council proceeded to vote the seventh time.

Message from the House.

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 8th, 1870.

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

GEO. H. HAND, *Speaker*.

GEO. I. FOSTER, *Chief Clerk*.

C. B. VALENTINE, *Asst. Clerk*.

JOHN McCLELEN, *Sergeant-at-Arms*.

C. E. STACY, *Fireman*.

E. WILLIAMS, *Messenger*.

JOSEPH WARD, *Chaplain*.

GEO. I. FOSTER,
Chief Clerk.

The roll being called and

Mr. Turner having withdrawn his name, and Messrs. Turner, Armstrong and Fraley excused from voting,

The result stood as follows:

Those voting for Mr. Morris were

Messrs. Brauch, Cuppett, Kennedy, McIntyre and Stone—5.

Those voting for Mr. Kidder were

Messrs. McKay and Miner—2.

For Mr. Miner—Mr. Kidder—1.

Whole number of votes cast—9.

Necessary for a choice—5.

Mr. Morris having received a majority of all the votes cast was declared duly elected permanent President of the Council.

Mr. McIntyre moved that a committee of two be appointed to escort the President to the chair, whereupon

The Chair appointed Messrs. McIntyre and Turner as such committee.

The committee having discharged that duty, the President took the chair, and said:

GENTLEMEN OF THE COUNCIL:

Allow me to express my humble and sincere gratitude for the marked respect you have shown me. I accept the position with which you have honored me, with due appreciation of its grave responsibilities. So far as my feeble judgment and limited experience will enable, I shall studiously endeavor so to discharge its duties as to merit your worthy cooperation; and I shall entertain the fond hope that all our deliberations, guided by a profound regard for the general welfare of our Territory, and aided by the Divine power upon which depends the existence of all government, may be attended with associations pleasant to ourselves, and result in the advancement of the real benefits and true happiness of every individual, within the influence of our action.

I thank you for your attention.

Associate Justice W. W. Brookings then came forward and administered the oath to the President.

The Council then proceeded to the election of permanent Secretary.

Mr. Cuppett nominated George T. Rea.

No other nominations being made and the roll being called
The result stood as follows:

Those voting for Mr. Rea were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

Mr. Rea having received a majority of all the votes cast, was declared duly elected permanent Secretary of the Council.

The Council then proceeded to elect an Assistant Secretary.

Mr. Kidder nominated A. W. Howard.

Mr. Fraley nominated H. C. Green.

A vote being taken the result stood as follows:

Those voting for Mr. Howard were

Messrs. Kidder McKay, Miner and Turner—4.

Those voting for Mr. Green were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, Stone and Mr. President—8.

Mr. Green having received a majority of all the votes cast was declared duly elected Assistant Secretary of the Council.

The Council then proceeded to elect a Sergeant-at-Arms.

Mr. McIntyre nominated Louis Sampson.

Mr. Turner nominated Col. Edwards.

A vote being taken the result stood as follows:

Those voting for Mr. Sampson were

Messrs. Brauch, Cuppett, Kennedy, Kidder, McIntyre, Miner, Stone and Mr. President—8.

Those voting for Mr. Edwards were

Messrs. Armstrong, Fraley, McKay and Turner—4.

Mr. Sampson receiving a majority of all the votes cast was declared duly elected Sergeant-at-Arms of the Council.

The Council then proceeded to elect a Messenger.

Mr. Kennedy nominated Robert Crew.

No other nominations being made and a vote being taken

The result stood as follows:

Those voting for Mr. Crew were

Messrs. Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—11.

Mr. Armstrong being excused from voting.

Mr. Crew having received a majority of all the votes cast was declared duly elected Messenger of the Council.

The Council then proceeded to elect a Fireman for the Council.

Mr. Kennedy nominated Andrew Raum.

Mr. Armstrong nominated Mr. Moore.

The roll being called the result stood as follows:

Those voting for Mr. Raum were

Messrs. Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone and Mr. President—10.

Those voting for Mr. Moore were

Messrs. Armstrong and Turner—2.

Mr. Raum having received a majority of all the votes cast was declared duly elected Fireman of the Council.

The Council then proceeded to elect a Chaplain of the Council.

Mr. Kidder nominated Rev. P. B. Morrison.

Mr. Brauch nominated Rev. M. Hoyt.

The roll being called the vote stood as follows:

Those voting for Mr. Morrison were

Messrs. Cuppett, Kennedy, Kidder, McIntyre, McKay, Miner, Stone and Mr. President—8.

Those voting for Mr. Hoyt were

Messrs. Armstrong, Brauch and Fraley—3.

Mr. Turner being excused from voting and

Mr. Morrison having a majority of all the votes cast was declared duly elected Chaplain of the Council.

The officers elect then came forward and the oath was administered by Associate Justice W. W. Brookings.

After which they took their respective places in the Council.

Mr. Turner introduced the following resolution:

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

Which resolution was adopted.

Whereupon the Chair appointed,

Messrs. McIntyre, Kennedy and Turner.

Mr. Turner introduced the following resolution:

Resolved, That a committee of two be appointed to wait on the Secretary, and find out the amount of newspapers and post stamps.

Which resolution was adopted.

Whereupon the Chair appointed,

Messrs. Turner and Cuppett.

Mr. McIntyre introduced the following resolution:

Resolved, That a committee of three be appointed by the Chair, to act in conjunction with a like committee on the part of the House, to draft rules for the government of this Legislative Assembly.

Which resolution was adopted.

Whereupon the Chair appointed,

Messrs. McIntyre, Kidder and Brauch.

Mr. Armstrong, on leave introduced the following memorial:

A Memorial to Congress asking for the repeal of an act passed July 14th, 1870, requiring Pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871.

Mr. Turner, on leave introduced the following memorial:

A memorial to Congress asking that the present Session of the Legislative Assembly be extended to sixty days.

Which was read first and second time, and ordered printed.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,)
Wednesday, Dec. 7th, 1870.)

MR. PRESIDENT.—I am instructed by the House to inform your honorable body of the adoption of the following resolution:

Resolved, That a committee of three be appointed to act in conjunction with a similar committee on the part of the Council, to inform his Excellency the Governor, that the two Houses are now organized and ready to receive any communication he may be pleased to make, and that Messrs. Hammon, Shaw and La Rosch have been appointed as such committee.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,)
Wednesday, Dec. 7th, 1870.)

MR. PRESIDENT.—I am instructed by the House to inform your honorable body of the adoption of the following resolution:

Resolved, That the Honorable Council be requested to meet in joint convention with the House, in the Hall of the House, to receive the Message of his Excellency the Governor, at such time as shall be agreeable to the Council.

GEO. I. FOSTER,
Chief Clerk.

Mr. Turner introduced the following resolution:

Resolved, That a committee of three be appointed to wait on his Excellency the Governor, in conjunction with a like committee of the House, to inform his Excellency the Governor, that the two Houses are permanently organized and

ready to receive any communication his Excellency the Governor may wish to make.

Whereupon the Chair appointed,

Messrs. Turner, Stone and Kennedy as such committee.

On motion of Mr. Kennedy,

The Council adjourned to meet to-morrow at 11 o'clock
A. M.

Attest:

GEORGE T. REA,
Secretary.

EMORY MORRIS,
President of the Council.

FOURTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 8th, 1870.

Council met pursuant to adjournment, and was

Called to order by

The President in the chair.

Roll called.

The following members answered to their names:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

Journal of Wednesday's proceedings read, corrected, and
approved.

NOTICE OF BILLS.

Mr. Cuppett gave notice that on to-morrow or some future
day of the session, he would introduce a bill to change the
name of the town of Lincoln, in the county of Lincoln, Dakota
Territory, to the name of Canton.

Mr. Fraley gave notice that on to-morrow or some future day of the session, he would introduce a bill for a herd law.

REPORTS OF COMMITTEES.

Mr. Turner from joint committee to wait upon his Excellency the Governor, and inform him that the two Houses are permanently organized, made the following report:

Your committee of the Council to act in conjunction with a like committee of the House, charged with the duty of informing his Excellency the Governor, that the two Houses of the Legislative Assembly of Dakota Territory, are now permanently organized and ready to receive any communication he should please to make;

His Excellency was pleased to inform the committee he would meet the two Houses in joint session in the House of Representatives at three o'clock P. M. of this day and communicate to them in writing.

J. W. TURNER, }
 J. M. STONE. } *Committee.*
 J. C. KENNEDY, }

Mr. McIntyre submitted the following resolution:

Resolved, That the secretary be instructed to inform the House that the Council will be ready to meet that body at 3 o'clock this afternoon, in the Hall of the House, for the purpose of receiving the Annual Message of his Excellency the Governor, and for the transaction of any other business that may properly come before the joint convention.

On motion of Mr. Armstrong,

The Council took a recess of fifteen minutes.

AFTER RECESS.

The Council called to order.

The President in the chair.

Roll called.

Members all present.

Mr. Turner submitted the following resolution:

Resolved, That N. B. Lewis be allowed to open a news stand at the entrance of the Council Chamber.

On motion of Mr. Turner,
 The resolution was adopted.
 On motion of Mr. McIntyre,
 The Council adjourned until half-past two P. M.

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

The roll being called the following members responded to their names:

Messrs. Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Absent, Messrs. Armstrong and McKay.

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

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

On motion of Mr. Turner,

The Council proceeded to the Hall of the House of Representatives, to meet the House in joint convention.

JOINT CONVENTION.

The Speaker of the House presiding, called the joint convention to order and directed the Chief Clerk to call the roll.

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

COUNCIL.—Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

MEMBERS OF THE HOUSE.—Messrs. Allen, Barnes, Cross, Dow, Hammon, Hancock, Iverson, Jerauld, Keegan, LaRoche, Mills, Miner, Mostow, Parks, Shaw, Sherman, Sinclair, Wall, Wherry and Mr. Speaker.

Mr. Turner moved that a committee of three be appointed by the Chair, to wait upon his Excellency the Governor, and to inform him that the joint convention await his pleasure.

Whereupon, the Chair appointed
Messrs. Turner, Miner and Jerauld, such committee.

The committee having discharged their duty, the Chairman made the following report:

MR. SPEAKER.—We have waited upon his Excellency the Governor, and informed him that the two Houses in joint convention await his pleasure, and his Excellency the Governor will be pleased to meet the joint convention at 3 o'clock P. M. and deliver his Message in person.

The Governor being introduced, and the Message having been read by the Governor,

On motion of Mr. Hammon,
The joint convention was dissolved.

The members returning to the Council Chamber,
The Council was called to order by the
President in the chair.

The roll was called, and
Members were all present.

Mr. McIntyre submitted the following resolution:

Resolved, That the Governor's Message be made the special order for Monday next, at 11 o'clock A. M.

On motion of Mr. Stone,
The same was adopted.

Mr. Turner submitted the following resolution:

Resolved, That five hundred copies of the Governor's Message in addition to the usual number be printed for the benefit of the Council.

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

On motion of Mr. Turner,

Council Bill number two, was taken from the table, and put upon its third reading, and then upon its passage.

A vote being taken, the result stood as follows:

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

On motion of Mr. McIntyre,

Council Bill No. 1 was take up,

On motion of Mr. Armstrong,

The bill was put upon its second reading.

On motion of Mr. Turner,

The rules were suspended, and

The bill put upon is third reading, and

Then upon its passage.

A vote being taken, the result stood as follows:

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President—12.

None voting in the negative.

So the bill passed, and its title agreed to.

On motion of Mr. Kennedy,

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

Attest:

GEORGE T. REA,
Secretary.

EMORY MORRIS,
President of the Council.

FIFTH DAY.

COUNCIL CHAMBER.
Friday, Dec. 9th, 1870.

The Council met pursuant to adjournment

And was called to order by the

President in the chair.

Roll called.

The following members answered to their names:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

Journal of Thursday's proceedings read, corrected and approved.

NOTICE OF MEMORIALS.

Mr. Cuppett gave notice that on to-morrow or some future day of the session, he would introduce a memorial to the Postmaster General requesting service on mail route No. — from Algonia, Iowa, to Yankton, Dakota Territory.

Mr. J. C. Kennedy gave notice that on to-morrow or some future day of the session he would introduce a memorial to the Postmaster General, asking for an increase of mail service between Elk Point and Sioux Falls.

Mr. Armstrong gave notice that on to-morrow or some future day of the session, he would ask leave to introduce a memorial to Congress asking for a grant of lands to aid in the construction of certain rail roads in the Territory of Dakota.

MESSAGE FROM THE GOVERNOR BY HIS PRIVATE SECRETARY.

EXECUTIVE OFFICE,
YANKTON, D. T., Dec. 9th, 1870.

HON. EMORY MORRIS,
President of the Council,

SIR.—I have the honor to inform you that I have appointed William Pound my Private Secretary, and that all communications from the Executive Department to your honorable body will be transmitted through him.

Very respectfully, your obedient servant,

JOHN A. BURBANK,
Governor.

The following communication from his Excellency the Governor, was then read.

EXECUTIVE OFFICE,
YANKTON, D. T., Dec. 9th, 1870.

HON. EMORY MORRIS,
President of the Council,

SIR.—I have the honor to transmit herewith a communication from his Excellency the Governor, relative to an ap-

pointment made by him to fill the vacancy occasioned by the resignation of the Hon. T. McK. Stuart, late Superintendent of Public Instruction.

Very respectfully your obedient servant

WILLIAM POUND,
Private Secretary.

On motion of Mr. Turner,

Further action on his Excellency, the Governor's communication was postponed until Monday next.

Mr. McIntyre introduced the following bill, to wit:

A Bill fixing the time of holding the session of the Supreme Court of Dakota Territory.

Which was read the first and second time and ordered printed.

Mr. Cuppett introduced the following bill, to wit:

An Act to change the name of the town site of Lincoln in the county of Lincoln, Territory of Dakota.

On motion of Mr. Kennedy

It was read first and second time and ordered printed.

Mr. Fraley introduced the following bill, to wit:

An Act to establish a Herd Law for the Territory of Dakota.

On motion of Mr. McKay

It was read first and second time and ordered printed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 9th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed Council Bill No. 1, entitled a Memorial to Congress asking for a repeal of the Law passed July 14th, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July 1871, with amendments attached.

Also Council Bill No. 2, entitled a Memorial to Congress of the United States, asking that the Ninth Session of the Legislative Assembly of the Territory of Dakota be extended to sixty days, with amendments attached.

Which bills are herewith returned and the concurrence of the Council respectfully requested to the amendments thereto.

GEO. I. FOSTER,
Chief Clerk.

Mr. Miner asked leave to introduce a bill, and on motion of Mr. Turner, leave was granted.

The bill was ordered read.

A Bill entitled an Act creating the office of County Clerk, and for other purposes.

On motion of Mr. Armstrong,

It was ordered to be read first and second time and printed.

On motion of Mr. Turner,
Council File No. 1, as returned from the House as amended,
be read and concurred in.

As amended—

Strike out the word “repeal” and insert “or extend the time for which said payments shall be made, for two years from the 14th day of July, 1871.”

The question being upon the adoption of the amendment, and the yeas and nays being called for and ordered,

It was decided in the affirmative.

Yeas 12, as follows:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

None voting in the negative.

So the amendment was concurred in.

On motion of Mr. Turner,
Council File No. 2, as returned from the House was taken up.

The first amendment was read as follows:

After the words Legislative Assembly, insert the following:
“Or to restore the annual sessions.”

The question being upon the adoption of the following amendment, to wit:

After the words Legislative Assembly, insert the following:
“Or restore the annual sessions,”

And the yeas and nays being called for and ordered it was decided in the affirmative.

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

None voting in the negative.

So the amendment was concurred in.

The question being upon the adoption of the following amendment, to-wit:

“Or in case this extension shall be granted.”

And the yeas and nays being called for and ordered

It was decided in the affirmative.

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

None voting in the negative.

So the amendment was concurred in.

On motion of Mr. Brauch,

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

EMORY MORRIS.

Attest:

President of the Council.

GEORGE T. REA,
Secretary.

SIXTH DAY.

COUNCIL CHAMBER.
Saturday, Dec. 10, 1870.

Council met pursuant to adjournment, and was

Called to order by

The President in the chair.

Roll called.

The following members answered to their names:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.

President.

Journal of Friday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Miner gave notice that on Monday next, he would introduce a bill to repeal that portion of Section 704 of the Code of Criminal Procedure, approved Jan. 12, 1869, which is in conflict with Section 26 of the same.

By previous notice Mr. Cuppett introduced the following:

Council Bill No. 7, a memorial to the Postmaster General, requesting mail service on route No. ———, from Algona, Iowa, *via* Canton to Yankton, Dakota.

On motion of Mr. Armstrong,

It was read a first and second time and ordered printed.

On motion of Mr. Turner,

The following communication from the Rev. Mr. Morrison, was read and his resignation was accepted.

VERMILLION, D. T., }
December 8, 1870. }

HON. J. W. TURNER,

My Dear Sir.—I am informed by Col. Campbell, and have seen the same in the reports of the proceedings of the Legislature, that I have been elected Chaplain of the Council. I esteem it a great honor conferred upon me, (since there are abler men than myself in the Territory,) that I have been chosen to that office, and should also esteem it a great privilege to officiate during the session of the Council in that capacity, were it within my power to do so. The expense attending my going and returning to and from Yankton, and the expense of board there must prevent my accepting the nomination. You will therefore please be good enough to notify the Council of my declination of the nomination to the office of Chaplain.

Thanking the honorable members of the Council for their favor,

I remain your

Sincere friend,

P. B. MORRISON.

On motion of Mr. Turner,

The Rev. M. Hoyt of Yankton, was put in nomination for the office of Chaplain.

No other nomination being made,

Roll called.

Mr. Hoyt received 12 votes, as follows:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

It appearing that the Rev. Mr. Hoyt having received all the votes, was declared elected Chaplain of this Council.

Council Bill No. 3,

Read third time.

On motion of Mr. Stone,

Laid on the table until after the appointment of the standing committees.

Council Bill No. 4,

Read third time.

On motion of Mr. Turner,

Was laid on the table until after the appointment of the standing committees.

Council Bill No. 5,

Read third time.

On motion of Mr. Turner,

Was laid on the table until after the appointment of the standing committees.

Council Bill No. 6,

Read third time.

On motion of Mr. Cuppett,

Was laid on the table until after the appointment of the standing committees.

The President announced the standing committees of the Council as follows:

Judiciary.—Turner, McIntyre, Kennedy.

Education.—McIntyre, Turner, Cuppett.

Military Affairs.—Miner, Kennedy, Brauch.

Incorporations.—Fraley, Stone, Cuppett.

Finance.—Kidder, Stone, Fraley.

Elections.—Branch, Kennedy, Turner.
Public Buildings.—Stone, Fraley, Cuppett.
Mines and Minerals.—McKay, Armstrong, Branch.
Indian Affairs.—Miner, Fraley, Kennedy.
Manufactures.—Branch, Cuppett, Miner.
Public Lands.—Turner, McIntyre, Kennedy.
Counties.—Stone, Cuppett, McKay.
Territorial Affairs.—Cuppett, Kennedy, Armstrong.
Agriculture.—Kennedy, Fraley, Kidder.
Expenditures.—Armstrong, McKay, Kennedy.
Public Printing.—McIntyre, Turner, Kennedy.
Engrossed Bills.—Kidder, Armstrong, Cuppett.
Highways, Bridges and Ferries.—Kennedy, McKay, Branch.
Enrolled Bills.—Cuppett, Armstrong, Kidder.
Internal Improvements.—McKay, Kennedy, Turner.
Railroads.—Armstrong, Kennedy, Miner.
Federal Relations.—Stone, Kennedy, Armstrong.

On motion of Mr. Miner,

Council Bill No. 3,

Was then taken up from the table and referred to the committee on judiciary.

On motion of Mr. Miner,

Council Bill No. 4,

Was referred to committee on judiciary.

On motion of Mr. Kennedy,

Council Bill No. 5,

Was referred to committee on agriculture.

On motion of Mr. Branch,

Council Bill No. 6,

Was taken from the table and referred to committee on counties.

On motion of Mr. Armstrong,

Council Bill No. 7,

Was read first and second time.

On motion of Mr. Turner,

It was laid on the table.

Message from the House received:

HOUSE OF REPRESENTATIVES,)
Saturday, Dec. 10th, 1870. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed house file No. 2, entitled A memorial to the President of the United States, relative to the removal of the Pembina band of Chippewa Indians.

Which memorial is herewith transmitted, and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

House File No. 2,
Was read first time.
On motion of Mr. Armstrong,
The rules were suspended, and the bill
Read a second time.
On motion of Mr. Turner,
The bill was referred to the committee on Indian affairs.

The following communication from his Excellency the Governor, was then read:

EXECUTIVE OFFICE,)
YANKTON, D. T., Dec. 9th, 1870. }

HON. EMORY MORRIS,
President of the Council,

SIR.—I have the honor to transmit herewith a communication from his Excellency the Governor, relative to the necessity of making some provision for the proper confinement of criminals under conviction and sentence for Penitentiary offenses.

Very respectfully, your obedient servant,
WILLIAM POUND,
Private Secretary.

On motion of Mr. Armstrong,
The message from the Governor was referred to the committee on judiciary.
On motion of Mr. Turner,
Council Bill No. 7 was taken from the table, and
Referred to the committee on Territorial affairs.
On motion of Mr. Turner,
House File No. 2 was taken from the table, and

Referred to the committee on Indian affairs.

Mr. Armstrong asked leave to introduce joint resolution.

On motion of Mr. Turner,

Leave was granted.

Mr. Armstrong then introduced

Joint resolution requesting the railroad companies of this Territory to report to the Legislature.

The resolution was read first and second time.

On motion of Mr. Armstrong,

It was referred to committee on railroads.

On motion of Mr. Turner,

The Council adjourned to meet Monday, at 11 o'clock.
A. M.

EMORY MORRIS,
President of the Council.

Attest:

GEORGE T. REA,
Secretary.

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, Dec. 12th, 1870.

Council met pursuant to adjournment.

Called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

Mr. Turner at the request of the President took the chair.

Journal of Saturday read and approved.

Mr. Armstrong introduced the following resolution and moved its adoption.

Resolved, That the Secretary of the Council be instructed to procure for the use of the members sufficient number of printed daily calendars giving an exhibit of the daily condition of the business of the Council.

Mr. Kennedy presented a memorial to the Postmaster General, asking for an increase of mail service between Elk Point and Sioux Falls.

Mr. Fraley of Bon Homme, gave notice that at some future day he would introduce a memorial to Congress asking for an appropriation to build a Penitentiary in the town of Bon Homme, Territory of Dakota.

Mr. Kennedy of Union, gave notice that on some future day he would introduce a bill, entitled an act to establish a ditch fence as lawful.

Mr. Cuppett gave notice that at some future day he would introduce a bill to modify the exemption law of the Territory of Dakota.

Mr. Kennedy gave notice that he would on to-morrow or some future day, introduce a bill to encourage fruit growing in the Territory of Dakota.

Mr. Miner introduced a bill entitled "An Act repealing a portion of section 704 of an act to establish a code of criminal procedure for Dakota Territory," approved, January 12th, 1869.

Mr. Morris gave notice, at an early day he would introduce a bill regulating and establishing Legislative districts in the Territory of Dakota, and fixing the apportionment of the same.

Mr. Branch introduced the following:

Resolved, That 1000 copies of the Governor's message be printed in the German language.

On motion of Mr. Miner, the resolution was adopted.

Reports of committees called for.

None were ready.

C. B. No. 9, entitled "A Memorial to the Postmaster General for increase of mail service between Elk Point and Sioux Falls, Dakota Territory,"

Was read first time and ordered printed,

C. B. No. 10, entitled "An Act repealing a portion of section 704 of an act to establish a code of criminal procedure, etc.,"

Was read first time and ordered printed.

The Governor's message being the order of the hour.

Mr. Armstrong moved that

So much of it as related to "biennial sessions" be

Referred to the committee on elections.

On motion of Mr. Miner,

That part referring to the "codification of laws" was

Referred to the committee on judiciary.

On motion of Mr. Cuppett,

All that part relating to "finance" was

Referred to the committee on finance.

On motion of Mr. Miner,

Such part as relates to "education" was

Referred to committee on education.

On motion of Mr. Miner,

So much as refers to "penitentiary" was

Referred to the committee on Territorial affairs.

On motion of Mr. Cuppett,

The part referring to "insane persons" was

Referred to the committee on internal improvements.

Division of the house being called for

The motion was lost.

On motion of Mr. McKay, it was

Referred to the committee on education.

On motion of Mr. Miner

That portion referring to "pre-emption laws" was

Referred to the committee on public lands.

On motion of Mr. McIntyre,

That portion relating to "Indian affairs" down to the words "shown within the past year" was

Referred to the committee on Indian affairs.

And the remainder to the

Committee on military affairs.

On motion of Mr. Miner,

That part relating to "railroads" was

Referred to the committee on railroads.

On motion of Mr. Kennedy,

That part relating to "economy" was

Referred to the committee on expenditures.

On motion of Mr. Miner,

That part relative to the "future" was

Referred to the committee on internal improvements.

On motion of Mr. McKay,

The latter part of the division entitled "railroads," was

Referred to a special committee.

The President resumed the chair, and

On motion of Mr. Turner

The Council went into secret session, and

The Sergeant-at-Arms was directed to clear the house of all spectators.

The appointment of James S. Foster as Superintendent of Public Instruction was confirmed.

On motion of Mr. Miner

1000 copies of the Governor's message was ordered printed in the Norwegian language.

On motion of Mr. Turner

The Council adjourned till 10 o'clock A. M., to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,

Secretary.

NINTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 13th, 1870.

Council met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

The following members were present:

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Turner and Mr. President.

Absent,

Messrs. Brauch, McKay and Stone.

Mr. Cuppett introduced a bill entitled "An Act to amend the first section of chapter eight, of laws of Dakota Territory," enacted in 1865-6.

Mr. Kennedy introduced a bill entitled "An Act to establish a ditch fence as lawful."

Mr. Turner introduced and moved the adoption of a resolution, as follows:

Resolved, That his Excellency, the Governor, be respectfully asked to communicate to the Council of the Legislative Assembly of this Territory, such information as he may have in relation to out-standing military warrants; whether they are being liquidated, and if so, by what authority, and any other information in his possession necessary for a correct understanding of the same.

Mr. McIntyre, as chairman of the committee on Rules, submitted a report, which report was laid on the table to come up under its proper head.

Mr. Turner, chairman of the committee on Judiciary, reported as follows:

Mr. PRESIDENT.—The committee on the Judiciary, to whom was referred Council Bill No. 3, for an act fixing the time of holding the Supreme Court in the Territory of Dakota, and for repealing chapter twenty-three of the laws of 1868-69, herewith report the bill back to the Council with the recommendation that it do pass.

J. W. TURNER.

Chairman.

Also the following:

The committee on the Judiciary, to whom was referred Council Bill No. 4, a bill for an act creating the office of County Clerk, and for other purposes, would respectfully report that they have made amendments thereto, to which with said amendments they recommend that it do pass.

J. W. TURNER,

Chairman.

Mr. Kennedy, chairman of the Committee on Agriculture, made the following majority report:

MR. PRESIDENT.—Your committee on Agriculture, have had under consideration Council Bill No. 5, an act to establish a herd law in Dakota Territory, beg leave to submit the following majority report with the following amendments: After the word "Territory" insert the following, "between the hours of sunset and sunrise." In the fourth line after the word "the" insert "hours." Same line, after the word "sunrise" strike out all of the remaining section, and recommend its passage.

J. C. KENNEDY,
Chairman.

Mr. Kidder, a member of same committee made a minority report, as follows:

MR. PRESIDENT.—A minority of your committee on Agriculture, to whom was referred Council Bill No. 5, An Act to establish a herd law for the Territory of Dakota, have had the same under consideration and report the same back without recommendation.

S. W. KIDDER,

The report of the committee on Judiciary was taken up and the amendments recommended by the committee adopted, after discussion by Messrs. Miner, Turner and others.

The report of the committee on Agriculture was next taken up and the amendments and bills discussed at length by Messrs. Miner, McIntyre, Turner, Kennedy and others, and

On motion of Mr. Stone was

Referred to a special committee consisting of one from each county.

It being decided to elect the committee by vote.

Mr. Turner of Clay, was made chairman: with Messrs. Stone, of Yankton; Kennedy, of Union; Fraley, of Bon Homme; McKay, of Charles Mix; and Cuppett, of Lincoln, as committee.

C. B. No. 11, was read at length and ordered printed. The same being a bill to amend the first section of chapter eight of the acts of 1865-6.

C. B. No. 12, entitled a bill to establish a ditch fence as lawful, was read at length and ordered printed.

C. B. No. 9, entitled a memorial to the Postmaster General, to increase mail facilities between Elk Point and Sioux Falls, was

Read second time and

Referred to the committee on Territorial affairs.

C. B. No. 10, entitled a bill to repeal a portion of section 704 of the code of criminal procedure, was, on motion,

Referred to the committee on judiciary.

C. B. No. 3, entitled a bill fixing the time for holding the supreme court of the Territory of Dakota, was

Read a third time, and

By call of roll the following members voted in favor of its passage:

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

On motion of Mr. Turner,

To amend the title to read "an act for fixing the time of holding the supreme court of the Territory of Dakota and for other purposes,"

It was carried and the title so declared.

C. B. No. 4, being a bill to create the office of county clerk and other purposes,

Was then taken up, and

On motion of Mr. Turner,

Was ordered engrossed for a third reading.

A petition from Frank Bem, of Yankton county, asking for reimbursement of expenses while in the service of immigration societies, was read, and

On motion of Mr. Branch,

Was referred to a select committee, on which the Chair appointed

Messrs. Branch, Miner and Fraley.

The report of the committee on rules was then taken up, and after some explanation by the Chairman, Mr. McIntyre, was

On motion of Mr. Morris,

Laid on the table and ordered printed.

On motion of Mr. Turner,

The Council adjourned till 10 o'clock A. M. to-morrow.

Mr. Stone moved to amend by saying 10½.

Amendment carried; also the motion.

Attest:

GEORGE T. REA,
Secretary.

EMORY MORRIS,
President of the Council.

TENTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 14th, 1870.

Council met at 10½ o'clock.

President in the chair.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Stone.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Armstrong introduced a memorial to Congress asking for the construction of Government wagon roads.

REPORTS OF COMMITTEES.

Mr. Turner, Chairman of select committee on herd law, reported that they had agreed on report but the same was not ready.

Mr. Turner, Chairman of the committee of judiciary reported as follows:

Mr. PRESIDENT.—The committee on the judiciary to whom was referred Council File No. 10, being a bill for an act repealing a portion of section 704 of an act entitled “an act to establish a code of criminal procedure for Dakota Territory,” would respectfully report that they have carefully examined the same, and are of the opinion the bill should pass so as to harmonize section 26 with section 704 of same.

J. W. TURNER,

J. C. KENNEDY,

J. M. STONE.

Mr. Miner, Chairman of the committee on Indian affairs reported as follows:

Mr. PRESIDENT.—Your committee on Indian affairs to whom was referred House File No. 2, entitled a memorial to the President of the United States relative to the removal of the Pembina band of Chippewa Indians to White Earth Agency, have had the same under consideration and have agreed to report the same back to the Council and recommend its passage.

Mr. Cuppett, Chairman of the committee on Territorial affairs, reported as follows:

Mr. PRESIDENT.—The committee on Territorial affairs to whom Council Bills No. 7, a memorial to the Postmaster General, requesting services on mail route No. —, from Algona, Iowa, *via* Canton to Yankton, D. T., and Council Bill No. 9, a memorial to the Postmaster General asking for an increase of mail services between Elk Point and Sioux Falls, D. T., report the same back, and recommend that they do pass.

WM. M. CUPPETT,

Chairman.

The same gentleman, from the committee on enrolled bills reported as follows:

Mr. PRESIDENT.—The committee on enrolled bills have examined Council Bill No. 1, entitled a memorial to Congress asking for a repeal of the law passed July 14th, 1870, concerning pre-emptions etc.; and Council Bill No. 2, entitled a

memorial to the Congress of the United States asking that the 9th session of the Legislative Assembly of the Territory of Dakota be extended to sixty days, or the Annual Sessions be restored; and find the same enrolled correctly.

WM. M. CUPPETT,
Chairman Com.

Mr. Armstrong, Chairman of the committee on railroads reported as follows:

MR. PRESIDENT.—The committee on railroads have had under consideration Council Bill No. 8, joint resolution requesting railroad companies to report to the Legislature; and have agreed to report the same back and recommend its passage.

M. K. ARMSTRONG,
Chairman.

BILLS ON SECOND READING.

C. B. No. 11, was read the second time, and
On motion of Mr. Armstrong,
Was referred to the committee of the judiciary.
C. B. No. 12, was read second time, and
On motion of Mr. Turner,
Was referred to committee on agriculture.

COMMUNICATIONS FROM THE HOUSE.

A communication from the House was received, stating that they had passed House File No's. 4 and 5, and transmitted and asked the concurrence of the Council in the same.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 14th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 12th inst., pass House File No. 4, a memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina, and thence to the International boundary line in Dakota Territory; also House File No. 5, a bill to amend an act entitled "an act to organize the county of Pembina and for other purposes," which bills are

herewith transmitted and the concurrence of the Council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

BILLS ON THIRD READING.

C. B. No. 7, a memorial to the Postmaster General, requesting mail service on route No. —, from Algona, Iowa, via Canton, to Yankton, Dakota.

Was put upon its third reading and.

Passed by a vote of 11 for, and none against.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

C. B. No. 8, joint resolution requesting all railroad companies, organized under and by virtue of laws of this Territory, to report to the present session of the Legislature.

Was put upon its third reading and

Passed by 12 votes for, and none against.

Those voting in the affirmative were,

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

C. B. No. 9, a memorial to the Postmaster General was

Read the third time and recommitted to the committee on Territorial affairs.

On motion of Mr. Armstrong

C. B. No. 10, an act repealing section 704 of the code of criminal procedure, was

Read the third time and

Passed by votes of 12 for, and none against.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

INTRODUCTION OF BILLS.

Mr. Stone requested leave to introduce a memorial, which being granted, he introduced a memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory.

REPORTS OF COMMITTEES.

Mr. Stone from the Committee on Counties, reported as follows:

MR. PRESIDENT.—Your committee to whom Council Bill No. 6, An Act to change the name of the town site of Lincoln, in the county of Lincoln, Territory of Dakota; was referred, have had the same under consideration and have agreed to report the same back with the recommendation that the bill do pass.

J. M. STONE,
Chairman.
WM. M. CUPPETT.

BILLS ON THIRD READING.

Mr. Armstrong moved the bill be put on its third reading and on calling the roll

The bill was passed by a vote of 12 for, and none against. Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

H. F. No. 4, a memorial to Congress for a road from Fort Abercrombie to Fort Ransom.

Was read first time and

Its title was agreed to,

So the bill passed, and

On motion of Mr. Brauch

Referred to the committee on Indian Affairs.

H. F. No. 5, a bill to amend an act to organize the county of Pembina, and for other purposes, was

Read and referred to the committee on Counties.

The Council then adjourned until half past 10 o'clock, tomorrow.

EMORY MORRIS.

President of the Council.

Attest:

GEORGE T. REA,
Secretary,

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 15th, 1870. }

Council met at the usual hour.

President in the chair.

Roll called.

Absent, Messrs. McKay and Stone.

Prayer by the Chaplain.

Journal of yesterday read and approved.

BILLS INTRODUCED.

Mr. Morris introduced a memorial, No. 15, to Congress, asking for an appropriation to aid in draining swamp lands of the Territory of Dakota.

Mr. Fraley introduced a memorial to Congress praying for an appropriation of money to build a Penitentiary in Dakota.

Mr. Stone introduced a memorial to Congress asking for grant of lands for College purposes in the Territory of Dakota.

Mr. Armstrong introduced memorial, Council Bill No. 18, to Congress asking for a geological survey of the Territory of Dakota.

Also No. 19, an act to re-define the boundaries of counties of the Territory.

NOTICE OF BILLS.

Mr. Stone gave notice that he would introduce a bill on tomorrow or some future day, establishing the width of Territorial, county and township roads.

Mr. Fraley gave notice that he would introduce a memorial to the Secretary of War, praying for the Headquarters of the Military District of the upper Missouri be established in the Territory of Dakota.

Mr. Armstrong gave notice that he would introduce a memorial to the Commissioner of Indian affairs, requesting the purchase of Indian supplies from the farmers and producers of the Territory.

Mr. Armstrong introduced a bill entitled an act to define the boundaries of counties of the Territory.

Mr. Turner moved that James S. Foster be requested to furnish the Council with facts concerning his recent mission as Commissioner of Immigration. Carried.

REPORTS OF COMMITTEES.

Mr. Turner, Chairman of committee on the judiciary, reported as follows:

MR. PRESIDENT.—The judiciary committee to whom was referred Council File No. 11, a bill for an act to amend section one of chapter eight of session laws of 1865 and 1866 of Dakota Territory, would respectfully report that they have examined said bill and have amended the same by striking all after the word "determined" in 44th line of said section, which with the amended section, they recommend that the bill do pass.

J. W. TURNER,
J. C. KENNEDY,
C. H. McINTYRE,

Mr. Turner, Chairman of special committee on herd law bill, reported as follows:

MR. PRESIDENT.—The select committee to whom was referred Council File No. 5, a bill for an act to prohibit certain animals from running at large in the Territory, would respectf-

ly report that they have carefully examined the same, and are of opinion said bill is defective in many respects, they therefore have directed their chairman to report the same back to the Council with the accompanying bill as a substitute for the original, all of which is respectfully submitted.

J. W. TURNER,
Chairman.

Mr. Cuppett, Chairman of the committee on Territorial affairs, reported as follows:

MR. PRESIDENT.—The committee on Territorial affairs to which was referred back Council Bill No. 9, entitled a memorial to the Postmaster General, United States, praying for an increase of mail services on Post-route No. 13903, from Elk Point to Sioux Falls, D. T., beg leave to report the same back with the following amendment, to-wit: Strike out all after the word “valley” in line 5 of printed bill, and insert, “That several towns and villages are springing up along said route, which for the want of greater mail facilities, the growth and prosperity of the same is retarded, and that an increase of mail service would do much to advance the future prosperity of the country. Your memorialists would therefore request that services be increased to six times per week; and as in duty bound, your memorialists will ever pray.

WM. M. CUPPETT,
Chairman Com.

Mr. Cuppett, Chairman of the committee on enrolled bills, reported as follows:

MR. PRESIDENT.—Your Chairman of the committee on enrolled bills beg leave to report that on the 14th day of December, 1870, at four o'clock and forty minutes, he has handed to his Excellency the Governor, for his approval, Council Bill No. 1, entitled a memorial to Congress, asking for the repeal of the law passed July 14th, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871; also Council Bill No. 2, entitled a memorial to the Congress of the United States, asking that the Ninth Session of the Legislative Assembly of the Territory of Dakota be extended to sixty days.

WM. M. CUPPETT.

Council Bill No. 14, A memorial to Congress asking for construction of Government roads etc.,

Was read second time, and

On motion of Mr. Armstrong, was

Referred to the committee on Territorial affairs.

Council Bill No. 13, a memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota, was

Read second time, and

Referred to the committee on Territorial affairs, by motion of Mr. Stone.

Mr. Miner moved that Council Bill No. 11, be laid upon the table, which carried.

The substitute of Council Bill No. 5, as recommended by the special committee, was read at length, and

On motion of Mr. Armstrong, was

Laid upon the table and ordered printed.

House File No. 16, a bill for an act to provide for the custody of convicts, was read at length, and

On motion of Mr. Armstrong,

The rules were suspended, and the bill put upon its third reading, and

The question being put, "shall the bill pass?"

It was decided in the affirmative by a vote of 12 for, and none against.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President—12.

None voting in the negative,

So the bill passed, and

Its title agreed to.

COMMUNICATIONS FROM THE HOUSE.

The following communication was read:

HOUSE OF REPRESENTATIVES,)
Thursday, Dec. 15th, 1870.)

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 14th inst., pass House File No. 16,

a bill for an act to provide for the custody of convicts, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received and read from his Excellency the Governor.

EXECUTIVE OFFICE,
YANKTON, D. T., Dec. 15th, 1870. }

HON. EMORY MORRIS,

President of the Council,

SIR.—I have the honor to return herewith with my approval and signature, Council Bill No. 1, a memorial to Congress asking for a repeal of the law passed July 14, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871, or for an extension of the time to which said pre-emption payment shall be made; also Council Bill No. 2, a memorial to the Congress of the United States asking that the Ninth Session of the Legislative Assembly of the Territory of Dakota be extended to sixty days, or the Annual Sessions be restored.

Very respectfully,

Your obedient servant,

JOHN A. BURBANK,

Governor.

BILLS ON THIRD READING.

Council Bills Nos. 15, 16, 17, 18, 19, were taken up in order, and

Read a third time.

RESOLUTION.

The following resolution was offered by Mr. Miner:

Resolved, That the Secretary of the Council be instructed to inform the Secretary of the Territory, that the members of the Council have extended to him the use of their Hall on the evening of December 15th, 1870.

ADJOURNMENT.

On motion of Mr. Turner,

The Council adjourned till 10½ o'clock, to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,
Secretary.

TWELFTH DAY.

COUNCIL CHAMBER, }
Friday, Dec. 16th, 1870. }

Council met pursuant to adjournment, and was

Called to order by

The President in the chair.

Roll called.

Members all present except Mr. Stone.

INTRODUCTION OF BILLS.

Mr. Armstrong introduced C. B. No. 20, a memorial to the Secretary of the Interior, requesting that supplies for Indians on the Upper Missouri river be purchased of the farmers and producers of Dakota Territory.

NOTICE OF BILLS.

Mr. Kennedy gave notice that he would on to-morrow or some future day introduce a memorial to Congress, asking for the establishment of a mail route between Lemars, Iowa, and Yankton, Dakota.

Mr. Fraley of gave notice that on to-morrow or some future day of the session, he would introduce a bill to incorporate Bradford's addition with the town of Bon Homme.

Mr. Kidder gave notice that on to-morrow he would introduce a bill for an act authorizing Clerks of courts, in certain cases, to adjourn the same.

Mr. McKay gave notice that to-morrow or some future day he would introduce a bill establishing a Territorial road.

RESOLUTIONS.

Mr. Kidder introduced a resolution as follows:

Resolved, That we extend to Secretary and Mrs. Geo. A. Batchelder, the use of this hall on Tuesday evening, the 26th of the month.

REPORTS OF COMMITTEES.

Mr. Cuppett, chairman of the committee on Territorial Affairs, reported as follows:

MR. PRESIDENT.—The committee on Territorial Affairs, to whom was referred Council Bill No. 13, entitled "A memorial to Congress, asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory;" also Council Bill No. 14, entitled "A memorial to Congress asking for the construction of Government wagon roads, and appropriations for bridging streams on said roads," do hereby report the same back and recommend that they do pass.

WM. M. CUPPETT,

Chairman.

Mr. Kidder, chairman of the committee on Engrossed Bills, reported as follows:

MR. PRESIDENT.—Your committee on Engrossed Bills, have examined Council Bill No. 4, entitled "An Act creating the office of County Clerk and for other purposes," and find the same correctly engrossed.

COMMUNICATIONS FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,)
Thursday, Dec. 15th, 1870.)

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 15th inst. pass Council Bill No. 3, a bill fixing the time of holding the Supreme court for the Territory of Dakota, and for other purposes, with amendments, which bill is herewith returned and the concurrence of the Council in said amendments respectfully requested.

GEO. I. FOSTER,

Chief Clerk.

SECOND READING OF BILLS.

On motion of Mr. Miner

The substitute bill for C. B. No. 5, was adopted,
Which substitute was then taken up and
Read the second time.

On motion of Mr. Armstrong,
The bill was laid over till to-morrow.

C. B. No. 15, a memorial to the Congress of the United States asking for an appropriation to aid in draining swamp lands in Dakota, was read second time, and
Referred to the committee on public lands.

C. B. No. 17, was
Read second time and
Referred to the committee on Territorial Affairs.

C. B. No. 16, was
Read second time and
Referred to Committee on Territorial Affairs.

C. B. No, 19 was
Read a second time by its title and
Referred to committee on Counties.

C. B. No. 3, a bill fixing the time of holding the Supreme Court of the U. S. in the Territory, etc., was
Read with the House amendments, and
On motion of Mr. Armstrong,
The amendments were not concurred in.

RESOLUTIONS.

The resolution tendering the hall to Mr. and Mrs. Batchelder on Tuesday evening next, was adopted.

ENGROSSED BILLS.

The amendments to C. B. No. 9, as read yesterday,
On motion of Mr. Armstrong, were adopted, and
On motion of the same was
Engrossed for third reading.

BILL REFERRED.

Mr. Turner moved that C. B. No. 11, be taken from the table, which carried, and
On motion of Mr. Miner,
It was referred to a special committee, on which the Chair appointed Messrs. Miner, Stone and Kennedy.

ADJOURNMENT.

On motion of Mr. Kidder,
The Council adjourned till 10½ o'clock to-morrow.

Attest: EMORY MORRIS,
President of the Council.
GEORGE T. REA,
Secretary.

THIRTEENTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 17, 1870.

Council met pursuant to adjournment.

Called to order by the
President in the chair.

Prayer by the Chaplain.

Roll called.

All the members were present.

Journal of yesterday's proceedings read and approved.

RESOLUTION.

Mr. Brauch offered the following resolution:

Resolved, That Charles H. Greno be elected an Engrossing Clerk for both Houses during this session of this Legislature.

On motion of Mr. Armstrong,

The Resolution was referred to the committee on Engrossed Bills.

NOTICE OF BILLS.

Mr. Stone gave notice that he would on some day during the session, introduce a bill authorizing the formation of special partnerships.

Mr. McIntyre gave notice that to-morrow or some future day he would offer a bill to amend section two, chapter 16 of the laws of 1864-5; An Act to regulate fences in the organized counties of the Territory of Dakota.

Mr. Cuppett gave notice that he would introduce a memorial to Congress asking for an appropriation of money to bridge the Sioux river at or near Canton.

Mr. Turner gave notice that on to-morrow or some future day he would introduce a petition memorializing Congress to grant a subsidy to the firm of Daggett, Clevenger & Percy enabling them to extend the Sioux City and Missouri River Telegraph to Fort Randall, etc.

INTRODUCTION OF BILLS.

Mr. Kennedy introduced a memorial to Congress asking that a mail route may be established between Lemars, Iowa, and Yankton, Dakota.

Mr. Kidder introduced a bill for an act authorizing clerks of courts, in certain cases to adjourn, the same.

REPORTS OF COMMITTEES.

The committee on Territorial affairs reported as follows:

MR. PRESIDENT.—The committee on Territorial affairs to whom was referred Council Bill No. 16, entitled "A memorial to Congress praying for an appropriation of money to build a penitentiary in Dakota Territory;" also Council Bill No. 17, entitled "A memorial to Congress, asking for a grant of land for College purposes in the Territory of Dakota," have had the same under consideration and recommend that they do pass.

WM. M. CUPPETT,
Chairman.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, {
Saturday, Dec. 17th, 1870. }

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 16th inst., pass the following bills:—House File No. 3, A Bill for legalizing the official acts of certain county officers of Minnehaha county; House File No. 6, A memorial to Congress asking an appropriation to codify

the laws of Dakota Territory; House File No. 7, A memorial to Congress for an appropriation to erect a Capitol building in Dakota Territory; also House file No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, Dakota Territory; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

BILLS ON THIRD READING.

C. B. No. 13, A memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory.

Was put upon its third reading, and
The question being put "shall the bill pass?"
It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and
Its title agreed to.

C. B. No 14, Amemorial to Congress asking for the construction of Government wagon roads and appropriations for bridging streams on said roads,

Was taken up and read the third time.
The question being put "shall the bill pass?"
It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed
And its title agreed to.

POSTPONEMENT.

On motion of Mr. Turner,

C. B. No. 5, (substitute) to prevent certain animals from running at large,

Was laid over till Monday morning next.

BILLS ON THIRD READING.

C. B. No. 16, A memorial to Congress asking an appropriation for building a penitentiary in Dakota Territory.

Was taken up and read the third time.

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

It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No. 17, A memorial to Congress asking for a grant of lands for College purposes in the Territory of Dakota,

Was then taken up and read the third time.

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No. 4, An act creating the office of County Clerk and other purposes,

Was taken up and put on its third reading.

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

None voting in the negative.
 So the bill passed and
 Its title agreed to.
 On motion of Mr. Turner,
 The rules were suspended, and

C. B. No. 20, A memorial to the Secretary of the Interior praying that the supplies for Indians on the Upper Missouri be purchased from the farmers and producers of Dakota Territory,

Was taken up and read the third time.
 The question being on its passage, and the question was put "shall the bill pass?"

It was decided in the affirmative.
 Ayes 15, noes none.
 Those voting in the affirmative were
 Messrs. Armstrong, Brauch, Cuppett, Fralcy, Kennedy,
 Kidder, McIntyre, McKay, Miner, Turner and Mr. President.
 Absent, Mr. Stone.
 So the bill passed and
 Its title agreed to.

BILLS ON SECOND READING.

C. B. No. 21, A memorial to Congress asking that a mail route be established between Lemars, Iowa, and Yankton, Dakota Territory.

Was read first time.

C. B. No. 18, was

Read second time and

On motion of Mr. Armstrong

It was referred to committee on mines and minerals.

FIRST READING OF BILLS.

C. B. No. 22, An act authorizing clerks of courts to adjourn the same.

Was read first time.

BILLS ON SECOND READING.

H. F. No. 3, A Bill for legalizing the official acts of certain county officers of Minnehaha county.

Was read first time and

On motion of Mr. Turner,

The rules were suspended,
 Read second time and the bill
 Referred to committee on counties

H. F. No. 6, A memorial to Congress asking for appropriation to codify the laws of Dakota, was
 On motion of Mr. Armstrong,
 Read the second time and
 Referred to the committee on judiciary.

H. F. No. 7, A memorial to Congress asking for an appropriation to build a capitol building for Dakota Territory was
 On motion of Mr. Armstrong
 Read second time and
 Referred to committee on public buildings.

H. F. No. 12, A memorial to Congress praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., was
 On motion of Mr. Armstrong,
 Put upon its second reading, and
 Referred to committee on Territorial affairs.

RULES.

On motion of Mr. Armstrong,
 The report of committee on rules was taken from the table.
 After being discussed by Messrs. Armstrong, Turner, Miner, McIntyre and others, it was
 On motion of Mr. McIntyre,
 Laid upon the table.

REPORTS OF COMMITTEES.

Mr. Kidder, Chairman of committee on engrossment, reported as follows:

MR. PRESIDENT.—The committee on engrossment have examined Council Bill No. 9, entitled "A memorial to the Postmaster General, United States, praying that mail service on route No. 13,903 from Elk Point to Sioux Falls, Dakota Territory, be increased, and find the same correctly engrossed.

THIRD READING OF BILLS.

On motion of Mr. Armstrong
 C. B. No. 9, A memorial to Postmaster General, asking for

an increase of mail service between Elk Point and Sioux Falls, Dakota, was

Read third time, and

The question being on the passage of the bill the question was put, "shall the bill pass?"

The roll being called the votes stood

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

None voting in the negative,

So the bill passed, and

Its title agreed to.

ADJOURNMENT.

On motion of Mr. Cuppett,

The Council then adjourned till 10½ o'clock A. M., on Monday.

EMORY MORRIS.

President of the Council.

Attest:

GEORGE T. REA,
Secretary.

FIFTEENTH DAY.

COUNCIL CHAMBER,)
Monday, Dec. 19th, 1870.)

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent, Mr. Brauch.

Prayer by the Chaplain.

Journal of yesterday's proceedings read and approved.

RESOLUTION.

Mr. Miner offered the following:

Resolved, That a committee of three be appointed by the President to call on the Secretary of the Territory, and request him to cause the United States Flag to be raised over this Hall during the present Session of the Legislature.

On which committee the Chair appointed
Messrs. Miner, Turner and Stone.

NOTICE OF BILLS.

Mr. Turner gave notice that on to-morrow or some future day of the session, he would introduce a joint resolution transferring the Territorial Library to the charge of the Secretary of the Territory.

Mr. Armstrong gave notice that on to-morrow or some future day he would introduce a memorial to Congress, asking that Delegates in Congress from the Territories be allowed a vote in the House of Representatives.

Mr. McIntyre gave notice that he would on to-morrow or some future day, introduce a bill to amend section 279 of the laws of 1868-69, entitled an act to establish a Code of Criminal Procedure for Dakota Territory, approved January 12, 1869.

INTRODUCTION OF BILLS.

By Mr. Turner, Council Bill No. 23, a memorial to Congress, asking for an appropriation to enable the Missouri river and Sioux City Telegraph Company to extend their line from Yankton to Fort Randall, D. T.

By Mr. Cuppett, Council Bill No. 24, a memorial to the Congress of the United States, asking for an appropriation of money to bridge the Sioux river at or near Canton, D. T.

By Mr. Stone, Council Bill No. 25, an act to authorize the formation of special partnerships.

By Mr. McIntyre, Council Bill No. 26, an act to transfer certain funds to the common school fund of the county of Yankton.

By Mr. Stone, Council Bill No. 27, entitled an act relative to the holding and transferring of real estate by any legal officer of a religious society and their successors.

MISCELLANEOUS.

Mr. Turner asked for leave of absence for Mr. Branch for to-day.

Which leave was, on motion, granted.

The President announced as standing committee on immigration,

Messrs. Fraley, Miner and Cuppett.

USE OF HALL TO ODD FELLOWS.

A communication from Newton Learned, as chairman of committee of Odd Fellows of Yankton, asking for the use of the Council Chamber for the evening of January 2d, '71, was

On motion of Mr. Armstrong,

Referred to committee on public buildings.

REPORTS OF COMMITTEES.

The following reports of committees were received:

MR. PRESIDENT.—The committee on the judiciary to whom was referred House File No. 8, it being a memorial to Congress asking an appropriation to codify the laws of Dakota Territory, would respectfully report that they have examined the same, and have directed the chairman to report it back to the Council with the recommendation that it do pass.

J. W. TURNER.

MR. PRESIDENT.—Your committee to whom House File No. 3 was referred, a bill for legalizing the official acts of certain county officers of Minnehaha county, have had the same under consideration, herewith report the same back with the recommendation that the bill do pass.

J. M. STONE,

Chairman.

MR. PRESIDENT.—The committee on Territorial Affairs, to whom was referred House File No. 12, entitled "A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., have had the same under consideration and recommend that it do pass.

WM. M. CUPPETT,

Chairman.

MR. PRESIDENT.—Your committee on Indian affairs to

whom was referred House File No. 4, entitled a memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina and the International boundary line in Dakota Territory, would report that they have had the same under consideration and report it back and recommend that it do pass.

NELSON MINER,
J. C. KENNEDY,
H. FRALEY.

MR. PRESIDENT.—Your committee on engrossment to whom was referred the following joint resolution:

Resolved, That Charles H. Greeno be elected an Engrossing Clerk for both Houses, (the House concurring) during this Session of the Legislature,

Have had the same under consideration, and report the same back with the recommendation that it be adopted.

S. W. KIDDER,
Chairman.

Under the order of unfinished business, the petition of Frank Bem, was taken up, and

On motion of Mr. Miner,

Was laid on the table, on account of the absence of the chairman of the committee.

COMMITTEE OF THE WHOLE.

On motion of Mr. Turner,

The Council went into committee of the whole on Council Bill No. 5, entitled a bill to prevent stock from running at large.

After some time spent in the discussion of the question, Mr. Turner reported the bill back with sundry amendments, but not having gone through with it, asked leave to sit again.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 19th, 1870. }

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 17th inst., pass Council Bills entitled

as follows: Council Bill No. 6, an act to change the name of the townsite of Lincoln in the county of Lincoln, Territory of Dakota; Council Bill No. 7, a memorial to the Postmaster General requesting mail service on route No. — from Algona, Iowa, via Canton, Dakota Territory, to Yankton, Dakota Territory; and Council Bill No. 8, joint resolution requesting all railroad companies organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature, which bills are herewith returned.

I am also instructed to inform the Council that the House did on the 19th inst., pass House File No. 15, a bill incorporating a bridge and ferry company at or near Pembina, Dakota Territory, and for other purposes; also House File No. 18, a memorial to the Honorable Postmaster General of the United States praying that the mail service on route No. — from Fort Abercrombie to Pembina, be increased to six times a week, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

I am also instructed to inform the Council that the House did on the 17th inst., adhere to its amendments to Council Bill No. 3, a bill fixing the time of holding the Supreme Court in the Territory of Dakota and for other purposes, and request a committee of conference.

Messrs. Shaw, Jerauld and Sinclair were named as such committee on the part of the House.

GEO. I. FOSTER,
Chief Clerk.

ADJOURNMENT.

On motion of Mr. Cuppett,
The Council adjourned till two o'clock, P. M.

AFTERNOON SESSION.

The Council met pursuant to adjournment.
Mr. Armstrong, at request of the President, took the chair.
On motion of Mr. Stone,
The bill under discussion before recess, was postponed.

BILLS ON THIRD READING.

Council Bill No. 23, a memorial to Congress asking an ap-

appropriation to enable Daggett, Clevenger & Percy, proprietors of the Sioux City and Missouri River Telegraph Company, to extend the line from Yankton to Fort Randall, was

Read first time, and

On motion of Mr. Turner,

The rules were suspended, and

The bill read second and third times.

The question now being on the passage, it was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed

And its title agreed to.

FIRST READING OF BILLS.

Council Bill No's. 24, 25, 26 and 27, were read first time and ordered printed.

BILLS ON THIRD READING.

Council Bill No. 21, A memorial to Congress asking for the establishment of a mail route from LeMars, Iowa to Yankton, Dakota Territory, was

Read second and third times under suspension of the rules, and

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

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

Absent, Mr. Brauch.

So the bill passed and

Its title agreed to.

BILLS ON SECOND READING.

C. B. No. 22, was

Read second time and

Referred to the committee on Judiciary.

H. F. No. 15, was read first and second time under suspension of rules, and

Referred to the committee on Highways and Bridges.

THIRD READING OF BILLS.

H. F. No. 18, a memorial to the Honorable Postmaster General of the United States, praying for mail service from Fort Abercrombie to Pembina, be increased to six times a week, was

Read first, second and third times under suspension of rules, and

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

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

H. F. No. 3, A bill for legalizing the official acts of certain county officers of Minnehaha county, was

Read third time, and

The question being on the passage of the same, it was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone and Mr. President.

Absent, Messrs. Brauch, McIntyre and Turner.

So the bill passed and

Its title agreed to.

H. F. No. 6, A memorial to Congress asking for an appropriation to codify the laws of Dakota, was

Read second time, and under suspension of the rules, the third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. 4, a memorial to Congress, asking for the construction of a military road from Fort Abercrombie to Fort Pembina, thence to the International boundary line in Dakota, was

Read second and third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

None voting in the negative,

So the bill passed and

Its title agreed to.

H. F. No. 12, A memorial praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T., was

Read third time.

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

It was decided in the affirmative.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and President.

So the bill passed, and

Its title agreed to.

ENGROSSED BILLS.

On motion of Mr. Cuppett,

C. B. No. 5, a bill prohibiting certain stock from running at large in the Territory of Dakota,

Was taken from the table, and various amendments made thereto.

On motion of Mr. Turner,

It was ordered engrossed for third reading.

CONFERENCE COMMITTEE.

On motion of Mr. Turner,

A conference committee of three was appointed to act in conjunction with a like committee of the House on Council Bill No. 3, a bill fixing the time for holding the Supreme Court in Dakota Territory, and for other purposes.

Messrs. Turner, Kennedy and Stone, were appointed such committee.

ELECTION OF ENGROSSING CLERK.

On motion of Mr. Kidder,

The report of the committee on engrossed bills was taken up,

The rules suspended, and

The resolution read the second and third time.

The question then being on its adoption, the question was put, "shall it be adopted?"

The vote being taken, it was decided in the affirmative.

Those voting for, were

Messrs. Fraley, Kidder, McIntyre, McKay, Miner and Stone—6.

Those voting against, were

Messrs. Armstrong, Kennedy, Turner and Mr. President—4.

Excused, Mr. Cuppett.

Absent, Mr. Brauch.

On motion of Mr. Turner,

The Council adjourned till 10½ o'clock to-morrow.

EMORY MORRIS,

President of the Council.

Attest:

GEORGE T. REA,
Secretary.

SIXTEENTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 20th, 1870.

Council met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Fraley gave notice that to-morrow or some future day he would introduce a memorial to Congress to increase the mail service between Yankton and Fort Randall.

Mr. McIntyre gave notice of the introduction of a bill entitled "An act authorizing the publication of certain legal notices in a Territorial paper;" also a bill entitled "An act to define the time when certain reports shall be made."

Mr. Stone gave notice of a bill entitled "An Act to amend an act entitled 'An act to encourage the planting and growing of timber,'" approved January 5th, 1867.

INTRODUCTION OF BILLS.

By Mr. Fraley, C. B. No. 28, entitled an "Act to incorporate the city of Bon Homme, Dakota Territory.

By Mr. McIntyre, C. B. No. 29, of which no previous notice had been given, an Act to establish a Territorial board of health.

REPORTS OF COMMITTEES.

The following reports of committees were received and read:

MR. PRESIDENT.—Your special committee appointed to call upon the Secretary of the Territory and request that he cause to be raised over this hall during the present session of

the Legislature the United States flag, beg leave to report that they have performed that duty and that the Secretary was pleased to say that the request would be complied with if it was within his power so to do.

NELSON MINER,
Chairman.

MR. PRESIDENT.—The committee of conference appointed by the two Houses of the Legislature of Dakota Territory on Council Bill No. 3, it being a bill for an act fixing the time for holding the Supreme Court for the Territory of Dakota, would respectfully report that they have had the same under consideration and agree to recommend that the House recede from their amendments.

J. W. TURNER,
Chairman Council Com.

A. F. SHAW,
Chairman House Com.

MR. PRESIDENT.—The committee on the Judiciary, to whom was referred Council Bill No. 22, it being a bill for an act authorizing clerks of Courts in certain cases to adjourn the same, respectfully report that they have carefully examined the same and directed their chairman to report it back to the Council with the recommendation that it do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee to whom House File No. 7, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory, have considered the same and herewith report the same back without amendment and recommend that the bill do pass.

J. M. STONE,
Chairman.

MR. PRESIDENT.—Your committee on mines and minerals have had under consideration a memorial for a geological survey, and report the same back with attached amendments and recommend its passage.

W. T. MCKAY,
Chairman.

COMMUNICATION FROM THE SECRETARY.

The following communication from the Secretary of the Territory was received and read:

YANKTON, Dec. 19th, 1870.

To the President of the Council,

SIR.—I have the honor to acknowledge the receipt of a resolution requesting me to provide an American flag for the use of the Legislative Assembly. In reply I would say I have found here only an ordinary silk flag, but that I have sent to Sioux City to endeavor to supply the want.

Very respectfully yours, etc.

GEO. A. BATCHELDER.

INTRODUCTION OF BILLS.

Mr. Armstrong on leave introduced a bill of which no previous notice had been given, entitled "An act concerning divorces."

FIRST READING OF BILLS AND REPORTS.

The report of the committee on the petition of Frank Bem, was read and adopted, and laid on the table.

C. B. No.'s 28, 29 and 30 were read first time and ordered printed.

BILLS ON SECOND READING.

C. B. No. 24 was
Read second time and
Referred to committee on Highways, Bridges and Ferries.
C. B. No. 26 was
Read second time, and
Referred to committee on education.
C. B. No. 27, was
Read second time, and
Referred to the committee on Judiciary.

BILLS ON THIRD READING.

H. F. No. 2, relative to the removal of the Pembina band of Chippewa Indians was taken up and

Was read first time and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

H. F. No. 7, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory.

Was taken up and

Read the third time,

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

It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title was agreed to.

BILL REFERRED.

C. B. No. 18, A memorial to Congress asking for a geological survey of the Territory of Dakota, was

Read third time,

The amendment of the committee adopted, and the bill Referred to the committee on engrossment.

BILLS ON THIRD READING.

C. B. No. 22, An act authorizing clerks of Courts in certain cases to adjourn the same, was taken up and

Read the third time, and

The question now being on the passage of the bill, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,

Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and
Its title agreed to.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 20th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 19th inst., pass House File No. 11. A Bill for an act to encourage the planting and growing of timber: also House File No. 24. A bill to divide the Territory of Dakota into Council and Representative districts and apportioning the Councilmen and Representatives therein, which bills are herewith transmitted and the concurrence of the Council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

RULES.

The rules, as reported by the committee were taken up and discussed at length, when on motion the Rules were adopted.

ADJOURNMENT.

On motion of Mr. Miner,
The Council adjourned till 10½ o'clock, to-morrow.

EMORY MORRIS,
President.

Attest:
GEORGE T. REA,
Secretary.

SEVENTEENTH DAY.

COUNCIL CHAMBER. }
 Wednesday, Dec. 21st, 1870. }

Council met pursuant to adjournment.

Called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

All the members were present.

Journal of yesterday's proceedings read and approved.

RESOLUTIONS.

The following resolution was presented by Mr. Turner:

Resolved, That the use of the Council Chamber be extended to the Dakota Historical Society, for the purpose of holding their annual meeting on the 2nd Tuesday of January, 1871.

Adopted.

By Mr. Miner.

Resolved, That the use of that portion of the Council Chamber outside of the bar be extended to the citizens of Yankton, on Saturday evening next, for the purpose of a social party.

Adopted.

REPORTS OF COMMITTEES.

The following reports were received and read:

MR. PRESIDENT.—The committee on the Judiciary to whom was referred Council File No. 27, a bill for an act relative to the holding and transferring of real estate by any legal officer of religious societies and their successors in office, would respectfully report, that they have examined the same and directed their chairman to report it back with the recommendation that it do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee on Engrossment to whom was referred substitute to Council Bill No. five, entitled a bill to protect cultivated land and young timber from trespassing animals in the Territory of Dakota, have examined the same and find it correctly engrossed.

S. W. KIDDER,
Chairman.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries to whom was referred House File No. 15, an act incorporating a bridge and ferry company at or near Pembina, Dakota Territory, have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman Com.
JACOB BRAUCH.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries to whom was referred Council Bill No. 24, a memorial to Congress asking for an appropriation of money to bridge the Sioux river at or near Conton, Dakota Territory, have had the same under consideration and respectfully report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman Com.
JACOB BRAUCH.

INTRODUCTION OF BILLS.

Mr. Turner, on leave introduced Council Bill No. 31, a bill of which no previous notice had been given, entitled a bill for an act creating the office of Commissioner of Immigration, and for other purposes.

Read first time.

FIRST READING OF BILLS.

House File No. 11, a bill to encourage the planting and growing of timber, was read first time.

House File No. 24, a bill to divide the Territory of Dakota into Council and Representative Districts, and apportioning the Councilmen and Representatives therein.

Was read first time.

BILLS ON SECOND READING.

Council Bill No. 29, was read second time and referred to committee on Judiciary.

BILLS ON THIRD READING.

Council Bill No. 24, a memorial to Congress asking for an appropriation of money to bridge the Sioux river at or near Canton, Dakota, was taken up, and

Read a third time, and

Put on its final passage.

The vote being taken, resulted as follows:

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

BILLS DEFERRED.

Council Bill No. 27, an act relative to the holding and transferring of real estate by legal officers of a religious society and their successors in office, was

Read third time, and

On motion of Mr. Turner,

Was laid over till to-morrow.

BILLS REFERRED.

House File No. 15, was read third time, and

On motion of Mr. Armstrong,

Was re-committed to the committee on the Judiciary, the same being a bill incorporating a bridge and ferry company, at or near Pembina, Dakota Territory, and for other purposes.

BILLS ON THIRD READING.

Council Bill No. 5, (substitute,) a bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota, was then taken up, and

Put on its third reading.

The question being on its passage, it was put. "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, McKay, Miner, Stone, Turner and Mr. President.

Excused, Mr. Kidder.

So the bill passed and

its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 20th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 20th inst., pass Council Bills entitled as follows:

Council Bill No. 9, a memorial to the Postmaster General of the United States asking for an increase of mail service between Elk Point and Sioux Falls, Dakota Territory.

Council Bill No. 13, a memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory;

Council Bill No. 14, a memorial to Congress asking for the construction of Government wagon roads and appropriation for bridging streams on said roads;

Council Bill No. 16, a memorial to the Congress of the United States, praying for an appropriation of money to build a Penitentiary in Dakota Territory;

Council Bill No. 17, A memorial to Congress asking for a grant of land for College purposes in the Territory of Dakota;

Council Bill No. 20, a memorial to the Secretary of the Interior requesting that supplies for the Indians on the upper Missouri river be purchased of the farmers and producers of Dakota Territory;

Council Bill No. 21, A memorial to Congress asking that a mail route may be established between LeMars, Iowa, and Yankton, Dakota Territory, and

Council Bill No. 23, a memorial to Congress asking an ap-

appropriation to enable the Sioux City and Missouri River Telegraph Company, to extend their line from Yankton to Fort Randall, D. T.; which bills are herewith returned.

I am also instructed to inform the Council that the House did on the 20th inst., pass House Files entitled as follows, viz:

House File No. 17, a memorial to the Postmaster General requesting service on mail route No. —, from Vermillion, D. T., via Bloomingdale and Eureka to Swan Lake, Dakota Territory;

House File No. 19, a memorial to the Postmaster General requesting mail service on a mail route from LeMars, Iowa, to Sioux Falls, D. T.

Also House File No. 26, a memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

FIRST READING OF BILLS.

House File No. 17, a memorial to the Postmaster General requesting service on mail route No. —, from Vermillion, D. T. via Bloomingdale and Eureka, to Swan Lake, Dakota Territory, was

Read first time.

BILLS ON THIRD READING.

House File No. 19, a memorial to the Postmaster General requesting mail service on mail route No. —, from LeMars, Iowa, to Sioux Falls, D. T., was

Read first time.

On motion of Mr. Miner

The rules were suspended, and

The bill read second and third times.

The question being on the passage of the bill, the question was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppeti, Fraley, Kennedy.

Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and
Its title agreed to.

FIRST READING OF BILLS.

House File No. 26, a memorial to Congress asking for appropriation to remove obstructions in the Red River of the North, was

Read first time.

REPORTS OF COMMITTEES.

Mr. Kidder, chairman of the committee on Engrossed Bills reported as follows:

MR. PRESIDENT.—Your committee on Engrossed Bills to whom was referred Council Bill No. 18, entitled a memorial to Congress asking for a Geological survey of the Territory of Dakota, have examined the same and find it correctly engrossed.

S. W. KIDDER,
Chairman.

BILLS ON THIRD READING.

Council Bill No. 18, a memorial to Congress asking for a Geological survey of the Territory of Dakota, was

Read third time.

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and
Its title agreed to.

ADJOURNMENT.

On motion of Mr. Brauch

The Council adjourned until 10½ A. M. to-morrow.

EMORY MORRIS,

President of the Council.

Attest:

GEORGE T. REA,

Secretary.

EIGHTEENTH DAY.

COUNCIL CHAMBER.

Thursday, Dec. 22d, 1870.

Council met pursuant to adjournment and was

Called to order by the

President in the chair.

Prayer by the Chaplain.

Roll called.

The following members responded to their names:

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

NOTICE OF BILLS.

Mr. Kennedy gave notice that on to-morrow or some future day he would introduce a bill to incorporate the Elk Point and Sioux Valley Railroad Company.

INTRODUCTION OF BILLS.

Mr. McIntyre introduced C. B. No. 32, An act allowing county commissioners to extend ferry leases and for other purposes.

Mr. Stone introduced C. B. No. 33, An act to amend an act entitled an act to encourage the planting and growing of timber, approved January 5th, 1869.

RESOLUTION.

Mr. Turner on leave introduced the following resolution.

Resolved, That the use of the vacant desk at the west end of the hall be devoted to the use of reporters for the various papers in the Territory.

On motion the same was adopted.

REPORTS OF COMMITTEES.

Mr. Turner, Chairman of the committee on Judiciary made the following report:

MR. PRESIDENT.—The committee on Judiciary, to whom was referred Council Bill No. 27, it being a bill for an act relative to holding real estate by any legal officer of a religious society and their successors in office, would respectfully report that they had the same under consideration and have amended by striking all out after the word "officer" in the fifth line to and including the word "designated" in the sixth line, which with said amendments they recommend that the bill do pass.

J. W. TURNER,
Chairman Com.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was then read:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 27th, 1870.

MR. PRESIDENT.—I am instructed by the House to inform the Council that the House did on the 20th inst. recede from its amendments to Council Bill No. 3, a bill fixing the time of holding the Supreme Court in the Territory of Dakota and for other purposes; which bill is herewith returned.

I am also instructed to inform the Council that the House did on the 21st inst. pass Council Bill No. 4, An act creating the office of county clerk and for other purposes; which bill is herewith returned;

Also that the house did on the 21st inst., pass House File No. 23, A memorial to the Postmaster General praying for mail service on mail route No. — from Sioux Falls to Flandreau, Dakota Territory; which bill is herewith transmitted and the concurrence of the Council respectfully requested;

Also that the House did on the 21st inst. refuse to concur in concurrent resolution of the Council respecting the election of an Enrolling Clerk for the two Houses.

GEO. I. FOSTER,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Kennedy, chairman of committee on Agriculture, made the following report:

MR. PRESIDENT.—Your committee on Agriculture to whom was referred Council Bill No. 12, An act to establish a ditch fence as lawful, have had the same under consideration and respectfully report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman.

Mr. Cuppett, chairman of committee on Enrolled Bills, made the following report:

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined Council Bill No. 6, entitled "An act to change the name of the townsite of Lincoln, in the county of Lincoln, Territory of Dakota; also Council Bill No. 7, A memorial to the Postmaster General asking for services on mail route No. —, from Algona, Iowa, *via*. Canton, D. T., to Yankton, D. T., and find them correctly enrolled.

WM. M. CUPPETT,
Chairman.

BILLS ON FIRST READING.

Council Bill No. 32, An act allowing county Commissioners to extend ferry leases and for other purposes, was

Read first time,

Council Bill No. 33, An act to amend an act entitled "An act to encourage the planting and growing of timber, approved January 5th, 1869; was

Read first time.

SECOND READING OF BILLS.

H. F. No. 11, was

Read the second time and
Referred to the committee on Agriculture.

THIRD READING OF BILLS.

On motion of Mr. Turner, House File No. 17, was
Read second time, and
The rules were suspended and,

House File No. 17, A memorial to the Postmaster General requesting service on mail route No. —, from Vermillion, D. T., *via*. Bloomingdale and Eureka to Swan Lake, Dakota Territory, was

Read third time.

On motion of Mr. Turner;

The name "Lodi" was inserted after the word "Bloomingdale."

The question being upon the amendment

It was adopted.

It was then put upon its final passage.

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed.

Its title was amended by inserting the word "Lodi" between Bloomingdale and Eureka, and agreed to.

BILLS ON SECOND READING.

H. F. No. 24, was

Read second time and

Referred to a special committee, on which the President appointed Messrs. Armstrong, Kennedy, Turner, Fraley and McKay.

THIRD READING OF BILLS.

H. F. No. 26, A memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North, was

Read first, second and third times under suspension of rules, and

The question being on the passage of the bill, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs, Armstrong, Branch, Cuppett, Fraley, Kennedy.
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

So the bill passed and

Its title agreed to.

BILLS ON SECOND READING.

C. B. No. 25, was

Read second time and

Referred to committee on Judiciary.

B. B. No. 30 was

Read second time and was

Referred to Committee on Judiciary.

C. B. No. 31 was

Read second time and

Referred to committee on Immigration.

THIRD READING OF BILLS.

C. B. No. 12, An act to establish a ditch fence as lawful
was taken up and

Read third time.

The question being on the passage of the bill,

The question was put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy.
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

So the bill passed, and

Its title was agreed to.

C. B. No. 27, relative to the holding and transferring of
real estate by any legal officer of religious societies, was taken
up and

Read third time and with the amendment recommended by
by the committee was

Put upon its passage, and
The question being put, "shall the bill pass?"
It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were
Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

So the bill passed and
Its title agreed to.

RECONSIDERATION OF RESOLUTION.

On motion of Mr. McIntyre

The resolution extending the use of this Hall to the citizens
of Yankton for a social party, was reconsidered.

On motion of Mr. Armstrong,
The resolution was made to read:

Resolved, That the use of that portion of the Council cham-
ber outside of the bar be extended to the citizens of Yankton
on Saturday evening next for the purpose of a passage to
the Representative Hall.

The amendment was adopted.

The vote being taken on the resolution as amended, it was
lost.

On motion of Mr. Armstrong,
The Council took a recess till 2½ o'clock P. M.

AFTER RECESS.

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

Roll called.

A quorum being present.

At the request of the President
Mr. Armstrong took the chair.

REPORT OF IMMIGRATION COMMISSIONER.

In accordance previous resolution of request,
Hon. Jas. S. Foster came before the Council and made an
able report of his recent tour as Commissioner of Immigra-
tion.

RESOLUTIONS.

Mr. Armstrong offered the following resolution:

Resolved, That the committee on Immigration be instructed to confer with the Immigration committee of the House, with regard to collecting information from the various counties concerning the resources, etc., of the Territory, to be placed under the supervision of the committee of Immigration, and incorporated into his report, and that said joint committee be requested to report to the houses what number of the Commissioner's report should be published for the use of the Legislature.

Mr. McIntyre offered the following resolution:

Resolved, That this Council do extend a vote of thanks to Hon. Jas. S. Foster, Commissioner of Immigration, for the able and instructive report that he has been pleased to communicate to this body.

ADJOURNMENT.

On motion the Council adjourned till 19½ o'clock to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,
Secretary.

NINETEENTH DAY.

COUNCIL CHAMBER,)
Friday, Dec. 23d, 1870.)

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.

COMMUNICATIONS FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,)
Friday, Dec. 23d, 1870.)

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 22d inst., pass House File No. 27, a memorial to Congress asking for an appropriation to erect a suitable building for a Custom House, Post Office and United States Courts, at the Port of Pembina, Dakota Territory; which bill is herewith transmitted and the concurrence of the Council respectfully requested.

I am also instructed to inform the Council that the House did on the 22d inst., pass Council Bill No. 18, a memorial to Congress asking for a Geological Survey of the Territory of Dakota;

Also Council Bill No. 24, a memorial to the Congress of the United States asking for an appropriation of money to bridge the Sioux river at or near Canton, Dakota Territory; which bills are herewith returned.

I am also instructed to inform the Council that the House has this day passed House File No. 21, an act regulating the toll of custom Flouring Mills;

Also House File No. 28, a bill to amend the act to protect persons holding claims on the public lands;

Also House File No. 29, joint resolution relating to Honorable S. L. Spink; which bills are herewith transmitted and the concurrence of the Council respectfully requested.

I am also instructed to inform the Council that the House has this day passed Council Bill No. 22, an act authorizing clerks of courts in certain cases to adjourn the same; which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

NOTICE OF BILLS.

Mr. Cuppett gave notice that he would on some future day introduce a bill to establish a Territorial road.

Mr. Kidder gave notice that on some subsequent day he would introduce a bill for an act in addition to Chapter 23

of the Session Laws of 1867-68, relative to the forms of certain oaths. Also a bill for an act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory.

REPORTS OF COMMITTEES.

The following reports from committees were received and read:

MR. PRESIDENT.—Your special committee appointed to act in conjunction with a like committee on the part of the House to draft rules for the government of both Houses, have agreed to report the Joint Rules of the last Session and recommend their adoption.

C. H. McINTYRE,
Chairman.

MR. PRESIDENT.—The committee on the Judiciary, to whom was referred Council File No. 30, it being an act concerning divorces, would respectfully report that they have examined the same and see no reason why the bill should not pass, and have directed their chairman to report it back to the Council with the recommendation that it do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they have examined Council Bill No. 3, entitled a bill fixing the time of holding the Supreme Court in the Territory of Dakota and for other purposes;

Also Council Bill No. 4, entitled an act creating the office of County Clerk and other purposes;

And Council Bill No. 8 entitled joint resolution, requesting all Railroad Companies organized under and by virtue of the laws of this Territory, to report to the present Session of the Legislature;

And Council Bill No. 9, entitled a memorial the Postmaster General of the United States asking for an increase of mail service between Elk Point and Sioux Fall, Dakota Territory;

Also Council Bill No. 21, a memorial to Congress asking that a mail route may be established between LeMars, Iowa

and Yankton, Dakota Territory, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—The committee on Enrolled Bills beg leave to report that they have had under consideration House File No. 3, entitled a bill for an act legalizing the official acts of certain county officers of Minnehaha county;

Also House File No. 12, entitled a memorial to Congress, praying for the establishment of a mail route from Flaudreau to a point at or near Medary, D. T.;

Also House File No. 6, entitled a memorial to Congress asking for an appropriation to codify the laws of Dakota Territory; and

House File No. 7, entitled a memorial to Congress, praying for an appropriation to erect a Capitol Building in Dakota Territory;

Also House File No. 22, entitled a memorial to the President of the United States relative to the removal of the Pembina Band of Chippawa Indians to White Earth Agency;

Also a memorial to the Honorable Postmaster General of the United States, praying that the mail service on route No. —, from Fort Abercrombie to Pembina, be increased to six times per week;

Also House File No. 19, entitled a memorial to the Postmaster General requesting mail service on mail route from LeMars, Iowa to Sioux Falls, Dakota Territory; and

Also House File No. 4, entitled a memorial to Congress for the construction of a military road from Fort Abercrombie to Fort Pembina and the International Boundary line in Dakota Territory, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Immigration to whom was referred Council Bill No. 31, a bill for an act creating the office of Commissioner of Immigration and for other purposes, have had the same under consideration and would re-

port the same back to the Council and recommend that it do pass.

HUGH FRALEY,
NELSON MINER,
WM. M. CUPPETT.

BILLS ON SECOND READING.

House File No. 21, an act regulating the toll of custom grinding mills, was

Read first time and under suspension of the rules, read the second time and

Referred to the committee on Manufactories.

BILLS ON THIRD READING.

House File No. 29, a joint resolution relative to Hon. S. L. Spink, was

Read the first time, and

On motion of Mr. McIntyre,

The rules were suspended, and

The bill was read second and third time, and

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

It was decided in the affirmative.

Ayes 7, noes 3;

Those voting in the affirmative, were

Messrs. Cuppett, Fraley, Kennedy, McIntyre, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Kidder, McKay and Miner.

Excused, Messrs. Armstrong and Brauch.

So the resolution passed

ADJOURNMENT.

On motion of Mr. Kennedy,

The Council adjourned till 10½ o'clock to-morrow.

EMORY MORRIS,

President of the Council.

Attest:

GEORGE T. REA,
Secretary.

TWENTIETH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 24, 1870. }

Council met pursuant to adjournment.
President being absent
The Secretary called the members to order.
Prayer by the Chaplain.
Roll called,
And a quorum found present.
On motion of Mr. Armstrong,
Mr. Turner, of Clay, was elected to preside until the return
of the President.

INTRODUCTION OF BILLS.

Mr. Armstrong introduced C. B. No. 34, A bill entitled
"An act defining the manner of surveying and platting town
sites,
Was read first time.

BILLS ON SECOND READING.

C. B. No. 28, An act to Incorporate the city of Bon Homme,
Dakota Territory was
Read second time and
Referred to committee on Incorporations.

C. B. 32, An act allowing county commissioners to extend
ferry licenses and for other purposes, was
Read second time and
Referred to committee on Counties.

C. B. No. 33, To amend an act entitled "An act to en-
courage the planting and growing of fruit trees," approved
January 5th, 1869, was
Read second time and
Referred to committee on Agriculture.
H. F. Nos. 23, 27 and 28 were
Read first time.

REPORTS OF COMMITTEES.

Mr. Cuppett, chairman of committee on Enrolled Bills, made the following report:

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have had under consideration Council Bill No. 14, entitled “A memorial to Congress asking for the construction of Government wagon roads and appropriations for bridging streams on said roads;” and

Council Bill No. 16, entitled “A memorial to the Congress of the United States praying for an appropriation to build a penitentiary in the Territory of Dakota,” and

Council Bill No. 19, entitled “A memorial to Congress asking for a grant of land for college purposes in the Territory of Dakota,” also

Council Bill No. 23, entitled “A memorial to Congress asking an appropriation to enable Messrs. Daggett, Clevenger & Percy to extend the Sioux City and Missouri River Telegraph line to Fort Randall; and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

ADJOURNMENT.

On motion of Mr. Brauch

The Council adjourned till 10½ o'clock on Monday.

J. W. TURNER,
President pro tem.

Attest:

GEORGE T. REA,
Secretary.

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
Monday, Dec. 26th, 1870.

Council met pursuant to adjournment and was
Called to order by the
Acting President in the chair.
Prayer by the Chaplain.
Roll called.

Absent, Messrs. Fraley, Kennedy, Kidder, Miner and Mr.
President.

Journal of yesterday's proceedings read and approved.

INTRODUCTION OF BILLS.

Mr. McIntyre of the committee on Education introduced
C. B. No. 35, a bill for an act to establish a public school law
for the Territory of Dakota.

BILLS ON SECOND READING.

H. F. No. 23, was
Read second time and
Referred to committee on Territorial affairs.

H. F. No. 27, was
Read second time and
Referred to Committee on Judiciary.

H. F. No. 28, was
Read second time, and
Referred to committee on Public Lands.

INTRODUCTION OF BILLS.

Mr. Cuppett, on leave, introduced C. B. No. 36, an act to
establish a Territorial road from Canton to Yankton, Dakota
Territory.

ADJOURNMENT.

On motion of Mr. Cuppett,
The Council adjourned till the usual hour to-morrow morning.

Attest:

GEORGE T. REA,
Secretary.

J. W. TURNER,
President pro tem.

TWENTY-THIRD DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 27th, 1870.

Council met pursuant to adjournment, and was
Called to order by
Mr. Turner, the temporary president.
Prayer by the Chaplain.
Roll called, and
Messrs. Kennedy, McKay and Mr. President found absent.
Journal of yesterday read and approved.

BILLS INTRODUCED.

Mr. McIntyre introduced Council Bill No. 37, an act to amend section 279 of the laws of 1868-9.

REPORTS OF COMMITTEES.

The following reports of committees were received and read:

Mr. PRESIDENT.—Your committee on Incorporations to whom was referred Council Bill No. 28, an act to Incorporate the city of Bon Homme, Dakota Territory, have had the same

under consideration and report the same back to the Council with the recommendation that it do pass.

HUGH FRALEY,
J. M. STONE,
WM. M. CUPPETT.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have had under consideration Council Bill No. 13, entitled a memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory; also

Council Bill No. 20, a memorial to the Secretary of the Interior requesting that supplies for the Indians on the upper Missouri river be purchased of the farmers and producers of Dakota Territory; also

Council Bill No. 22, entitled an act authorizing clerks of courts in certain cases to adjourn the same; also

Council Bill No. 24, entitled a memorial to the Congress of the United States, asking for an appropriation of money to bridge the Sioux river at or near Canton, Dakota Territory; and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

INTRODUCTION AND PASSAGE OF BILLS.

On leave Mr. Armstrong introduced Council Bill No. 38, joint resolution relative to the Dakota and Northwestern Railroad, which was

Read first time, and

On motion the rules were suspended, and

The bill read second and third times.

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

It was decided in the affirmative.

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder, McIntyre, Miner, Stone and Turner.

Absent, Messrs. Kennedy, McKay and Mr. President.

So the bill passed and

Its title agreed to.

Mr. Cuppett, on leave, introduced Council Bill No. 39, being a preamble and joint resolution instructing the standing committee of both Houses to investigate the alleged frauds of the last Territorial election as represented by W. A. Burleigh, which was

Read first time, and
 On motion of Mr. McIntyre,
 The rules were suspended, and
 The bill read second and third time and put upon its passage, and
 The roll being called it was decided in the affirmative.
 Ayes 8, noes 1.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder, McIntyre, Stone and Turner.
 Mr. Miner voting in the negative.
 Absent, Messrs. Kennedy, McKay and Mr. President.
 So the bill passed and
 Its title agreed to.

SECOND READING OF BILLS.

C. B. No. 34 was
 Read second time and
 Referred to committee on Towns and Counties.
 C. B. No. 36 was
 Read second time and
 Referred to the committee on Highways and Bridges.
 Mr. Miner in the chair.

REPORTS OF COMMITTEES.

Mr. Turner, Chairman of the committee on Public Lands asked leave to report that the committee had examined H. F. No. 28, and recommended its passage.
 On motion of Mr. Fraley,
 The bill was laid upon the table and ordered printed.

ADJOURNMENT.

On motion of Mr. McIntyre,
 The Council adjourned till 10½ o'clock to-morrow morning.

EMORY MORRIS,
President.

Attest:
 GEORGE T. REA,
Secretary.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 28th, 1870.

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 yesterday read and approved.

EXCUSED FOR NON ATTENDANCE.

On motion of Mr. Turner,
Messrs. Kennedy, Kidder, McKay, Miner and Mr. President
were excused for non-attendance for past three days.

INTRODUCTION OF BILLS.

Mr. McIntyre on leave introduced C. B. No. 40, An act to
authorize the County Treasurer of Yankton county to receive
county warrants in payment of taxes for the period therein
named, and for other purposes.

Mr. Kidder introduced C. B. No. 41, an act to amend an
act entitled "An act to simplify and abridge the practice,
pleadings and proceedings of the courts of the Territory."

Also on leave, by the same, C. B. No. 42, An act relating
to telegraph lines in Dakota Territory.

By Mr. McKay, C. B. No. 43, to locate a Territorial road
from Yankton to Fort Thompson.

By Mr. Armstrong, C. B. No. 44, A memorial to the Presi-
dent of the United States requesting that an order for the
removal of certain persons residing upon the Fort Randall
military reservation in Dakota Territory may be suspended.

REPORTS OF COMMITTEES.

The following reports of committees were received and read:

MR. PRESIDENT.—Your special committee to whom was referred Council Bill No. 11, An act to amend the 1st section of chapter 8, of the laws of Dakota Territory, enacted in 1865 and 1867, have had the same under consideration and beg leave to report back a substitute and recommend that the substitute do pass.

NELSON MINFR.
J. C. KENNEDY,
J. M. STONE.

MR. PRESIDENT.—The committee on Judiciary, to whom was referred House File No. 27, it being a memorial to Congress asking for an appropriation to erect suitable buildings for a custom house, postoffice and United States court at the port of Pembina, Dakota Territory, would respectfully report that they have examined the same and are of the opinion that it ought to pass.

J. W. TURNER,
Chairman Com.

Mr. Turner, chairman of committee on Judiciary, also reported that the committee had examined C. B. No. 25, an act to authorize the formation of special partnerships, and reported it back without recommendation; also reported that the committee had examined H. F. No. 15, incorporating a Bridge and Ferry company at or near Pembina, Dakota Territory, and for other purposes, and reported it back without recommendation.

MR. PRESIDENT.—Your committee to whom C. B. No. 19 was referred, An act to redefine the boundaries of the counties of the Territory and to organize the counties of Colfax, Hutchinson, Dakota and Buffalo, have had the same under consideration and have directed me to report the same back with the accompanying substitute with the recommendation that the substitute do pass.

J. M. STONE,
J. C. KENNEDY,
W. T. MCKAY.

MR. PRESIDENT.—Your committee on Territorial Affairs, to whom was referred House File No. 23, entitled "A memorial to the Postmaster General praying for mail services on

mail route No. —, from Sioux Falls to Flandreau, Dakota Territory," and recommend that it do pass.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined House File No. 25; also House File No. 29, and found them correctly enrolled.

WM. M. CUPPETT.

BILLS ON SECOND READING.

C. B. No. 40 was
Read first time, and under suspension of rules,
Read second time and ordered printed.
C. B. No. 43 was
Read first time, and rules suspended and
Read second time and
Referred to committee on Highways and Bridges.
C. B. No. 11, substitute, was
Read first time and
On motion, laid upon the table till to-morrow.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was then read:

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 28th, 1870.)

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 20th inst., pass House File No. 1, a bill for an act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

FIRTS AND SECOND READING OF BILLS.

C. B. No. 41, was
Read first time,
Laid on the table and ordered printed.

C. B. No. 44 was
 Read first time,
 The rules were suspended, and
 Read the second time and ordered printed.

MESSAGE FROM THE GOVERNOR.

The following message from his Excellency the Governor, relative to the liquidation of out-standing military warrants was received and read and referred to the committee on Military Affairs:

EXECUTIVE OFFICE,
 YANKTON, D. T., Dec. 28th, 1870.

HON. EMORY MORRIS,
President of the Council,

SIR:—I am in receipt of a copy of a resolution adopted by the Council, asking me to communicate such information as I might have in relation to out-standing military warrants—whether they are being liquidated, and if so, by what authority, and any other information in my possession necessary for a correct understanding of the same. In response thereto I have the honor to inform your honorable body that on the day of receiving the resolution referred to, I addressed a letter of inquiry upon the subject to Hon. T. K. Hovey, Territorial Treasurer, at Vermillion, a copy of which is herewith inclosed as follows:

SIR:—I have the honor to request that you will furnish me such information as you may possess in regard to military warrants issued under the authority of the Legislature—whether they are being liquidated, and by what authority, together with any other information which you may be enabled to give upon the subject.

Very respectfully your obedient servant,

Signed,

JOHN A. BURBANK,
Governor, D. T.

T. K. HOVEY,
Territorial Treasurer, Vermillion, D. T.

Upon the 23d inst. having received no reply to the above letter, I wrote to M. U. Hoyt, Esq., of Yankton, whom I understood was acting in the capacity of Deputy Territorial

Treasurer. A copy of this letter I also inclose, as follows:

YANKTON, D. T., Dec. 24th, 1870.

To his Excellency,

JOHN. A. BURBANK,

Governor of Dakota Territory,

SIR:—In reply to your communication of the 23d inst, I have to state that I have not paid any of the military warrants, and know of no law authorizing their payment by the Territorial Treasurer.

Respectfully,

M. U. HOYT,

Deputy Territorial Treasurer.

The reply to Mr. Hoyt dated the 24th:

EXECUTIVE OFFICE,
YANKTON, D. T., Dec. 23d, 1870.

SIR:—On the 14th inst. I addressed a letter to Hon. T. K. Hovey, Treasurer of the Territory, at Vermillion, requesting that he would furnish me at the earliest moment practicable with such information as he might possess, in regard to military warrants issued under authority of the Legislature—whether they are being liquidated, and if so, by what authority, together with any other information which he might be able to give upon the subject to this letter. I have received no response, and I have to request that you will, if still acting in the capacity of Deputy, furnish me with such information bearing upon the matter as you may be in possession of.

Very respectfully, your obedient servant,

JOHN. A. BURBANK,

Governor, D. T.

M. U. HOYT.

I regret my inability to lay before you any more definite and satisfactory information upon this subject. The Deputy Treasurer states that he has paid none of these warrants, but I have no information as to the length of time that he has been acting in this capacity, or what the official records will show previous to that time. The presumption is that the records of the office, back to the time the warrants were issued are in the custody of the Territorial Treasurer, and that he could state in direct terms whether they show the payment of

any these warrants at any time or not, but he has thus far failed to give the information desired. The history of these warrants, I understand, to be briefly as follows:

The military accounts for services and expenses incurred in the fall of 1862, as originally audited by R. M. Hageman, Deputy Auditor of the Territory, amounted to something over \$24,000, and were reported by him to the Legislature of 1863-4. The Legislature, however, refused to endorse his action, and by act approved January 15th, 1864, for their being re-audited by three commissioners. This work was performed, and the aggregate amount allowed, including the expense and services of the board of commissioners was reported as the sum of \$19,325.05. Provision was made in the act of the Legislature for transmitting the report of the committee to Washington, with a view to obtain an appropriation to meet the warrants; but I am not aware that any such appropriation was ever made, and I know of no such law providing for the payment of any of the warrants out of the Territorial Treasury.

A special act passed by the Legislature of 1865-6, and approved January 12th, 1866, [Acts of 1865-6—page 584;] provides for the issuing of these warrants (Territorial) to Capt. Wm. Tripp, Lieut. Jno. B. Wood and 2d Lieut. T. Elwood Clark, officers of Company B, Dakota Volunteer Cavalry, for the sums respectively that officers of like grade are entitled to by law from the date of their commissions, until the date of their muster into the United States service, March 30th, 1863. It was further provided that they should be styled "special military warrants," not transferable, and that the first money paid into the treasury, (Territorial) by the General Government, for the purpose of reimbursing the Territory for these warrants, should be appropriated to pay them. A record book purporting to be—and which doubtless is—that of the Territorial Auditor, at that time, which has been deposited in the Executive office, show the amount and number of the original warrants issued on the report of the commissioners, and also shows the issuing on the 13th of January, 1866, of the three special warrants referred to, in the following sums: Capt. Wm. Tripp, \$750,25; Lieut. Jno. R. Wood, \$610,50; Lieut. T. Elwood Clark, 848,50—\$2209,25. Upon the margin opposite the warrants of Capt. Tripp, is written, "this war-

ant cancelled by being paid to claimant at Washington, D. C., Feb. 1866." In the other warrants no remark is attached.

Very respectfully,
Your obedient servant,
JOHN A. BURBANK,
Governor.

FIRST AND SECOND READING OF BILLS.

C. B. No. 42, was
Read the first time, and under suspension of the rules, was
Read second time, and ordered printed.

RECESS.

On motion of Mr. McIntyre,
The Council took a recess till 2 o'clock P. M.

AFTER RECESS.

The Council was called to order by
The President in the chair.
Roll called.
A quorum present.

ON THE TABLE.

C. B. No. 19, (substitute) was laid on the table and ordered printed.

THIRD READING OF BILLS.

H. F. No. 23, a memorial to the Postmaster General, praying for mail service on route No. —, from Sioux Falls to Flandreau, Dakota Territory; was taken up, and

Read third time.

The question being on the passage of the bill, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

H. F. No. 27, a memorial to Congress asking for an appropriation to build a Custom House and United States Court Room at Pembina, Dakota Territory; was

Put upon its third reading, and

The question being on its passage,

Mr. Miner moved to amend by striking out the words "United States Court" in the third line of printed bill and by inserting the words "that portion of" in the twentieth line of same bill,

Both of which were lost.

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8, noes 4;

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, McIntyre, Stone, Turner and Mr. President—8.

Those voting in the negative, were

Messrs. Fraley, Kidder, McKay and Miner—4.

So the bill passed, and

Its title agreed to.

FIRST AND SECOND READING OF BILLS.

Mr. McKay, on leave, introduced Council Bill No. 45, a memorial asking for the removal of the U. S. Quartermaster's Department from Sioux City, Iowa, to Yankton, Dakota; which was

Read first time, and

Under suspension of rules,

Read second time, and ordered printed, and

Referred to the committee on Military Affairs.

COMMUNICATION FROM THE HOUSE.

The following communications from the House were received and read:

HOUSE OF REPRESENTATIVES,)
Wednesday, Dec. 28th, 1870. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day concurred in concurrent resolution of the Council, relative to the late election, as amended, which

resolution is herewith returned and the concurrence of the Council in the said amendments respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 28th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed C. B. No. 38, preamble and joint resolution relative to the Dakota and Northwestern Railroad, which bill is herewith returned.

I am also instructed to inform the Council that the House has this day passed House File No. 22, an act to amend an act entitled "an act to provide common schools for the Territory of Dakota, which bill is herewith transmitted and the concurrence of the Council respectfully requested.

I am also instructed to inform the Council that Messrs. Hammon, Shaw and Jerauld have been appointed a committee to act on the part of the House, with the committee of the Council on Immigration, relative to collecting information of officers of the Territory, to be placed under the supervision of the Commissioner of Immigration and printed.

GEO. I. FOSTER,
Chief Clerk.

BILLS AMENDED AND REFERRED.

C. B. No. 39, relative to late election, was taken up, and

The House amendments making the title read "a joint resolution of inquiry relative to charges of fraud at the late election," and by striking out the 8th and 9th lines of printed bills after the word "illegal," the words "and are casting votes in their Legislative capacity upon the final passage of laws for the future government of the people,"

Which after discussion, were adopted.

C. B. No. 28, to incorporate the city of Bon Homme, Dakota Territory, was taken up, and

Read third time, and

On motion was laid on the table till to-morrow.

C. B. No. 25, an act to authorize special partnerships, was

Read a third time, and

On motion of Mr. McIntyre,

Was laid on the table indefinitely.

THIRD READING OF BILLS.

C. B. No. 30, An act concerning divorces, was taken up, and
Read third time.

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McKay, Miner, Stone, Turner and Mr. President.

Mr. McIntyre being outside the bar.

So the bill passed and

Its title agreed to.

C. B. No. 31, an act creating the office of Commissioner of
Immigration and for other purposes, was

Read third time.

The question being on the passage of the bill,

The question was put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

So the bill passed and

Its title agreed to.

SECOND READING OF BILLS.

C. B. No. 37, was

Read second time, and

Referred to the committee on Judiciary.

PETITION.

A petition from Carl C. P. Meyer relative to apparatus for
marking corners of land on Government surveys, was read
and

On motion was referred to committee on Expenditures.

RESOLUTIONS.

Mr. Cuppett, on leave introduced the following resolution:

Resolved, That the Council tender to the citizens of Yankton, the use of that portion of this hall outside of the bar, on Saturday evening, the 31st of Dec., to be used only as a passage way to the hall of the House of Representatives.

ADJOURNMENT.

On motion of Mr. Cuppett,
The Council adjourned till usual hour to-morrow morning.

EMORY MORRIS,
President of the Council.

Attest:

GEORGE T. REA,
Secretary.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,)
Thursday, Dec. 29, 1870.)

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 yesterday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Kidder gave notice that on to-morrow or some future day he would ask leave to introduce a bill for an act entitled an act enlarging the powers of county commissioners in certain cases.

Mr. McIntyre gave notice that on to-morrow or some future day, he would introduce a bill relative to the office of assessors, and for other purposes.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on manufactories have had under consideration H. F. No. 21, entitled an act regulating the toll of custom flouring mills, beg leave to report the same back with attached amendments and recommend that the bill as amended do pass.

JACOB BRAUCH,
Chairman.

MR. PRESIDENT.—Your committee on Agriculture has had H. F. No. 11 under consideration, a bill to encourage the planting and growing of timber, beg leave to report the same back with the following amendments. After the word “for” in section 1 strike out “15,” insert the word “ten;” after the word “of,” in same section strike out “3,” insert the word “five”; also after the word “situated,” strike out all of remaining section and sections 2, 3 and 4, add thereto sections 2, 3, 4, 5, 6 and 7, and recommend that it do pass.

J. C. KENNEDY,
Chairman Com.

MR. PRESIDENT.—The committee on Highways and Bridges has had Council Bill No. 36 under consideration, an act to locate and establish a Territorial road from the town of Canton in Lincoln county, to the city of Yankton, Dakota Territory, beg leave to report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman.

INTRODUCTION OF BILLS.

Mr. Kidder introduced Council Bill No. 46, an act relative to the form of certain oaths.

BILLS ON THIRD READING.

Council Bill No. 28, an act to incorporate the city of Bon Homme, D. T., was taken from the table, having been read third time yesterday.

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 Kidder, McIntyre, McKay, Stone, Turner and President.
 So the bill passed and
 Its title agreed to.

BILLS READ AND REFERRED.

H. F. No. 1, to prevent the importation of Texas and Cherokee cattle in the Territory of Dakota, was
 Read first time, and
 Referred to the committee on Judiciary.

H. F. No. 22, an act to amend an act entitled an act to provide common schools for the Territory of Dakota, was
 Read first time, and
 Referred to committee on Education.

C. B. No. 40, was taken up, and
 Read third time.
 On motion of Mr. McIntyre
 The word "March" in the 4th line was stricken out and the word "April" inserted in its stead, entitled, to authorize the Treasurer of Yankton county to receive county warrants for taxes, and
 On motion of Mr. Stone, the bill was
 Referred to committee on Finance.

BILLS ON THIRD READING.

H. F. No. 15, an act incorporating a bridge and ferry company at or near Pembina, Dakota, was taken up, and
 Read third time.
 The question being on its passage, the question being put "shall the bill pass?"
 It was decided in the negative.
 Ayes 1, noes 10.
 Those voting in the affirmative, was
 Mr. Stone.
 Those voting in the negative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner and Turner.
 The President being excused.
 The committee on Manufactories report back H. F. No. 21,

an act regulating the toll of custom flouring mills, with the following amendments:

Strike out the word "sixth" in section one, and insert in lieu thereof "seventh."

The question being on the amendment as reported and the question being on its passage, it was decided in the negative.

The bill having been read third time, and it was

On motion of Mr. Brauch

Laid upon the table.

C. B. No. 36, to locate and establish a Territorial road from Canton, Lincoln county, to Yankton, was put on its third reading, and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No. 42, an act relating to telegraph lines in Dakota Territory, was

Read third time, and

On motion of Mr. Miner

The bill was amended by changing the words "three months," to read "thirty days."

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was then

read:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 29th, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed House File No. 8 and 13, (substitute), a bill defining the judicial districts of the Territory of Dakota and fixing the time for holding the courts in said districts, and for other purposes, which bill is herewith transmitted and the concurrence of the Council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

H. F. No. 8 and 13, (substitute), was
Read first time, and
On motion of Mr. Kidder,
The rules be suspended, and the bill be read second time,
and
Referred to special committee of one from each county represented.
The President appointed the following as such committee:
Messrs. Cuppett, Kennedy, Turner, McIntyre, Fraley and McKay.

ADJOURNMENT.

On motion of Mr. Brauch.
The Council adjourned till 10½ o'clock to-morrow morning.

EMORY MORRIS,
President.

Attest:
GEORGE T. REA,
Secretary.

TWENTY-SIXTH DAY.

COUNCIL CHAMBER, }
Friday, Dec. 30th, 1870. }

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 yesterday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Kidder, of a bill for an act entitled An act relating to married women.

Mr. McIntyre, of a bill to amend section 34, chapter 6, of the Laws of 1868-9.

Mr. Kennedy, of a bill for an act creating new townships in Sioux Valley, Union county.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—The committee on Judiciary, to whom was referred C. B. No. 37, a bill for an act to amend section 279 of the Laws of 1868-9, would respectfully report that they have carefully examined the same and are of the opinion that it should pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—The committee on the Judiciary, to whom was referred H. F. No. 1, it being a bill for an act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes, would respectfully report that they have examined the same and recommend that it be amended by striking out wherever the words "Texas or Cherokee" occurs and in lieu thereof, insert the word "dis-

eased," and with this amendment, recommend that the bill do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee on Agriculture to whom was referred C. B. No. 33, An act to amend an act entitled "An act to encourage the planting and growing of timber," approved Jan. 5, 1869, have had the same under consideration and report the same back to the Council with recommendation that the bill do pass.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they have examined H. F. No. 17, entitled "A memorial to the Postmaster General requesting services on mail route No. —, from Vermillion, Dakota Territory, via. Bloomingdale, Lodi and Eureka to Swan Lake, D. T." and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 38, entitled "Preamble and joint resolution relative to the Dakota & Northwestern Railroad;" also, C. B. No. 39, entitled "A joint resolution of inquiry relative to the charges of fraud at the late elections," and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

LAID ON THE TABLE.

C. B. No. 11, (substitute), was adopted, and
On motion of Mr. Cuppett, was
Laid on the table until to-morrow.

H. F. No. 11, was then taken up, and
On motion of Mr. Armstrong,

The amendments as reported by the committee on Agriculture were adopted.

The bill was
Read third time, and
On motion of Mr. Armstrong, was
Laid on the table until to-morrow.

BILL REFERRED.

C. B. No. 41, was
Read second time, and
Referred to Committee on Judiciary.

REPORTED BACK.

On leave, Mr. Stone reported back C. B. No. 32, An act allowing county commissioners to extend ferry leases, and with recommendations that it pass.

On leave, Mr. Kidder reported back C. B. No. 40, An act to authorize the county treasurer of Yankton county to receive county warrants in payment of taxes, for the period therein named, and for other purposes, without recommendation.

BILLS ON THIRD READING.

C. B. No. 37, An act to amend section 279, of Laws of 1868-9, was taken up and

Read third time.

The question being on the passage of the bill, the question was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. 1, a bill for an act to prevent the importation of Texas and Cherokee cattle into the Territory of Dakota, and for other purposes, was taken up, and the amendments as recommended by the committee were voted upon and lost.

The bill was

Read third time, and

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

It was decided in the negative,

Ayes 6, noes 6.

Those voting in the affirmative, were

Messrs. Cuppett, Kennedy, Kidder, McIntyre, Stone and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Fraley, McKay, Miner and Turner.

The President decided the bill lost.

NOTICE TO RECONSIDER.

Mr. Turner gave notice that on to-morrow he would move to reconsider the vote by which the bill was lost.

RECESS.

On motion of Mr. Turner,

The Council took a recess till 2 o'clock, P. M.

AFTER RECESS.

MESSAGE FROM THE GOVERNOR.

The following communication received from his Excellency the Governor:

EXECUTIVE OFFICE,
YANKTON, D. T., Dec. 30th, 1870. }

HON. EMORY MORRIS,

President of the Council,

SIR:—I have the honor to transmit herewith, with my signature and approval, the following bills originating in your branch of the General Assembly:

C. B. No. 4, An act creating the office of county clerk, and for other purposes.

C. B. No. 8, A joint resolution requesting all railroad companies organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature.

C. B. No. 9, A memorial to the Postmaster General of the United States, praying that the mail service on mail route No. 13903, from Elk Point to Sioux Falls, D. T., be increased.

C. B. No. 13, A memorial to Congress asking for the establishment of a mail route from Yankton to Old Fort James, Dakota Territory.

C. B. No. 14, A memorial to Congress asking for the construction of Government wagon roads and appropriations for bridging streams on said roads.

C. B. No. 17, A memorial to Congress asking for a grant of land for college purposes in the Territory of Dakota.

C. B. No. 20, A memorial to the Secretary of the Interior requesting that supplies for the Indians on the Upper Missouri river be purchased of the farmers and producers of Dakota Territory.

C. B. No. 21, A memorial to Congress asking that a mail route may be established between Lemars, Iowa, and Yankton, D. T.

C. B. No. 22, An act authorizing clerks of courts in certain cases to adjourn the same.

C. B. No. 23, A memorial to Congress asking an appropriation to enable Messrs. Daggett, Clevenger & Percy, to extend the Sioux City & Missouri River Telegraph line to Fort Randall.

C. B. No. 24, A memorial to Congress asking for an appropriation of money to bridge the Sioux river at or near Canton, D. T.

Very respectfully, your obedient servant,
Signed, JOHN A. BURBANK,
Governor, D. T.

THIRD READING OF BILLS.

C. B. No. 32, An act to allow county commissioners to extend ferry leases was

Read third time, with the amendments as recommended by committee, and the amendments adopted.

The question then being on the passage of the bill, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No. 44, A memorial to the President of the United States requesting that the order for removing certain persons living

on the Military reservation of Fort Randall, D. T., be suspended, was

Read third time.

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

LAIID ON THE TABLE.

C. B. No. 40, A bill allowing the treasurer of Yankton county to receive county warrants in payment of taxes, was

Read third time, and

On motion of Mr. Stone, the bill

Was laid on the table till to-morrow.

THIRD READING OF BILLS.

H. F. No. 28. A bill to protect persons holding claims on public lands, was

Read third time, and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

REPORT OF SPECIAL COMMITTEE.

The special committee on H. F. No. 8, asked leave to report back. A vote being taken, leave was refused.

ADJOURNMENT.

On motion of Mr. Cuppett,

The Council adjourned until 10½ o'clock to-morrow.

Attest: EMORY MORRIS,
President of the Council.
GEORGE T. REA,
Secretary.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 31, 1870.

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 yesterday's proceedings read and approved.

NOTICE OF BILLS.

By Mr. Kidder, of a bill to regulate the admission of physicians to the practice of medicine, surgery and obstetrics in the Territory of Dakota.

By Mr. Kennedy, of a bill to punish offenses against the right of suffrage.

By Mr. McIntyre, of a bill for the opening and construction of highways and bridges.

By Mr. Stone, of a bill for organizing township government in the Territory of Dakota.

INTRODUCTION OF BILLS

C. B. No. 47, by Mr. Kidder, entitled an act relating to married women.

C. B. No. 48, by Mr. Kennedy, of an act creating the townships of Virginia, Prairie and Spink, in the county of Union, D. T.

C. B. No. 49, by Mr. Kidder, an act enlarging the powers of county commissioners in certain cases.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on the Judiciary to whom was referred C. B. No. 41, it being a bill for an act to simplify and abridge the practice, pleading and proceedings of the courts of this Territory, would respectfully report that they have duly examined the same and herewith report it back with the recommendation that it do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee on Military Affairs to whom was referred C. B. No. 45, a memorial requesting the removal of the Quartermaster's Department from Sioux City, Iowa, to Yankton, D. T., have had the same under consideration and recommend that the same do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT.—Your committee on Highways and Bridges to whom was referred C. B. No. 43, a bill to locate a Territorial road from Yankton, to Ft. Randall, have had the same under consideration and beg leave to report the same back with recommendations that it do pass.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined H. F. No. 28, entitled an act to amend an act to protect persons holding claims on the public lands, approved April 30, 1862, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

SECOND READING OF BILLS.

C. B. No. 47 was
Read first time, and under suspension of rules,
Read second time and ordered printed.

COMMUNICATION FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 31, 1870.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 29th inst., pass the following entitled House Files, viz:

H. F. No. 9, a bill for an act to provide for the registration of the vote of the Territory;

H. F. No. 33, a memorial to the Postmaster General asking for the establishment of mail route No. —, with service thereon from LeMars, Iowa, via Eden and Bloomingdale, D. T., to Yankton, D. T.

H. F. No. 36, an act to authorize the county commissioners of Pembina county, to raise money for the erection of a jail in said county, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Geo. I. FOSTER,
Chief Clerk.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on Public Buildings to whom was referred the communication to the Honorable Council, dated Dec. 19, 1870, signed by Newton Learned, chairman, asking for the use of the hall for a reception room for a ball to be given Monday evening, Jan. 2, 1871, have considered the same and herewith report the same back recommending that his request be granted.

J. M. STONE,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

Communication from his Excellency the Governor, was received and read:

HON. E. MORRIS,
President of the Council,

SIR.—I return herewith, approved, C. B. No. 3, a bill fixing the time of holding the supreme court of the Territory of Dakota.

Very respectfully,
JOHN A. BURBANK,
Governor.

BILLS ON SECOND READING.

C. B. No. 48, was
 Read first time, and
 Under suspension of rules, was
 Read second time, and ordered printed, and
 Referred to the committee on Counties.

C. B. No. 49 was
 Read first and second times under suspension of the rules,
 and
 Referred to the committee on Judiciary.

H. F. No. 33, a memorial to the Postmaster General re-
 questing mail route from LeMars, Iowa, via Eden and Bloom-
 ingtondale, to Yankton, D. T., was
 Read first and second time under suspension of rules, and
 Referred to committee on Internal Improvements.

H. F. No. 9, a bill to provide for the registration of voters
 of the Territory, was
 Read first and second time, and
 Referred to committee on Judiciary

H. F. No. 36, an act to authorize the county commissioners
 of Pembina county to raise money for the erection of a jail in
 said county, was
 Read first and second times under suspension of rules, and
 Referred to committee on Counties.

ON THE TABLE.

C. B. No. 33, was taken from the table, and
 On motion of Mr. Stone,
 Was laid on the table.

C. B. No. 11, (substitute),
 Was taken from the table.

ADJOURNMENT.

On motion of Mr. McIntyre,
 The Council adjourned till 10½ o'clock A. M. Monday.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,
Secretary.

TWENTY-NINTH DAY.

COUNCIL CHAMBER,
Monday, Jan. 2, 1871.

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. Turner,
Further proceedings were dispensed with and
The Council adjourned till to-morrow at 10½ o'clock.

EMORY MORRIS,
President.

Attest:

GEORGE T. REA,
Secretary.

THIRTIETH DAY.

COUNCIL CHAMBER,
Tuesday, Jan. 3, 1871.

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 yesterday's session read and approved.

NOTICE OF BILLS.

Mr. Kidder gave notice that some subsequent day he would introduce a bill to provide for the protection of highways:

Also one for an act to provide for the revocation of the appointment of guardians in certain cases.

INTRODUCTION OF BILLS.

C. B. No. 50, by Mr. Turner, an act to transfer the Territorial library to the Secretary of the Territory.

C. B. No. 51, by Mr. Kennedy, an act to punish offenses against the right of suffrage.

C. B. No. 52, to establish a system of township government for the Territory of Dakota.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your special committee to whom was referred H. F. No. 8-13, (substitute), entitled a bill defining the judicial districts of the Territory of Dakota, and fixing the time of holding the courts in said districts, beg leave to report the same back with the following amendments:

In section 6 shall read as follows: Bon Homme, Hutchinson, Charles Mix, Buffalo and Pembina, and, in section 8 it shall read as follows: The June term at Bon Homme and the December term at Pembina.

WM. M. CUPPETT,
J. C. KENNEDY,
J. W. TURNER,
C. H. MCINTYRE.

MR. PRESIDENT.—Your committee to whom was referred House File No. 36, an act to authorize the county commissioners of Pembina county to raise money for the erection of a jail in said county, have considered the same and herewith have agreed to report the bill back with the recommendation that the bill do pass.

J. M. STONE,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined H. F. No. 23, entitled a memorial to the Postmaster General praying for mail ser-

vice on mail route No. —, from Sioux Falls to Flandreau, D. T.; also

H. F. No. 27, entitled a memorial to Congress asking for an appropriation to erect a suitable building for a custom house, post office and U. S. court at the port of Pembina, D. T., and found the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

Mr. Turner, chairman of committee on Judiciary reported that the committee had examined H. F. No. —, to provide for the registration of the votes of this Territory, and reported it back without recommendation; also the same member reported that they had examined C. B. No. 49, to enlarge the powers of county commissioners in certain cases, and recommend its passage.

MR. PRESIDENT.—The committee to whom was referred H. F. No. 5, a bill to amend an act entitled an act to organize the county of Pembina and for other purposes, approved Jan. 9, '87, have considered the same and recommend that the bill be reported back and laid on the table.

AUDITOR'S AND TREASURER'S REPORT.

The report of T. K. Hovey, Territorial Treasurer, and of John Morris, Territorial Auditor, were received and read, and

On motion of Mr. Turner,

Were ordered to lay on the table and be printed.

C. B. No. 50, to punish offenses against the right of suffrage, and

C. B. No. 51, to transfer the Territorial library to the Secretary of the Territory, was

Read first and second time, under suspension of rules, and Referred to Committee on Judiciary.

C. B. No. 52, to establish a system of township government for the Territory, was

Read first and second time under suspension of rules, and Referred to committee on Counties.

C. B. No. 11, (substitute), was taken up.

Moved by Mr. Turner to lay the bill indefinitely on the table.

On motion the ayes and noes were called.

Those voting in favor of the motion, were

Messrs. Brauch, Fraley, Kidder, McKay and Turner—5.

Those in the negative, were

Messrs. Armstrong, Cuppett, Kennedy, McIntyre, Miner and Stone—6.

So the motion was lost.

After being discussed at length and some amendments made, Mr. Turner moved that the bill be re-committed to the committee on Territorial Affairs, with instructions to report amendments.

Which was lost.

COMMUNICATION FROM THE HOUSE.

The following communications were received and read from the House:

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 3, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 31st day of December, 1870, pass the following entitled Council bills, viz:

C. B. No. 5, (substitute), a bill protecting cultivated land and young timber from trespassing animals in the Territory of Dakota.

C. B. No. 31, a bill for an act creating the office of Commissioner of Immigration and for other purposes.

C. B. No. 32, an act allowing the county commissioners to extend ferry leases and for other purposes, which bills are herewith returned.

Also C. B. No. 12, a bill to establish a ditch fence as lawful with amendments attached, which bill is herewith returned and the concurrence of the Council respectfully requested in said amendments.

I am also instructed to inform the Council that the House did on the 30th day of December last, pass H. F. No. 42, a memorial and joint resolution asking for the establishment of a mail route from Elk Point, Union county, D. T., to Ponca, Dixon county, Nebraska.

Also that the House did on the 31st day of December last, pass the following House Files, viz:

H. F. No. 34, a bill for an act to establish a Territorial road

from opposite or near the mouth of the Rock river in Union county, to Yankton, D. T.

H. F. No. 37, a bill for the preservation of game in Dakota Territory, and for other purposes.

H. F. No. 38, a memorial for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail route, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 3, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 2d inst., pass C. B. No. 42, an act relating to telegraph lines in Dakota Territory, which bill is herewith returned.

I am also instructed to inform the Council that the House did on the same day pass H. F. No. 39, a memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor and Missouri River Railroad, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 3, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 2d inst., adopt the following concurrent resolution, viz:

Resolved, By the House of Representatives the Council concurring, that the Secretary of Dakota be requested to have a Calendar printed each day for the use of the members of the Legislative Assembly.

Also that the House did on the 31st day of December last, adopt the following concurrent resolution, viz:

Resolved, By the House of Representatives, the Council concurring, that whereas the following communication has been received by the Chairman of the Joint Committee on Immigration.

“The Commissioner of Immigration would be pleased to

receive the contributions of the delegations from the several counties of this Territory, for inserting in the report of Immigration Commissioner for 1871. An early performance of the duties of the Joint Committee on Immigration will greatly facilitate the business of the commission.

“Signed,

JAMES S. FOSTER,

Commissioner of Immigration.”

Whereas be it Resolved, That the members of both branches of the Legislative Assembly, be requested to furnish the chairman of your committee with such contributions, at an early day so as to enable them to comply with the request of said Commissioner of Immigration.

Also that the house did on the same day adopt the following concurrent resolution:

Resolved, By the House, the Council concurring, that the petition relative to an instrument for marking section corners be referred to a select committee of three members of the House, and a like number of the Council, and that the committee be instructed to investigate and report to the Legislative Assembly.

Messrs. Parker, Cross and Jerauld were named as such committee on the part of the House.

GEO. I. FOSTER,

Chief Clerk.

C. B. No. 11, (substitute), was

On motion of Mr. McIntyre

Recommitted to committee on Territorial Affairs.

ADJOURNMENT.

On motion of Mr. Miner

The Council adjourned till the usual hour to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,

Secretary.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,
Wednesday, Jan. 4th, 1871.

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 yesterday's proceedings read and approved.

At the request of the President, Mr. Turner took the chair.

NOTICE OF BILLS.

Mr. Kidder gave notice that on to-morrow or some future day he would introduce a bill for an act to amend section 527 of code of 1865-6.

Mr. Turner gave notice that on some early day he would introduce a bill to amend chapter 52 of laws of 1863-4, relative to Territorial offices.

INTRODUCTION OF BILLS.

C. B. No. 53, by Mr. McIntyre, An act relative to roads, bridges and cartways.

REPORTS OF COMMITTEES.

Mr. Armstrong, chairman of special committee on H. F. No. 24, to divide the Territory of Dakota into Council and Representative district, reported the same back without recommendation.

Mr. Turner, chairman of committee on Judiciary, reported that the committee had examined C. B. No. 50, and recommended the passage of the same.

MR. PRESIDENT.—The committee to whom C. B. No. 48 was referred, an act creating the townships of Virginia, Prai-

rie and Spink in the county of Union, D. T., have considered the same and herewith report the same back and recommend that it do pass.

J. M. STONE,
Chairman.

MR. PRESIDENT.—Your committee on Territorial Affairs, to whom was referred C. B. No. 11, (substitute) beg leave to report the same back and recommend that it do pass.

WM. M. CUPPETT,
Chairman.

BILLS ON THIRD READING.

H. F. No. —, regulating the toll of custom flouring mills was taken up and

Read third time.

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

It was decided in the negative.

Ayes 4, noes 8.

Those voting in the affirmative, were

Messrs. Kidder, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, McKay, and Miner.

So the bill was lost.

H. F. No. 11, A bill to encourage the planting and growing of timber, with various amendments inserted, was

Read third time, and

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

It was decided in the negative.

Ayes 4, noes 8;

Those voting in the affirmative, were

Messrs. Kennedy, McKay, Stone and Turner.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder, McIntyre, Miner and Mr. President.

So the bill was lost.

H. F. No. 24, to divide the Territory of Dakota into Coun-

oil and Representative districts and apportioning Councilmen and Representatives therein, was

Read third time, and

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

It was decided in the negative,

Ayes 4, noes 8.

Those voting in the affirmative, were

Messrs. Cuppett, Kennedy, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Fraley, Kidder, McIntyre, McKay, Stone and Miner.

So the bill was lost.

RECESS.

On motion of Mr. Fraley the Council took a recess of five minutes.

AFTER RECESS.

LAI D ON THE TABLE AND ORDERED PRINTED.

H. F. No. 11, (substitute) was taken up, and a substitute bill offered by Mr. Turner, and moved by Mr. Miner, to lay the bill on the table till to-morrow and have it printed, which was carried.

BILLS READ AND REFERRED.

H. F. No. 42, A memorial and joint resolution, asking for the establishment of a mail route from Elk Point, D. T., to Ponca, Nebraska, was

Read first and second time under suspension of rules, and Referred to committee on Territorial Affairs.

H. F. No. 38, A memorial for an appropriation to bridge the Sioux river at the crossing of the Sioux Falls and Blue Earth city mail route, was read first and second time under suspension of rules, and

Referred to committee on Highways, Bridges and Ferries.

H. F. No. 34, to establish a Territorial road from the mouth of Rock river, Union county, to Yankton, D. T.,

Read first and second time, under suspension of rules, and Referred to the committee on Territorial Affairs.

FIRST READING OF BILLS.

H. F. No. 37, A bill for the preservation of game in the Territory of Dakota, was

Read first time.

BILLS READ AND REFERED.

H. F. No. 39, A memorial asking for a grant of land in Dakota to aid the construction of the McGregor and Missouri River R. R., was

Read first and second time under suspension of rules, and Referred to the committee on Railroads.

BILLS ON THIRD READING.

C. B. No. 19, to define the boundaries of the counties of the Territory, and organize the counties of Colfax, Hutchinson, Dakota and Buffalo, was taken up from the table.

On motion of Mr. Stone, the word "Colfax" was stricken out and the word "Armstrong" inserted in lieu thereof.

The bill was

Read third time.

On motion of Mr. Armstrong, the bill was amended so as not to interfere with boundaries of the counties of Todd and Gregory.

The question being on the passage of the bill, the question was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none.

Those voting in the affirmative, were

Messrs. Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

Mr. Armstrong absent.

So the bill passed, and

Its title agreed to.

NOTICE OF BILLS.

On leave Mr. Cuppett gave notice that he would introduce a bill.

I hereby give notice that I shall on to-morrow or some future day of the session, introduce a bill to divide the Territory of Dakota into Council and Representative districts, and apportioning the Councilmen and Representatives therein.

RESOLUTION INTRODUCED.

On leave Mr. McIntyre introduced the following:

Resolved, That the Secretary of the Territory be requested to cause a partition to be put up across the Council chamber out side of the bar.

C. H. McINTYRE.

BILLS ON THIRD READING.

C. B. No. 41, An act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory was taken up and

Read third time, and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

ADJOURNMENT.

On motion of Mr. Brauch.

The Council adjourned till 10½ o'clock to-morrow morning.

EMORY MORRIS,

President.

Attest:

GEORGE T. REA,

Secretary.

THIRTY-SECOND DAY.

COUNCIL CHAMBER,
Thursday, Jan. 5, 1871.

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 yesterday's proceedings read and approved.

BILLS INTRODUCED.

C. B. No. 54, by Mr. Turner, to define the manner of organizing unorganized counties in Dakota.

C. B. No. 55, by Mr. Kidder, to regulate the admission of Physicians to practice in Dakota.

C. B. No. 56, by Mr. Cuppett, to divide the Territory of Dakota into Council and Representative Districts, etc.

C. B. No. 57, by Mr. Armstrong, to amend an act to protect cultivated lands and growing timber from trespassing animals in Dakota.

C. B. No. 59, by Mr. President, to amend section 16, chapter 4, Session Laws of 1868-9.

C. B. No. 58, by Mr. Turner, prescribing certain duties for the Territorial Treasurer and Auditor.

REPORTS OF COMMITTEES.

The following reports of committees were received and read:

MR. PRESIDENT.—Your committee on Judiciary, to whom was referred Council Bill No. 51, A bill for an act to punish offenses against the right of suffrage, would respectfully report that they have duly examined the bill and are of the

opinion some such provisions of law are necessary. They have therefore directed their chairman to report it back to the Council, with the recommendation that it do pass.

J. W. TURNER,
Chairman.

MR. PRESIDENT.—Your committee on Railroads to whom was referred House File No. 39, A memorial asking for a grant of land in Dakota to aid in construction the McGregor & Missouri River Railroad, have examined the same and beg leave to report the same back with recommendation that it pass.

M. K. ARMSTRONG,
Chairman Com.

THIRD READING OF BILLS.

H. F. Nos 8 and 18 (substitute) a bill to define the Judicial Districts of the Territory of Dakota and fixing the time for holding the courts therein, was taken from the table and discussed at length.

On motion of Mr. McIntyre,

The amendment as reported by the committee on Judiciary was adopted.

On motion of Mr. McKay, the rules were suspended, and The bill put on its final passage.

Moved by Mr. Stone to refer the bill to a special committee of one from each county. Motion lost.

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

It was decided in the negative.

Ayes 3, noes 9.

Those voting in the affirmative, were

Messrs. Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Branch, Ouppett, Fraley, Kennedy, Kidder, McIntyre, McKay and Miner.

So the bill was lost.

On motion of Mr. Turner, C. B. No. 11, An act to exempt property from seizure, sale on mesne or final process,

Was taken up and

Read third time, and

On motion of Mr. McIntyre, the bill was changed to read 80 instead of 40 acres, in section 1st.

The question now being on the passage of the bill, and the question being put: "shall the bill pass?"

It was decided in the negative.

Ayes 6, noes 6.

Those voting in the affirmative, were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Miner, and Stone.

Those voting in the negative, were

Messrs. Armstrong, Fraley, Kidder, McKay, Turner and Mr. President.

So the bill was lost.

FIRST AND SECOND READING OF BILLS.

C. B. No. 54, A bill defining the manner of organizing counties in Dakota, was

Read first and second time under suspension of rules, and Referred to committee on Counties.

C. B. No. 55, to regulate the practice of Physicians in medicine, surgery and obstetrics, in the Territory of Dakota,

Read first and second time under suspension of rules, and Referred to the committee on Judiciary.

C. B. No. 57, to amend an act entitled An act to protect cultivated lands and young timber from trespassing animals, was

Read first and second time under suspension of rules, and On motion of Mr. Armstrong, was

Referred to a special committee composed of the members from Clay, Union and Lincoln counties.

C. B. No. 56, An act dividing the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, was

Read first and second time under suspension of rules, and

Referred to a special committee of one from each county, on which committee the President appointed the following members:

Messrs. McIntyre, of Yankton; Cuppett, of Lincoln; Kennedy, of Union; Kidder, of Clay; Fraley, of Bon Homme, and McKay, of Charles Mix.

BILLS ON THIRD READING.

C. B. No. 58, A bill prescribing certain duties for the Territorial Treasurer and Auditor, was

Read first, second and third times under suspension of rules.

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

It was decided in the affirmative.

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Voting in the negative, was

Mr. McKay.

So the bill passed and

Its title agreed to.

BILLS ON FIRST AND SECOND READING.

Mr. Armstrong on leave introduced C. B. No. 60, to enable organized counties and towns to vote aid to any Railroad and to provide for the payment of the same. was

Read first and second time under suspension of rules, and Referred to the committee on Railroads.

C. B. No. 35, was

Read second time and

Referred to committee on Education.

C. B. No. 59, to amend section 16, chapter 4, session laws of 1868-9, was

Read first time.

ADJOURNMENT.

On motion of Mr. Turner,

The Council adjourned to usual hour to-morrow morning.

EMORY MORRIS,

President.

Attest:

GEORGE T. REA,

Secretary.

THIRTY-THIRD DAY.

COUNCIL CHAMBER,
Friday, Jan. 6, 1871.

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 yesterday's proceedings read and approved.

APPOINTMENT OF SPECIAL COMMITTEE.

The committee on the exemption bill as per yesterday's journal was announced by the Chair.

NOTICE OF BILLS.

Mr. Kidder gave notice that on to-morrow or some future day of the session, he would introduce a bill for an act specifying when notes on demand shall become over due.

INTRODUCTION OF BILLS.

C. B. No. 61, by Mr. Cuppett, providing for holding terms of the District Courts in the county of Lincoln.

C. B. No. 62, by Mr. McIntyre, to amend section 34, of chapter 6 of the laws of 1865 and 6.

C. B. No. 63, by Mr. McIntyre, regulating the fees of office and salaries of certain officers.

C. B. No. 64, an act to repeal section 12 of chapter 15 of the laws of 1867-8.

C. B. No. 65, by Mr. Armstrong, a bill relating to surveying and county surveyors.

REPORTS OF COMMITTEES.

Mr. Turner, Chairman of the committee on Judiciary, reported they had examined C. B. No. 55, relating to the practice of physicians and reported the same back with recommendation that it pass.

MR. PRESIDENT.—Your committee on Education to whom was referred H. F. No. 22, an act to amend an act entitled an act to provide common schools for the Territory of Dakota, have had the same under consideration, and have agreed to report the same back without recommendation.

C. H. McINTYRE.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they have examined C. B. No. 5, entitled a bill to protect cultivated land and young timber from trespassing animals, in the Territory of Dakota:

Also C. B. No. 31, entitled an act establishing a Bureau of Immigration for the Territory of Dakota;

Also C. B. No. 32, entitled an act allowing county commissioners to extend ferry leases and for other purposes, and

Also C. B. No. 42, entitled an act relating to Telegraph Lines in Dakota Territory, and find the same correctly enrolled.

WM. M. CUPPETT.

MR. PRESIDENT.—Your committee on Education, to whom was referred C. B. No. 35, an act to establish a public school law for the Territory of Dakota, have had the same under consideration and would report the same back to the Council with amendments and recommend that the bill as amended do pass.

C. H. McINTYRE.

Chairman.

C. B. No. 12, an act to establish a ditch fence as lawful, as amended by the House, was taken up, and

On motion of Mr. Kennedy,

The amendments of the House were concurred in.

FIRST AND SECOND READING OF BILLS.

C. B. No. 61, a bill to provide for holding of district courts in the county of Lincoln, was

Read first and second times under suspension of the rules, and

Referred to the committee on Judiciary.

C. B. No. 62, an act relating to county attorney's fees of the Territory of Dakota, was

Read first and second time under suspension of rules, and

Referred to committee on Judiciary.

C. B. No. 63, an act to regulate the fees of office and salaries of certain officers, was

Read first and second time, and

Referred to Committee on Judiciary.

COMMUNICATION FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Friday, Jan. 6, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 4th inst., pass C. B. No. 27, an act relative to the holding and transferring of real estate, by any legal officer of a religious society and their successors in office, which bill is herewith returned.

I am also instructed to inform the Council that the House did on the same day pass the following entitled House Files, viz:

H. F. No. 43, an act to regulate the laying out of public highways.

H. F. No. 31, a bill for an act to repeal chapter 1 of laws of 1868-9, entitled an act to establish a criminal code of procedure for Dakota Territory, approved January 12th, 1869, and for other purposes.

H. F. No. 44, a bill for the protection of fruit and for other purposes.

H. F. No. 45, a bill to authorize the commissioners of Clay county, D. T., to keep in repair the military bridge across the Vermillion river; also, to legalize the act of the board of county commissioners of said county in making repairs on said bridge heretofore.

H. F. No. 95; joint resolution instructing the Commissioner of Immigration of D. T., to procure information for emigrants

to this Territory, upon the most favorable terms and to advertise the most practicable route for the benefit of emigrants, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication from his Excellency the Governor, was received and read:

EXECUTIVE OFFICE,
YANKTON, D. T., Jan. 6th, 1871.

HON. EMORY MORRIS,
President of the Council.

SIR.—I have the honor to inform your honorable body that it will be necessary for me to be absent from the Territory during the remaining days of the present session of the General Assembly, and that, until my return all communications to the Executive Department should be addressed to the Hon. Geo. A. Batchelder, Secretary of the Territory, who will act as Governor during my absence.

Very respectfully,
Your obedient servant,
JOHN A. BURBANK,
Governor.

BILLS REFERRED.

C. B. No. 64, an act to repeal chapter 15 of laws of 1867-8, relating to foreign insurance companies, was

Read first and second times under suspension of rules, and Referred to committee on Education.

C. B. No. 65, a bill for an act relating to county surveyors, was

Read first and second time under suspension of rules, and Referred to committee on Railroads.

H. F. No. 35, joint resolution, instructing the Commissioner of Immigration to procure transportation for emigrants on best terms and to advertise the same, was

Read first and second time under suspension of rules, and Referred to the committee on Immigration.

H. F. No. 44, a bill for an act for the protection of fruit and for other purposes, was

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

H. F. No. 45, a bill for an act relative to county commissioners of Clay county, and the military bridge across the Vermillion river, was

Read first and second time under suspension of rules, and
Referred to committee consisting of the Clay county delegation.

H. F. No. 37, a bill for the preservation of game in the Territory of Dakota, was

Read second time and
Referred to committee on Agriculture.

C. B. No. 34, a bill defining the manner of surveying and platting town-sites in the Territory of Dakota, was taken up, and

The amendment as recommended by committee on Counties adopted, and the bill ordered engrossed for third reading tomorrow.

H. F. No. 36, an act to authorize the county commissioners of Pembina county to raise money for the erection of a jail in said county, was

Read third time, and

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

It was decided in the affirmative.

Ayes 6, noes 2;

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Kennedy, Stone, Turner and
Mr. President.

Those voting in the negative, were

Messrs. Miner and Kidder.

Absent, Messrs. Cuppett, Fraley, McIntyre and McKay.

COMMUNICATION FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 6, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 5th inst., pass C. B. No. 44, a memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended, which bill is herewith returned.

Also that the House did on the same day, pass H. F. No. 46, a bill to establish the width of county roads in the Territory of Dakota.

Also H. F. No. 52, an act to repeal section 12 of chapter 15 of the laws of 1867-8, relating to foreign insurance companies, which bills are herewith transmitted and the concurrence of the Council requested therein.

GEO. I. FOSTER,
Chief Clerk.

C. B. No. 48, an act creating the townships of Virginia, Prairie and Spink, in the county of Union, was

Read third time.

Moved by Mr. Kidder to strike out the word "Spink" and insert the word "Kennedy" in lieu thereof, on which question the ayes and nays were called and the motion was lost.

Ayes 4, noes 7.

Those voting in the affirmative, were

Messrs. Brauch, Kidder, McKay and Miner—4.

Those voting in the negative, were

Messrs. Armstrong, Cuppett, Kennedy, McIntyre, Stone, Turner and Mr. President—7.

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

It was decided in the affirmative,

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Stone, Turner and Mr. President.

Voting in the negative,

Mr. Miner.

So the bill passed and

Its title agreed to.

COMMUNICATION FROM THE SECRETARY AND ACTING GOVERNOR.

A communication was received and read from Secretary and acting Governor, Geo. A. Batchelder, and

Was ordered in hands of committee on Judiciary.

Mr. Kennedy, chairman of special committee on herd law, reported on leave, as follows:

MR. PRESIDENT.—I would ask leave to report back Council Bill No. 57, an act to amend an act to protect cultivated lands and young timber from trespassing animals, known as the herd law, would offer the following amendments:

Strike out in section one, the words "apply to," insert in lieu thereof the words "be in force in," also after the word "county" in same section add "during the hours between sunrise and sunset."

J. C. KENNEDY.

Which report and amendment was on motion adopted.

The bill was read third time as amended.

RECESS.

On motion of Mr. Turner,

The Council took a recess till two o'clock, p. m.

AFTER RECESS.

Mr. Kennedy offered the following amendment to C. B. No. 57, to-wit:

After the word "to" in section 2, strike out all of remaining section. Add thereto "apply to trespasses that may occur between the hours of sunrise and sunset, in Union county.

Which amendment was adopted.

Mr. Kidder offered to amend as follows:

"Provided that this law shall apply to Clay county."

Which was not adopted.

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

It was decided in the negative.

Ayes 5, noes 7.

Those voting in the affirmative, were

Messrs. Armstrong, Kennedy, Kidder, McIntyre and Miner.

Those voting in the negative, were

Messrs. Brauch, Cuppett, Fraley, McKay, Stone, Turner and Mr. President.

So the bill was lost.

Whereupon Mr. Turner gave notice on to-morrow he would move a re-consideration of the vote, whereby the bill was lost.

C. B. No. 35, an act establishing a public school law for the Territory of Dakota, was

Read third time with various amendments as proposed by different members, after which

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

It was decided in the affirmative.

☐ Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

RECESS.

On motion of Mr. McIntyre,
The Council took a recess of 10 minutes.

AFTER RECESS.

On leave the special committee reported back C. B. No. 56, as follows:

MR. PRESIDENT.—Three of your special committee to whom was referred C. B. No. 56, an act to divide the Territory of Dakota into Council and Representative Districts and apportioning the Councilmen and Representatives therein, have had the same under consideration and report the same back to the Council with amendments and recommend that the bill as amended do pass.

C. H. McINTYRE,
WM. M. CUPPETT,
J. C. KENNEDY.

The remainder of the committee reported as follows:

Mr. PRESIDENT.—Your select committee appointed to consider C. B. No. 56, entitled an act to divide the Territory into Council and Representative Districts and apportioning the Councilmen and Representatives therein, have had the same under consideration and three of your committee report the same back without recommendation.

S. W. KIDDER,
W. T. MCKAY,
HUGH FRALEY.

The Sergeant-at-arms was directed to bring Mr. Fraley into the Council.

SECOND READING OF BILLS.

H. F. No. 46, to establish the width of county roads, was Read first and second time, and Referred to the committee on Highways, Bridges and Ferries.

C. B. No. 66, by Mr. Stone, an act to amend chapter fifteen of session laws of 1867-8, was Read first and second time under suspension of rules, and Referred to committee on Counties.

Mr. Fraley having come into the Council Chamber, some explanation with regard to the report of the committee on C. B. No. 56, was made, when

On motion of Mr. Brauch,

The bill was made the special order for to-morrow at 11 o'clock.

ADJOURNMENT.

On motion of Mr. McKay,

The Council adjourned till to-morrow at 10½ o'clock.

EMORY MORRIS,

President.

Attest:

GEORGE T. REA,

Secretary.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER,)
Saturday, Jan. 7, 1871.)

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 yesterday's proceedings read and approved.

BILLS ON THIRD READING.

Mr. Turner as per notice given yesterday, moved to reconsider the vote whereby C. B. No. 57 was lost, which motion prevailed.

Mr. Armstrong moved to amend as follows:

Add "that portion of Union county lying south of the north line of township ninety."

The bill as then amended was read, and

The question being on the passage of the bill, the question was put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes 2.

Those voting in the affirmative, were

Messrs. Armstrong Brauch, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Turner and Mr. President.

Those voting in the negative, were

Messrs. Cuppett and Stone.

So the bill passed, and

Its title agreed to.

INTRODUCTION OF BILLS.

C. B. No. 67, by Mr. Kidder, specifying when notes on demand shall become over due.

C. B. No. 68, by Mr. Armstrong, relative to St. Paul and Pacific Railroad.

C. B. No. 69, by the committee on Judiciary, for an act for an election of women of Dakota.

REPORTS OF COMMITTEES.

The following reports of committees were received and read:

MR. PRESIDENT.—Your committee on Education to whom was referred C. B. No. 64, An act to repeal section 12 of chapter 15 of the laws of 1867-8, relating to foreign insurance companies, have had the same under consideration and report the same back and recommend that the bill do pass.

C. H. McINTYRE,
Chairman.

MR. PRESIDENT.—Your committee on Agriculture to whom was referred H. F. No. 44, A bill for an act for the protection of fruit and for other purposes, have had the same under consideration, beg leave to report same back and recommend its passage.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries, to whom was referred House File No. 30, A memorial to Congress praying for an appropriation to bridge the Big Sioux river at the crossing of the Sioux Falls and Blue Earth City mail route, report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—The committee on Agriculture to whom was referred House File No. 37, A bill for the preservation of game in the Territory of Dakota, and for other purposes, have considered the same, report it back and recommend the Council consider the bill.

J. C. KENNEDY,
Chairman

COMMUNICATIONS.

A communication from the citizens of Union county,

Dakota, and Woodbury county, Iowa, was received and read and referred to committee on Highways, Bridges and Ferries.

A communication from the Dakota & Northwestern Railroad was received and ordered laid on the table and printed.

BILLS ON THIRD READING.

The hour of 11 o'clock having arrived, C. B. No. 56 was taken up and read as amended. After discussion,

Mr. Miner moved to lay it on the table till Monday,

On which the ayes and noes were called, and the

Motion was lost.

Ayes 4, noes 7.

Those voting in the affirmative, were

Messrs. Kidder, McKay, Miner, and Mr. President.

Those voting in the negative, were

Messrs. Brauch, Cuppett, Fraley, Kennedy, McIntyre, Stone and Turner.

Mr. Armstrong excused from voting.

The amendment as proposed by the committee were read.

The yeas and noes being called for,

The vote stood as follows:

Ayes 8, noes 3.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, Stone, and Turner.

Those voting in the negative, were

Messrs. Kidder, McKay and Miner.

Mr. President excused from voting.

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

It was decided in the affirmative.

Ayes 8, noes 3.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, McIntyre, McKay, Stone and Turner.

Those voting in the negative, were

Messrs. Fraley, Kidder and Miner.

Mr. President excused from voting.

So the bill passed and

Its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 7, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed House File No. 54, A bill relating to the Judicial Districts of the Territory of Dakota and for other purposes, which bill is herewith transmitted and the concurrence of the Council is respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 7, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed House file No. 57, An act relating to the St. Paul and Pacific Railroad company, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

BILLS ON THIRD READING.

Mr. McKay gave notice that on Monday he would move a reconsideration of the vote whereby the question was lost.

Mr. McIntyre moved to reconsider the vote.

Mr. Brauch moved to lay the motion on the table.

Carried.

Ayes and noes being called, the vote stood as follows:

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, McIntyre, McKay, Stone and Turner.

Those voting in the negative, were

Messrs. Fraley, Kidder, Miner and Mr. President.

So the bill passed, and

Its title agreed to.

BILLS ON FIRST AND SECOND READING.

C. B. No. 69, introduced by Judiciary committee, to provide for an election for women, was

Read first time.

C. B. No. 68, by Mr. Armstrong, relative to St. Paul & Pacific Railroad, was

Read first and second times under suspension of rules, and Referred to committee on Railroads.

C. B. No. 67, by Mr. Kidder, specifying when notes on demand shall become over due, was

Read first and second times under suspension of rules, and Referred to committee on Judiciary.

H. F. No. 52, relating to Foreign Insurance companies, was Read first and second time under suspension of rules, and Referred to committee on Incorporations.

H. F. No. 54, relating to the Judicial Districts of the Territory of Dakota, was

Read first and second time under suspension of rules, and Referred to the committee on Judiciary.

COMMUNICATION FROM THE HOUSE.

The following communication was received and read from the House:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 7, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 6th inst. pass House File no 49, A bill changing, vacating and establishing a Territorial road in Union county; also

That the House has this day passed House File No. 55, A bill for an act to prevent certain animals from running at large; also

House File No. 56, A bill for an act to amend chapter four of title four, of the Session laws of 1865-6, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein. Also,

That the House has this day passed Council Bill No. 58. A bill for an act prescribing certain duties for the Territorial Treasurer and Auditor, which bill is herewith returned.

GEO. I. FOSTER,

Chief Clerk,

RECESS.

The Council took a recess till 2 o'clock, P. M.

AFTER RECESS.

BILLS READ AND REFERRED.

H. F. No. 49, A bill changing, locating and establishing a Territorial road in Union county, was

Read second time and

Referred to committee on Highways, Bridges and Ferries.

H. F. No. 55, to prevent certain animals from running at large, was

Read first and second time, and

Referred to the committee on Agriculture.

H. F. No. 56, for an act to amend chapter 4 of the Session laws of 1865-6, was

Read first and second times under suspension of the rules, and

Referred to the committee on Judiciary.

REPORTS OF COMMITTEES.

Mr. Stone, chairman of committee on Counties, reported back C. B. No. 66, with recommendation that it pass:

MR. PRESIDENT.—Your committee to whom was referred Council Bill No. 66, An act to amend chapter 15 of the Session laws of 1867-8, have considered the same and herewith report the bill back with attached amendments and recommend that the bill as amended do pass.

J. M. STONE,
Chairman.

PETITION RECEIVED.

A petition to incorporate the town council of Emmersonville was received, read and referred to committee on Incorporations.

BILLS READ AND REFERRED.

H. F. No. 43, An act regulating the laying out of public highways, was

Read second time, and

Referred to committee on Highways, Bridges and Ferries.

H. F. No. 31, to repeal chapter one of the laws of 1868-9, relative to code of criminal practice, was

Read second time, and

Referred to committee on Indian Affairs.

THIRD READING OF BILLS.

C. B. No. 54, defining the manner of organizing unorganized counties in the Territory of Dakota, was reported back by committee on Counties, and

Read third time.

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

It was decided in the affirmative,

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

Messrs. Cuppett and Fraley absent.

So the bill passed, and

Its title agreed to.

REPORTS OF COMMITTEES.

Mr. Stone, chairman of committee on Counties, reported back C. B. No. 52, with recommendation that it pass, the same being an act to establish a system of Township government for the Territory, and

On motion of Mr. Turner,

It was laid on the table till Monday.

THIRD READING OF BILLS.

H. F. No. 39, A memorial asking for a grant of land to aid in construction of the McGregor and Missouri River Railroad, was

Read third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and
Its title agreed to.

C. B. No. 50, to transfer the Territorial Library to the hands of the Secretary of the Territory, was

Read third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No. 43, An act to locate a Territorial road from Yankton to Old Fort James, was

Read third time, and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed and

Its title agreed to.

C. B. No 64, An act to repeal section 12 of chapter 15, of laws of 1867-8, relating to Insurance companies, was

Read third time, and

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President,

So the bill passed and
Its title agreed to.

H. F. No. 37, for the preservation of game in the Territory
of Dakota, was

Read third time, and
Referred to committee on Indian Affairs.

C. B. No. 46, An act in relation to certain oaths, was

Read third time, and

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

It was decided in the affirmative.

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Mr. McKay voting in the negative.

So the bill passed and

Its title agreed to.

C. B. No. 55, An act relative to the admission of physicians
to practice in the Territory of Dakota, was

Read third time, and

The question being on the passage of the bill and the ques-
tion being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
President.

So the bill passed and

Its title agreed to.

C. B. No. 66, to amend chapter 15 of the Session laws of
1867-8, was read as amended by the committee, and after
some discussion, it was adopted, and

The question being put,

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder,
McIntyre, Miner, Stone, Turner and Mr. President.

Messrs. McKay and Fraley, absent.
 So the bill passed, and
 Its title was agreed to.

THIRD READING OF BILLS.

C. B. No. 45, A memorial requesting the removal of the
 Quartermaster stores from Sioux City to Yankton, and

The question being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr.
 President.

So the bill passed and

Its title agreed to.

C. B. No. 51, A bill for an to punish offenses against the
 right of suffrage, was

Read third time, and

The question being put, " shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes 2.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder,
 McIntyre, Miner, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Fraley and McKay,

So the bill passed, and

Its title agreed to.

On motion of Mr. Miner, the vote was reconsidered, and
 the bill was amended by striking out the word "unlawfully"
 in section 3 of the bill.

The bill was then put on its passage the second time and
 was decided in the affirmative.

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Mr. McKay voting in the negative.

So the bill passed, and

Its title agreed to.

C. B. No. 61, fixing the time of holding the District Court in the county of Lincoln, was

Read third time, and put upon its passage, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Turner and Mr. President.

Mr. Stone absent.

So the bill passed, and

Its title agreed to.

H. F. No. 22, to provide for common schools for the Territory of Dakota, was

Read third time, and

On motion of Mr. Cuppett, was

Laid on the table indefinitely.

ADJOURNMENT.

On motion of Mr. Turner,

The Council adjourned till 10½ o'clock A. M. on Monday next.

Attest:

GEORGE T. REA,
Secretary.

EMORY MORRIS,
President of the Council.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER.)
Monday, Jan. 9, 1871.)

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 yesterday's proceedings read and approved.

BILLS INTRODUCED.

C. B. No. 70, by Mr. Kidder, an act for the revocation of the appointment of guardians, etc.

C. B. No. 71, by Mr. Miner, to define the code of civil and criminal procedure, and for other purposes.

C. B. No. 72, by Mr. Stone, to establish the fees of printers for the publication of legal notices.

C. B. No. 73, in relation to estrays and unclaimed property.

REPORTS OF COMMITTEES.

The special committee composed of the Clay county delegation, reported as follows:

MR. PRESIDENT.—Your committee consisting of the Clay county delegation to whom was referred H. F. No. 45, entitled a bill for an act to authorize the board of county commissioners of Clay county, D. T., to keep in repair the military bridge across the Vermillion river, have had the same under consideration and report the same back with the recommendation that the bill do pass with the attached amendments.

S. W. KIDDER.

MR. PRESIDENT.—Your committee to whom was referred C. B. No. 59, to amend section 16, chapter 4, Session Laws of 1868-9; also

C. B. No. 62, to amend section 34 of chapter 6 of laws of 1865-6, approved January 14, 1869, relative to county attorney's fees; also

C. B. No. 67, an act specifying when notes on demand shall become due, all of which we have examined and recommend their passage.

J. W. TURNER.

Chairman.

MR. PRESIDENT.—Your committee on Territorial Affairs to whom was referred H. F. No. 42, entitled a memorial and joint resolution, asking for the establishment of a mail route from Elk Point, Union county, Dakota Territory, to Ponca, Dixon county, Nebraska; also, H. F. No. 34, A Bill for an act to establish a Territorial road from opposite or near the

mouth of the Rock river, in Union county, to Yankton, Dakota Territory, have had the same under consideration, and report the same back, and recommend the same to pass.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Incorporations beg leave to report that they have had under consideration H. F. No. 52, entitled an act to repeal section 12 of chapter 15, of the laws of 1867-8, relating to foreign insurance companies, and recommend that the same do pass.

HUGH FRALEY,
Chairman.

MR. PRESIDENT.—Your committee on Engrossment to whom was referred C. B. No. 34, entitled an act defining the manner of surveying and platting town-sites, have examined the same and find it correctly engrossed.

S. W. KIDDER.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 43, a bill for an act regulating the laying out of public highways, have had the same under consideration and beg leave to report the same back with recommendation that it do pass.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries to whom was referred H. F. No. 46, a bill to establish the width of county roads in the Territory of Dakota, have had the same under consideration and beg leave to report the same back without recommendation; also

H. F. No. 49, a bill changing, vacating and establishing a Territorial road in Union county, have had the same under consideration and beg leave to report it back without recommendation.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they have examined C. B. No. 44, entitled a memorial to the President of the United States, requesting

that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended; also

C. B. No. 58, entitled an act prescribing certain duties for the Territorial Treasurer and Auditor, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Immigration beg leave to report that they have had under consideration H. F. No. 35, entitled joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for emigrants to this Territory, and recommend the same do pass.

HUGH FRALEY,
WM. M. CUPPETT.

MR. PRESIDENT.—Your committee on Railroads have had under consideration C. B. No. 60, an act to enable organized counties to vote aid to railroads; also

H. F. No. 57, an act relative to the St. Paul & Pacific railroad; also

C. B. No. 65, relative to surveying and county surveyors, with amendments attached and recommend their passage.

M. K. ARMSTRONG,
Chairman.

PETITION.

Petition of citizens of Union county relative to trapping of game, was read and

Referred to committee on Indian Affairs.

C. B. No. 52, to establish a system of township government of the Territory of Dakota,

Was taken up, and on motion was referred to a special committee, upon which the President appointed

Messrs. Turner, Kennedy, Stone, Fraley and McKay.

SECOND READING OF BILLS.

C. B. No. 70, by Mr. Kidder, relative to the appointment of guardians, was

Read first and second time under suspension of rules, and Referred to the committee on Judiciary.

C. B. No. 71, by Mr. Miner, to define the code of civil and criminal procedure, etc., was

Read first and second time under suspension of rules, and Referred to Committee on Judiciary.

C. B. No. 72, by Mr. Stone, to establish printers fees for public printing, was

Read first and second time under suspension of rules, and Referred to committee on Public Printing.

C. B. No. 73, by Mr. McIntyre, in relation to estrays and unclaimed property, was

Read first and second time under suspension of rules, and Referred to the committee on Counties.

C. B. No. 69, a bill for act to provide for an election of the women of Dakota.

On motion of Mr. McIntyre,

The rules were suspended and the bill was put on its third reading, and

The question being put, " shall the bill pass?"

It was decided in the negative;

Ayes 4, noes 8.

Those voting in the affirmative, were

Messrs. Fraley, Kennedy, McKay, and Turner.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Kidder, McIntyre, Miner, Stone and Mr. President.

So the bill was lost.

H. F. No. 9, an act relating to the registration of voters in the Territory of Dakota, was

Read third time and

On motion was re-committed to the committee on Territorial Affairs, with instructions to report to-morrow.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read :

HOUSE OF REPRESENTATIVES,
Monday, Jan. 9, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that

the House has this day passed C. B. No. 56, an act to divide the Territory of Dakota into Council and Representative Districts, and apportioning the Councilmen and Representatives therein, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

RECESS.

On motion of Mr. Brauch
The Council took a recess till two o'clock, P. M.

AFTER RECESS.

Mr. Turner, Chairman of Special Committee on C. B. No. 52, reported the same back with recommendation that it pass, also the same member reported back

H. F. No. 54, relating to judicial districts and recommended its passage.

RESOLUTIONS.

Mr. Cuppett offered the following:

Resolved, That the Territorial Auditor be directed to draw a warrant of \$120,00 in favor of A. W. Howard, for services as Enrolling Clerk of the Council, and

On motion the same was adopted.

BILLS ON THIRD READING.

C. B. No. 47, relating to married women, was taken up, and Read third time, and

On motion of Mr. Miner,

The word "county" was stricken out and the word "probate" or "district" put in lieu thereof.

The question then being on its passage,

It was decided in the affirmative.

Ayes 8, noes 3;

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, McKay, Miner, Kennedy, Stone and Turner.

Those voting in the negative, were

Messrs. Brauch, McIntyre and Kidder.

The President not voting.

So the bill passed, and
Its title agreed to.

C. B. No. 52, An act to establish a system of township government, was taken up and

Read third time.

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

It was decided in the affirmative.

Ayes 9, noes 2.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, McIntyre, Miner, Stone, Turner and Mr. President.

Those voting in the negative were

Messrs. Kidder and Kennedy.

So the bill passed, and

Its title agreed to.

C. B. No. 49, An act enlarging the powers of County Commissioners in certain cases, was

Read third time, and

The question being on its passage,

It was decided in the affirmative;

Ayes 10, noes 2.

Those voting in the affirmative were

Messrs. Branch, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong and McIntyre.

So the bill passed, and

Its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 9, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed House File No. 58, A bill for an act to organize the county of Brookings; also House File No. 62, A memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory, which bills are herewith transmitted and the

concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

H. F. No. 44, A bill for an act for the protection of fruit and for other purposes, was

Read third time.

Moved by Mr. Brauch to lay the bill on the table until next Saturday.

Motion was lost.

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

It was decided in the affirmative.

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Store and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, McIntyre and Turner.

So the bill passed, and

Its title agreed to.

H. F. No. 52, An act to repeal section 12, of chapter 8, of the Session Laws of 1867-8, was

Read third time, and

On motion of Mr. Turner

Was laid on the table till to-morrow morning.

H. F. No. 46, An act to establish the width of county roads,

Was taken up.

Mr. Miner proposed the following amendment:

In section 1st, after the word "roads," insert the following: "or hereafter to be laid out," which amendment was adopted.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 9, 1871. }

MR. PRESIDENT.—I am instructed by the House to inform the Council that the House has this day passed House File No. 50, A bill providing for elections, and to prescribe the canvass and returns of the same, which bill is herewith trans-

mitted, and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

The bill was then
Read third time, and
The question being put "shall the bill pass?"
It was decided in the affirmative.
Ayes 9, noes 3.
Those voting in the affirmative, were
Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
McIntyre, Stone, Turner, and Mr. President.
Those voting in the negative, were
Messrs. Kidder, McKay and Miner.
So the bill passed, and
Its title agreed to.

H. F. No. 43, A bill for an act regulating the laying out of
public highways
Was taken up and
Read third time, and
The question being upon its passage and the question being
put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 10, noes 2.
Those voting in the affirmative, were
Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder,
McIntyre Stone, Turner, and Mr. President.
Those voting in the negative were
Messrs. McKay and Miner.
So the bill passed, and
Its title agreed to.

H. F. No. 38, A memorial to Congress asking for an ap-
propriation to bridge the Sioux river at the crossing of the
Sioux Falls and Blue Earth City mail route was
Read third time, and
The question being on its passage, and the question being
put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 8, noes 1.
Those voting in the affirmative, were

Messrs. Brauch, Fraley, Kennedy, Kidder, Miner, Stone, Turner and Mr. President.

Mr. McKay voting in the negative.

Absent, Messrs. Armstrong, Cuppett and McIntyre.

So the bill passed, and

Its title agreed to.

C. B. No. 65, An act relating to surveying and County surveyor was

Read third time, and

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

It was decided in the affirmative.

Ayes 10, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McKay, Miner, Stone, Turner and Mr. President.

Mr. Kidder voting in the negative.

Absent, Mr. McIntyre.

So the bill passed, and

Its title agreed to.

C. B. No. 34, A bill defining the manner of surveying and platting townsites, was

Read third time as amended, and

The question being put. "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McKay, Miner, Stone, Turner, and Mr. President.

So the bill passed, and

Its title agreed to.

The petition of Frank Bem was taken from the table and

On motion of Mr. Armstrong, was

Referred to a special committee consisting of the members from Yankton and Bon Homme counties.

H. F. No. —, A joint resolution and memorial, requesting mail routes from Elk Point, Dakota Territory, to Ponca, Nebraska, was

Read third time.

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

It was decided in the affirmative.

Ayes 8, noes 2.

Those voting in the affirmative, were

Messrs. Brauch, Fraley, Kidder, Miner, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Cuppett and McIntyre.

Absent, Messrs. Armstrong and McKay.

So the bill passed, and

Its title agreed to.

On motion of Mr. Turner,

The Council adjourned till 10 o'clock to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,

Secretary.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
Tuesday, Jan. 10, 1871.

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 yesterday's proceedings read and approved.

On motion, Mr. Hoyt was excused for non-attendance yesterday.

BILLS INTRODUCED.

Mr. Turner introduced a resolution relative to defraying the expenses of the Bureau of Immigration.

Mr. Kennedy introduced C. B. No. 74, A memorial to the Legislative Assembly of the Territory of Dakota.

Mr. McIntyre introduced C. B. No. 75, providing for the appointment and election of Assessor, in the county of Yankton; also,

C. B. No. 76, to change in Clay county the Territorial road from the Big Sioux to Yankton.

C. B. No. 77, by Committee on Highways, Bridges and Ferries, for an appropriation to repair the Big Sioux Bridge.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries to whom was referred the petition from Union county citizen, concerning Big Sioux Bridge, have had the same under consideration and beg leave to report it back with bill for an appropriation to repair said bridge.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your committee on Judiciary to whom was referred C. B. No. 29, it being a bill for an act to establish a Territorial Board of Health, would respectfully report that in view of the expense incidental to the establishment of such a board under the provisions of the bill, the committee are of the opinion that the benefits derived by the citizens of a new and sparsely settled country, would not compensate the tax-payers for the expense incurred. They therefore report the bill back with the recommendation that it be indefinitely postponed.

MR. PRESIDENT.—Your committee on Indian Affairs to whom was referred C. B. No. 37, entitled "A bill for the preservation of Game in the Territory of Dakota, and for other purposes," beg leave to report the same back with the recommendation that the same be indefinitely postponed.

NELSON MINER,
Chairman.

RESOLUTION.

Mr. Turner introduced the following resolution:

Resolved, the House concurring therein, that the sum of three hundred dollars be, and the same is hereby appropriated annually for the purpose of defraying the expenses of the Bureau of Immigration, in publishing and circulating information to immigrants.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on Territorial Affairs to whom was referred H. F. No. 9, entitled, “A bill for an act to provide for the registration of the voters of this Territory,” beg leave to report the same back without recommendation.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your standing committee on Enrolled Bills, beg leave to report that they have carefully examined C. B. No. 12, entitled “An act to establish a ditch fence as lawful;” also,

C. B. No. 27, entitled “An act relative to the holding and transferring real-estate by any legal officer of a religious society or his successor in office;” also,

C. B. No. 58, entitled “An act to divide the Territory of Dakota into Council and Representative districts, and apportioning the Councilmen and Representatives therein,” and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your standing committee on Incorporations to whom was referred the petition of citizens to incorporate the town of Emmersonville, beg leave to report the same back without remarks.

HUGH FRALEY.

MR. PRESIDENT.—Your committee on Education to whom was referred C. B. No. 72, An act to establish the fees of printing for the publication of legal notices, has had the same under consideration, and report it back, recommending that the bill do pass.

C. H. McINTYRE,
Chairman.

The report of the Commissioner of Immigration was received.

RESOLUTIONS INTRODUCED AND PASSED.

Mr. Turner offered the following resolution:

Resolved, That two thousand copies of the report of the Commissioner of Immigration be printed in English, one thousand copies in German, and one thousand copies in Scandinavian, and that the Commissioner of Immigration be requested to superintend the publication of the same.

Also, the same member offered the following:

Resolved, by the Council—the House concurring—that the sum of \$300 be appropriated annually in defraying the expenses of publishing and distributing the information of the Bureau of Immigration,

Which was

Read first, second and third time under suspension of rules, and put on its passage.

The question being put, “shall the resolution pass?”

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, Kennedy, Kidder, McIntyre, McKay, Stone, Miner, Turner, and Mr. President.

Absent, Mr. Cuppett.

So the resolution passed, and

Its title agreed to, as follows:

A joint resolution making an appropriation to the Commission on Immigration Bureau.

BILLS ON THIRD READING.

C. B. No. 71, An act to define the code of civil and criminal procedure, &c., was

Taken up and

Read third time.

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

It was decided in the affirmative.

Ayes 8, noes 2.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, Kennedy, Kidder, McKay, Miner and Turner.

Those voting in the negative, were
 Messrs. Cuppett and Stone.
 Absent, Mr. McIntyre.
 Mr. President not voting.
 So the bill passed, and
 Its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
 Tuesday, Jan. 10, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed C. B. No. 57, A bill defining the manner of organizing unorganized counties in the Territory of Dakota, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

THIRD READING OF BILLS.

H. F. No. 35, A joint Resolution relative to the Commissioner of Immigration,
 Was taken up and
 Read third time, and
 The question being on the passage of the bill, and the question being put, "shall the bill pass?"
 It was decided in the affirmative.
 Ayes 10, noes none.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder, McIntyre, Stone, Miner, Turner and Mr. President.
 Absent, Messrs. Fraley and McKay.
 So the bill passed, and
 Its title agreed to.

BILLS ON FIRST AND SECOND READING.

H. F. No. 62, A memorial to Congress asking for the organization of a New Territory, &c., and
 On motion, the rules were suspended, and the bill
 Read first and second times, and
 Referred to the committee on Territorial Affairs.

H. F. No. 54, was taken up and various amendments offered.

RECESS.

On motion of Mr. Turner
The Council took a recess till two o'clock, P. M.

AFTER RECESS.

The roll called,
Quroum present.

REPORT OF COMMITTEE ON ENROLLMENT.

Mr. Cuppett, Chairman of the Enrolling committee made the following report:

MR. PRESIDENT.—Your committee on enrolled bills, beg leave to report that they did, on the 10th day of January, file in the office of the Secretary of the Territory, the following Council bills, to-wit:

C. B. No. 3, entitled "A bill fixing the time of holding the Supreme court in the Territory of Dakota."

C. B. No. 4, entitled "An act creating the office of County Clerk, and for other purposes."

C. B. No. 5, entitled "An act to protect cultivated lands and young timber from trespassing animals in the Territory of Dakota."

C. B. No. 6, entitled "An act to change the name of the town site of Lincoln, in the county of Lincoln, Territory of Dakota."

C. B. No. 8, entitled "Joint resolution, requesting all Railroads organized under and by virtue of the laws of this Territory, to report to the present session of the Legislature."

C. B. No. 22, An act authorizing clerks of courts, in certain cases, to adjourn the same.

C. B. No. 31, entitled "An act establishing a Bureau of Immigration for the Territory of Dakota."

C. B. No. 32, An act allowing commissioners to extend ferry leases and for other purposes.

C. B. No. 42, entitled "An act relating to telegraph lines in Dakota."

C. B. No. 58, entitled "An act prescribing certain duties for the Territorial Treasurer and Auditor."

C. B. No. 56, entitled "An act to divide the Territory of Dakota into Council and Representative districts, and apportioning the Councilmen and Representatives therein."

W. M. CUPPETT,
Chairman.

REPORT FROM THE SECRETARY.

The following report from the Secretary was received and read:

SECRETARY'S OFFICE,)
YANKTON, Jan. 10, 1872.)

HON. EMORY MORRIS,
President of the Council:

I have the honor to inform you that Council Bills numbered as follows have been filed in my office, viz: 3, 4, 5, 6, 8, 22, 31, 32, 39, 42, 58.

GEO. A. BATCHELDER,
Secretary.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,)
Tuesday, Jan. 10, 1872.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed H. F. No. 64, A joint resolution for an appropriation for the enrolling clerks, which bill is herewith transmitted, and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

THIRD READING OF BILLS.

H. F. No. 54 was taken up and after various proposed amendments, the amended bill was adopted.

Mr. Kennedy moved to recommit the bill to the committee on Judiciary.

Lost.

The question then being on the adoption of the amend-

ments as amended, on which the ayes and noes were called.

It was decided in the affirmative.

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, Kidder, McIntyre, McKay, Miner and Stone.

Those voting in the negative, were

Messrs. Cuppett, Kennedy, Turner and Mr. President.

The bill as amended was then

Read third time, and

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 9, noes 3.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, Kidder, McIntyre, McKay, Miner, Stone and Mr. President.

Those voting in the negative, were

Messrs. Cuppett, Kennedy and Turner.

So the bill passed, and

Its title agreed to.

Mr. Turner, chairman of the committee on Judiciary, reported back C. B. No. 70, with recommendation that it pass.

Mr. Fraley moved to reconsider the vote whereby C. B. No. 54 was lost.

Mr. McIntyre moved to lay the motion on the table.

Carried.

H. F. No. 64, Joint resolution relative to paying the enrolling clerks, was

Read first, second and third times, under suspension of rules, and put on its final passage.

The question being put, "shall the bill pass?"

It was decided in the affirmative;

Ayes 11, noes none,

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner and Mr. President.

Absent, Mr. McIntyre.

So the bill passed, and

Its title agreed to.

H. F. No. 55, An act to prevent certain animals from running at large, was

Read third time as amended, and
 The question being put, " shall the bill pass?"
 It was decided in the affirmative.
 Ayes 9, noes 3;
 Those voting in the affirmative, were
 Messrs. Armstrong, Cuppett, Kennedy, Kidder, McKay,
 Miner, Stone, Turner and Mr. President.
 Those voting in the negative, were
 Messrs. Brauch, Fraley and McIntyre.
 So the bill passed, and
 Its title agreed to.

BILLS READ AND REFERRED.

H. F. No. 58, A bill for an act to organize the county of
 Brookings, was
 Read first and second times, and
 Referred to committee on counties.

H. F. No 50, Providing for elections, and to provide for the
 canvass and return of the same, was
 Read first and second times, and
 Referred to committee on Elections.

C. B. No. 75, For the appointment and election of an asses-
 sor in the county of Yankton, was
 Read first and second times, and
 Referred to a committee of Yankton county delegates.

C. B. No. 77, For an appropriation to repair the Big Sioux
 bridge, was
 Read first and second times, and
 Referred to committee on Territorial Affairs.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
 Tuesday, Jan. 10, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council
 that the House has this day passed C. B. No. 36, An act to
 locate and establish a Territorial road from the town of Can-
 ton, in Lincoln county, to the city of Yankton, Dakota Terri-

tory, with attached amendments, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

C. B. No. 76, To change in Clay county the Territorial road from the Big Sioux river to Yankton, was
Read first and second times, and
Referred to committee of Clay county delegation.

BILLS ON THIRD READING.

C. B. No. 70, to provide for the revocation of appointment of Guardians in certain cases, was
Read third time, and
The question being put, "shall the bill pass?"
It was decided in the affirmative.
Those voting in the affirmative were
Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.
Absent, Mr. Brauch.
So the bill passed, and
Its title agreed to.

C. B. No. 36
Was taken up, and
The amendments made thereto by the House concurred in.

H. F. No. 31, for an act to repeal chapter first of the Laws of 1868-9, was taken up, and
Recommitted to committee on Indian Affairs.

H. F. No. 49, vacating, relocating and establishing a Territorial road in Union county,
Read third time, and
The question being put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 12, none voting in the negative.
Those voting in the affirmative, were
Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner, and Mr. President.
So the bill passed, and
Its title agreed to.

C. B. No. 59, to change chapter 4, of Session Laws of 1868-9, was

Read third time, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, none voting in the negative.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

C. B. No. 67, An act specifying when notes on demand become due, was

Read third time, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. 45, relative to the military bridge across the Vermillion river in Clay county, was

Read third time as amended, after other amendments were proposed and adopted.

The question being on its passage,

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

ADJOURNMENT.

On motion of Mr. Brauch,

The Council adjourned till 10 o'clock to-morrow.

EMORY MORRIS,

Attest:

President.

GEORGE T. REA,
Secretary.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,)
Wednesday, Jan. 11th, 1871.)

Council met pursuant to adjournment,

President in the chair.

Roll called.

Members all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

RESOLUTION.

Mr. Cuppett offered the following resolution:

Resolved, That the President of the Council be, and he is hereby instructed to order printed, fifteen copies of each Council Memorial passed during the present session of the Legislature, for the benefit of the members of the Council, those who want them.

WM. M. CUPPETT.

Moved by Mr. Armstrong to adopt the resolution, on which the ayes and nays, and a call of the house was directed.

Mr. Kidder moved to amend by adding "those who ask them."

The ayes and nays being called, the vote stood as follows:

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, Turner, and Mr. President.

Those voting in the negative, were
Messrs. Kidder, McKay, Miner, and Stone.
So the resolution passed, and
Its title agreed to.

INTRODUCTION OF BILLS.

Mr. Armstrong, introduced C. B. No. 78, a memorial to the Congress, relative to the adoption of a surveyor's mark.

REPORTS OF COMMITTEES.

The committee on the Judiciary reported back C. B. No. 63, to regulate the fees of officers and returns of officers, reported the same back, with recommendation that it do not pass.

MR. PRESIDENT.—Your committee to whom was referred H. F. No. 50, a bill providing for elections, and to prescribe canvas and return of the same, have had the same under consideration, and report the same same back recommending its passage.

JACOB BRAUCH,
Chairman.

MR. PRESIDENT.—Your committee on Incorporations to whom was referred a petition for the incorporation of the city of Emersonville, beg leave to report the accompanying bill, and recommend its passage.

HUGH FRALEY.

MR. PRESIDENT.—Your committee on Territorial Affairs to whom was referred H. F. No. 62, entitled a memorial to Congress, asking for the organization of a new Territory out of the northern portion of Dakota Territory, have had the same under consideration and recommend that the same do pass.

WM. M. CUPPETT,
J. C. KENNEDY,
M. K. ARMSTRONG.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they have carefully examined C. B. No.

36, entitled an act to locate and establish a Territorial road from the town of Canton to the city of Yankton; also

C. B. No. 54, entitled an act defining the manner of organizing unorganized counties in the Territory of Dakota, and find the same correctly enrolled.

W. M. CUPPETT,
Chairman.

BILLS ON THIRD READING.

F. H. No. 57, relative to the St. Paul & Pacific Railroad company, was

Read third time, and put on its final passage, and

The question being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder, McIntyre, Miner, Turner and Mr. President.

Absent, Messrs. Fraley, McKay, and Stone.

None voting in the negative,

So the bill passed, and

Its title agreed to.

C. B. No. 60, relative to voting aid to railroads,

Was taken up and read a third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, McKay, Miner, Stone, Turner, and Mr. President.

Absent, Mr. Kidder.

None voting in the negative,

So the bill was passed, and

Its title was agreed to.

C. B. No. 62, in relation to attorney's fees, was

Taken up and

Read third time.

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

It was decided in the affirmative;
 Ayes 11, noes none.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 McIntyre, McKay, Miner, Stone, Turner, and Mr. President.
 Absent, Mr. Kidder.
 None voting in the negative.
 So the bill passed, and
 Its title agreed to.

SECOND READING OF BILLS.

C. B. No. 78, A memorial relative to the surveyors mark,
 was
 Read first and second time, under suspension of rules, and
 Referred to committee on Territorial Affairs.

C. B. No. 79, to incorporate the city of Emersonville, was
 Read first and second time under suspension of rules, and
 Referred to committee on Incorporation.

THIRD READING OF BILLS.

C. B. No. 72, relative to the fees of printers, in legal print-
 ing, etc., was
 Read third time, and
 Amended by striking out Sec. 3.
 The question being put "shall the bill pass?" was decided
 in the affirmative.
 Ayes 11, noes none.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 Kidder, McKay, Miner, Stone, Turner, and Mr. President.
 Absent, Mr. McIntyre.
 None voting in the negative.
 So the bill was passed, and
 Its title was agreed to.

LAID ON THE TABLE.

H. F. No. 9, a bill for an act to provide for the registration
 of voters in Dakota Territory, was
 Taken up, and
 Laid on the table till to-morrow at 11 o'clock.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read :

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 11, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day refused to concur in Council amendment to House File No. 54, a bill relating to the judicial districts of the Territory of Dakota, and for other purposes, which bill is herewith returned.

(GEO. I. FOSTER,
Chief Clerk.

PETITIONS.

A communication from Secretary and acting Governor Batchelder, accompanied by a petition from citizens of Bon Homme and Yankton counties, was received and read, and

On motion was referred to a committee consisting of the delegations from the two counties.

Moved by Mr. Turner, that the Council do now recede from their amendment to H. F. No. 54, which motion was lost,

Which vote stood as follows:

Ayes 5, noes 7.

Those voting in the affirmative, were

Messrs. Cuppett, Kennedy, Kidder, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Branch, Fraley, McIntyre, McKay, Miner and Stone.

THIRD READING OF BILLS.

H. F. No. —, A memorial to Congress asking for the organization of a new Territory from the northern part of the Territory of Dakota,

Was taken up, and

Read third time and put upon its passage, and

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy,

Kidder, McIntyre, McKay, Miner and Stone.

Mr. Turner voting in the negative.

Mr. President not voting.

So the bill passed, and

Its title agreed to.

LAID ON THE TABLE.

C. B. No. 63, in relation to the fees of county officers,

Was taken up, and

Read third time.

Moved by Mr. Armstrong to lay the bill on the table till to-morrow.

Carried.

BILL INTRODUCED AND REFERRED.

Mr. McIntyre on leave introduced C. B. No. 80, to provide for the publication of the laws passed at this ninth session of the Legislative Assembly of the Territory of Dakota, was

Read first and second times under suspension of rules.

Was amended by Mr. Armstrong, and

The amendment adopted, and

Referred to Committee on Public Printing.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
Wednesday, Jan. 11, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House insists upon its disagreement to concur in Council amendment to House file No. 54, A bill relating to the Judicial districts of the Territory of Dakota, and for other purposes, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

THIRD READING OF BILLS.

C. B. No. 40, To authorize the Treasurer of Yankton county to receive warrants in payment of taxes, was

Read third time, and

Put upon its final passage.

The question being put "shall the bill pass?"

It was decided in the negative,

Ayes 5, noes 6.

Those voting in the affirmative, were

Messrs. Brauch, Fraley, McIntyre, McKay and Stone.

Those voting in the negative, were

Messrs. Armstrong, Cuppett, Kennedy, Kidder, Miner and Turner.

So the bill was lost.

Mr. Turner gave notice that he would on to-morrow, move to reconsider the vote by which the bill was lost.

H. F. No. 37, A bill for the preservation of game in the Territory of Dakota, and for other purposes.

Was taken up and

Read third time.

Mr. Miner moved that Clay county be exempted.

Lost.

Mr. Kidder moved that the word "persons" be stricken out and the word "Indians" inserted.

Lost, and

The question being put, "shall the bill pass?"

It was decided in the negative.

Ayes 4, noes 7.

Those voting in the affirmative, were

Messrs. Kennedy, McIntyre, Stone and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder, Miner and Turner.

So the bill was lost.

Mr. Armstrong on leave, submitted the report of the Dakota Central Railroad Company, which was ordered printed.

RECESS.

On motion of Mr. Brauch.

The Council took a recess till two o'clock, P. M.

AFTER RECESS.

CONFERENCE COMMITTEE APPOINTED.

Moved by Mr. Turner, that the Council appoint a confer-

ence committee of three, to act with a similar committee from the House on H. F. No. 54.

Carried, and the
President appointed on such committee,
Messrs. Turner, Cuppett and McKay.

BILLS ON THIRD READING.

H. F. No. 52, relating to foreign Insurance companies, was
Read third time, and
Put upon its final passage.

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
Kidder, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

REPORT OF A COMMITTEE.

On leave, the following report was made:

Mr. PRESIDENT.—Your committee on Territorial Affairs, to whom was referred C. B. No. 77, An act for an appropriation to aid in repairing the Big Sioux bridge, respectfully ask to report the same back and request the Council to consider it.

W. M. CUPPETT,
Chairman.

THIRD READING OF BILLS.

Mr. Armstrong in the chair.

C. B. No. 77, with reference to the appropriation for the Big Sioux Bridge was

Taken up, and

Mr. Morris moved to insert \$1000 in the blank, which amendment was lost.

Mr. Kennedy moved to insert \$700—lost.

The bill was then

Read third time, and put on its final passage, and

The question being put, "shall the bill pass?"

It was decided in the negative.

Ayes 2, noes 10.

Those voting in the affirmative, were

Messrs. Kennedy and the President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder,
McIntyre, McKay, Miner, Stone and Turner.

So the bill was lost.

L A I D O N T H E T A B L E .

H. F. No. 5, relative to Pembina county, was

Taken up, and

Laid on the table.

I N D E F I N I T E L Y P O S P O N E D .

C. B. No. 29, An act to establish a Territorial Board of
Health was

Taken up, and

On motion of Mr. Turner, it was indefinitely postponed.

R E P O R T O F A C O M M I T T E E .

MR. PRESIDENT.—Your committee to whom was referred H.
F. No. 58, A bill for an act to organize the county of Brook-
ings, have considered the same, and herewith report the bill
back with the recommendation that it do pass.

J. M. STONE,
Chairman Com.

B I L L S O N T H I R D R E A D I N G .

H. F. No. 58, to organize the county of Brookings, was

Read third time, and

Put on its final passage, and

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 7, noes 4.

Those voting in the affirmative, were

Messrs. Brauch, Cuppett, Fraley, Kennedy, Stone, Turner
and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Kidder, McKay and Miner,

So the bill passed, and

Its title agreed to.

REPORT OF A COMMITTEE.

MR. PRESIDENT.—Your special committee to whom was referred C. B. No. 76, entitled “An act to change in Clay county the Territorial road, from the Big Sioux river to Yankton.” beg leave to report back a substitute, and recommend that the substitute do pass.

NELSON MINER,
S. W. KIDDER.
J. W. TURNER.

On motion of Mr. Turner, the bill and substitute were laid on the table.

COMMUNICATIONS FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 11, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed Council Bill No. 61, An act providing for holding terms of the District Court in the county of Lincoln, Dakota Territory, with attached amendments, which bill is herewith returned; also, that

The House has this day passed House File No. 14, A bill to apportion the Representatives to the Red River or Pembina District, which bill is herewith transmitted, and the concurrence of the Council respectfully requested therein.

I am also instructed to inform the Council that Messrs. Hancock, Allen and Hammon, have been appointed a committee of conference on the part of the House to act in conjunction with the committee of the Council, on House File No. 54, A bill relating to the Judicial Districts of the Territory of Dakota, and for other purposes.

I am also instructed to inform the Council that the House has this day, passed House File No. 66, A bill for an act to amend an act entitled “An act to divide the Territory of Dakota into Council and Representative Districts, and apportioning the Councilmen and Representatives therein;”

Also, that the House did on the 10th inst, pass House File No. 22, A bill for an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7, which bills are

herewith transmitted, and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

BILLS READ AND REFERRED.

H. F. No. 66, a bill for an act to repeal an act entitled "an act" to divide the Territory of Dakota into Council and Representative districts and apportioning councilmen and representatives therein, was

Read first and second time under suspension of rules and referred to special committee, one from each county, on which the President appointed,

Messrs. Stone, McKay, Fraley, Kidder, Kennedy and Cuppett.

H. F. No. 32, a bill for an act to repeal chapter 39 of the laws of 1862, and chapter 2 of the laws of 1866-7, was

Read first and second time under suspension of rules, and Referred to committee on Judiciary.

LAID ON TABLE.

H. F. No. 14, to apportion the representatives to the Red River or Pembina districts, was

Read first and second time under suspension of rules, and Laid on the table.

The House amendments to C. B. No. 61, an act providing for holding terms of District Court in the county of Lincoln, Dakota Territory, were discussed at length.

Motion to lay the bill on the table till to-morrow morning, was lost.

Moved by Mr. McIntyre, that the Council do concur in the House amendments to C. B. No. 61, on which the ayes and nays were called, and the motion was lost by the following vote:

Ayes 4, noes 8.

Those voting in the affirmative, were

Messrs. Kennedy, Kidder, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, McIntyre, McKay, Miner and Stone.

So the bill was lost.

BILLS INTRODUCED.

On leave, Mr. McIntyre introduced C. B. 81, a memorial for mail route between Yankton, Dakota, and Niobrara, Nebraska.

On motion the rules were suspended, and the bill read first and second time.

Mr. Morris (Mr. Armstrong in the chair), introduced C. B. No. 82, a memorial asking for a mail route from Elk Point, to the town of Swan Lake, Dakota Territory, and under suspension of rules, the bill was read first and second times, and Referred to committee on Territorial Affairs.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 11, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed House File No. 65, a bill for an act for the punishment of adultery and fornication; also House File No. 68, an act to erect and organize the counties of Turner and Hanson, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

H. F. No. 56, a bill for an act to amend chapter 4 of the session laws of 1865-6, relating to acknowledgments, was reported back by committee on Judiciary, with recommendation that it do pass, and was

Read third time, and put upon its passage,

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11, none 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Mr. McKay voted in the negative.

So the bill passed, and
Its title as amended agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
Wednesday, Jan. 11, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 11th inst. pass House File No. 60, a memorial to the Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of the Rock river of Iowa; also House File No. 63, joint resolution requesting the Secretary of the Territory, to re-publish certain laws, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Geo. I. Foster,
Chief Clerk.

SECOND READING OF BILLS.

H. F. No. 65, to provide for the punishment of adultery and fornication, was

Read first and second time, under suspension of rules, and Referred to committee on Indian Affairs.

H. F. No. 68, an act to organize the counties of Turner and Hanson, was

Read first and second times, under suspension of rules, and Referred to committee on counties.

H. F. No. 60, a memorial for an appropriation to build a bridge across the Big Sioux river, at or near the mouth of Rock river, was

Read first and second times under suspension of rules, and Referred to committee on Highways, Bridges and Ferries.

H. F. No. 63, requesting the Secretary of the Territory to re-publish certain laws, was

Read first and second time under suspension of rules, and Referred to committee on Public Printing.

ADJOURNMENT.

On motion of Mr. Turner,

The Council adjourned till 10 o'clock to-morrow.

Attest: EMORY MORRIS,
President.
GEORGE T. REA,
Secretary.

THIRTY-NINTH DAY.

COUNCIL CHAMBER,)
Thursday, Jan. 12th, 1871.)

Council met pursuant to adjournment,
 President in the chair.
 Prayer by the Chaplain.
 Roll called.
 Members all present.
 Journal of yesterday's proceedings read and approved.

REPORTS OF COMMITTEES.

The following report of committees were received and read:
 The Chairman of Special committee on H. F. No. 54, reported back the bill with amendments.

Mr. Armstrong, chairman of Special committee on C. No. 75, reported the same back with the recommendation that it pass.

MR. PRESIDENT.—Your committee on Indian Affairs to whom was referred House File No. 65, beg leave to report the same back with amendment, and recommend that the bill as amended do pass.

N. MINER.

MR. PRESIDENT.—Your committee on Territorial Affairs to whom was referred C. B. No. 78, entitled a memorial to the

Congress of the United States, requesting the adoption of the surveyors mark patented by Carl C. P. Meyer, Dec. 21, 1869, in all future Government surveys.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Territorial Affairs to whom was referred C. B. No. 82, entitled a memorial to Congress asking for a mail route from Elk Point to Swan Lake, in Dakota Territory, have considered the same and recommend that it do pass.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 60, a memorial to the Congress of the United States praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of the Rock river of Iowa, have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

J. C. KENNEDY,
Chairman.

MR. PRESIDENT.—Your standing committee on enrolled bills, beg leave to report that they have examined H. F. No. 35, entitled joint resolution instructing the Commissioner of Immigration of Dakota Territory, to procure transportation for immigrants to this Territory upon the most favorable terms, and to advertise the most practicable route for the benefit of emigrants; also

H. F. No. 36, entitled an act to authorize the County Commissioners of Pembina county, to raise money for the erection of a Jail in said county; also

H. F. No. 38, entitled a memorial to Congress praying for an appropriation to bridge the Big Sioux river, at the crossing of the Sioux Falls and Blue Earth City mail route; also

H. F. No. 39, entitled a memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the McGregor & Missouri River Railroad; also

H. F. No. 42, entitled a memorial and joint resolution, ask-

ing for the establishment of a mail route from Elk Point, Dakota Territory, to Ponca, Dixon county, Nebraska; also

H. F. No. 43, entitled an act regulating the laying out of public highways; also

H. F. No. 44, entitled an act for the protection of fruit and for other purposes; and

H. F. No. 49, entitled an act changing, vacating and establishing a Territorial road in Union county, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled bills, beg leave to report that they did on the eleventh (11) day of January, file in the office of the Secretary of the Territory, C. B. No. 12, entitled an act to establish a ditch fence as lawful; also

C. B. No. 27, entitled an act relating to the holding and transferring of real estate by any legal officer of a religious society and their successors in office; also

C. B. No. 36, entitled an act to locate and establish a Territorial road from the town of Canton, in Lincoln county, to the city of Yankton, Dakota Territory, and

C. B. No. 54, entitled an act to define the manner of organizing unorganized counties of Dakota Territory, which bills were approved and signed.

W. M. CUPPETT,
Chairman.

The report of the committee of Conference on H. F. No. 54, was made the special order at two o'clock, P. M.

RESOLUTION.

Mr. Armstrong introduced the following resolution and moved its adoption.

Which motion carried.

Resolved, By the Council that the three Judges of the Supreme Court now in session in this city, be respectfully requested to communicate to this Legislature, by bill or otherwise, their desires as to re-establishing the Territory of Dakota into new judicial districts, and the proper place for holding the U. S. Courts in said respective districts.

THIRD READING OF BILLS.

H. F. No. 65, was taken up, and the amendments as reported by committee, were adopted.

Mr. McKay moved to amend so as not to apply to Charles Mix county.

Was not adopted.

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

It was decided in the negative.

Ayes 6, noes 6;

Those voting in the affirmative, were

Messrs. Armstrong, Kennedy, Kidder, Miner, Turner and Mr. President.

Those voting in the negative, were

Messrs. Brauch, Cuppett, Fraley, McIntyre, McKay and Stone.

So the bill was lost.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
Thursday, Jan. 12, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House did on the 11th inst. pass Council Bills entitled as follows, viz:

C. B. No. 50, an act to transfer the Territorial Library to the Secretary of the Territory;

C. B. No. 28, entitled an act to incorporate the city of Bon Homme, D. T.

C. B. No. 51, a bill for an act to punish offenses against the right of suffrage;

C. B. No. 48, an act creating the townships of Virginia, Prairie and Spink, in the county of Union, Dakota Territory;

C. B. No. 30, an act concerning divorces;

C. B. No. 45, a memorial requesting the removal of Q. M. department from Sioux City, Iowa, to Yankton, D. T., which bills are herewith returned.

Also, that the House did on the same day pass H. F. No. 40, an act to divide the township of Civil Bend, in the county of Union, into three road districts and appointing road supervisors therein;

H. F. No. 26, and act to establish the courts and define the jurisdiction of Justices of the Peace; also

H. F. No. 67, a bill for an act to repeal section 7, chapter 38 of the session laws 1862-3, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read :

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 12, 1871.

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day adopted the report of the committee on Conference on H. F. No. 54, a bill relating to the judicial districts of the Territory of Dakota, and for other purposes.

I am also instructed to inform the Council that the House has this day passed C. B. No. 58, (House Substitute) an act to regulate the admission of physicians to the practice of medicine, surgery and obstetrics, in the Territory of Dakota, which bill is herewith returned.

Also that the House has this day passed H. F. No. 69, a bill for an act to provide for filling of vacancies in the board of County Commissioners, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

BILLS ON THIRD READING.

H. F. No. 69, to provide for the filling of vacancies in the board of County Commissioners, was

Read first, second and third times, under suspension of rules, and put on its final passage.

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

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

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

C. B. No. 82, a memorial to Congress asking for mail route from Elk Point, to Swan Lake, Dakota, was

Read third time, and

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner, and Mr. President.

Absent, Mr. McKay.

None voting in the negative.

So the bill passed, and

Its title agreed to.

C. B. 75, a memorial to Congress asking for the adoption of a surveyors mark, was

Read third time and put upon its passage, and

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. 60, a memorial to Congress praying for an appropriation to build a bridge across the Big Sioux, near the mouth of the Rock river, Iowa, was

Read third time, and

The question being on its passage, and

The question being put. "shall the bill pass?"

It was decided in the affirmative.

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner, and Mr. President.
 Mr. McKay voted in the negative.
 So the bill was passed, and
 Its title was agreed to.

C. B. No. 75, an act to provide for election of assessors in Yankton county, was
 Read third time, and
 Put on its passage.
 The question being put "shall the bill pass?"
 It was decided in the affirmative.
 Ayes 11, noes none.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Turner and Mr. President.
 None voting in the negative.
 So the bill passed, and
 Its title agreed to.

INTRODUCTION OF BILLS.

On leave, Mr. Stone introduced C. B. No. 83, concerning Insurance companies.

THIRD READING OF BILLS.

C. B. No. 81, a memorial to Congress for a mail route from Yankton to Niobrara, was
 Read third time, and
 The question then being on its passage,
 The question being put "shall the bill pass?"
 It was decided in the affirmative:
 Ayes 12, noes none.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner, and Mr. President.
 So the bill was passed, and
 Its title was agreed to.

C. B. No. 83, was
 Read first and second time under suspension of rules, and
 Laid on the table till afternoon.

REPORT OF A COMMITTEE.

Mr. McIntyre, on leave made the following report:

MR. PRESIDENT.—Your committee on Public Printing to whom was referred H. F. No. 63, a joint resolution requesting the Secretary of the Territory, to republish certain laws, have had the same under consideration, and are of the opinion that the bill should pass.

C. H. McINTYRE,
Chairman.

THIRD READING OF BILLS.

H. F. No. 34, to locate a Territorial road from the mouth of Rock River, in Union county, to Yankton, D. T., was

Read third time, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12, none voting in the negative.

Those voting in the affirmative, were

Messrs. Armstrong, Branch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

SECOND READING OF BILLS.

C. B. No. 55, (House Substitute) to regulate the admission of physicians to the practice of medicine, was

Read second time, and

Further amended, it was laid on the table till this afternoon.

REPORTS OF COMMITTEES.

The chairman of the Enrolling committee made the following report:

MR. PRESIDENT.—The chairman of your standing committee on Enrolled bills beg leave to report that he has examined H. F. No. 57, entitled an act relative to the St. Paul & Pacific Railroad company, and H. F. No. 64, entitled joint resolution for an appropriation for the enrolling clerk, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your special committee consisting of the Yankton county delegation, to whom was referred the petition and accompanying papers of Frank Bem, Commissioner of Immigration and Agent of the Bohemian colony, have had the same under consideration and respectfully report that the whole matter be referred to the consideration of the County Commissioners of Yankton and Bon Homme counties, with a recommendation that the said boards of County Commissioners give the petition such favorable action as in their opinion they may deem best for the interests of their respective counties.

Respectfully Submitted,
 M. K. ARMSTRONG,
 JACOB BRAUCH,
 J. M. STONE,
 C. H. MCINTYRE,
 HUGH FRALEY.

RECESS.

On motion of Mr. Turner,
 The Council took a recess till 2 o'clock, P. M.

AFTER RECESS.

Council met pursuant to adjournment.
 Roll called,
 Quorum present.

REPORT OF A COMMITTEE.

H. F. No. 54, to define the Judicial districts of the Territory,
 Was taken up, and
 A minority report was made on the part of the committee,
 as follows:

MR. PRESIDENT.—A minority of your committee to whom was referred House file No. 54, (substitute) are of the opinion that the Council do not concur. The only objection the minority of your committee find in the bill they had before them, was the time between holding the court in Yankton and Bon Homme, which the majority claimed was only one week; we believe we can remedy the same by changing the time.

W. T. MCKAY.

The question then being on the adoption of the report of the committee of conference,

The ayes and noes being called,

The report was adopted by the following vote:

Ayes 7, noes 5.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Kennedy, Kidder, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Brauch, Fraley, McIntyre, McKay and Miner.

FIRST READING OF BILLS.

H. F. No. 63, to repeal section 7 of chapter 38 of the laws of 1867-8, was

Read first time.

H. F. No. 40, to divide the township of Civil Bend in Union county, was

Read first time.

THIRD READING OF BILLS.

H. F. No. 63, requesting the Secretary of the Territory to republish certain laws, was

Read third time, and

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

It was decided in the affirmative;

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Brauch, Cuppett, Fraley, Kennedy, McIntyre, Miner, Stone and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Kidder, McKay and Turner.

So the bill passed, and

Its title agreed to.

On motion the chairman of special committee on H. F. No. 68, was requested to report; and Mr. Stone as chairman, reported the same back without recommendation.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
 Thursday, Jan. 12, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed Council bill No. 35, An act establishing a public school law for the Territory of Dakota, with attached amendments, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

THIRD READING OF BILLS.

C. B. No. 55, (House substitute)

Was taken up, and it was

Moved by Mr. McIntyre, that the Council do adopt the substitute bill.

Mr. Turner moved to amend further by inserting six years in lieu of ten.

A motion by Mr. Miner to indefinitely postpone the bill, was lost.

A motion to adopt the bill as amended, was made and carried.

Moved by Mr. McKay that the bill be read at length.

Carried.

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

It was decided in the negative.

Ayes 5, noes 7.

Those voting in the affirmative were

Messrs. Brauch, McIntyre, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, Kidder, McKay and Miner.

So the bill was lost.

Mr. McKay moved to reconsider the vote whereby C. B. No. 55, was lost.

Mr. Miner moved to lay the motion on the table, which motion carried.

Mr. Turner on leave, introduced C. B. No. 84, A Joint resolution relative to the pay of the clerks and secretaries.

On motion the rules were suspended, and the bill was

Read first, second and third times.

Mr. Armstrong moved to amend by inserting 20 in the place of 40.

As so amended, the resolution passed.

Ayes 11, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Mr. McKay voting in the negative.

So the resolution passed.

COMMUNICATIONS FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 12, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day concurred in Council amendments to House File No. 55, A bill for an act to prevent certain animals from running at large.

Also, that the House has this day passed Council Bill No. 19, (substitute) An act to define the boundaries of the counties of the Territory and to organize the counties of Turner, Hutchinson, Hanson and Buffalo, and for other purposes, with attached amendments.

Also, Council Bill No. 47, An act relating to married women; also,

Council Bill No. 78, (House substitute) An act appropriating money for publishing and circulating information concerning the Territory of Dakota, under the direction of the Bureau of Immigration, which bills are herewith returned.

GEO. I. FOSTER,
Chief Clerk.

THIRD READING OF BILLS.

C. B. No. 83, relating to insurance and insurance companies, was

Read third time.

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

It was decided in the affirmative,

Ayes 11, noes 1.

Those voting in the affirmative, were
 Messrs. Armstrong, Branch, Cuppett, Kennedy, Kidder,
 McIntyre, McKay, Miner, Stone, Turner and Mr. President.
 Mr. Fraley voting in the negative.
 So the bill passed, and
 Its title agreed to.

LAI D ON THE TABLE.

H. F. No. 50, To provide for elections and other purposes.
 Was taken up, and
 On motion, was laid over till evening.

C. B. No. 35, to provide a school law for the Territory of
 Dakota,
 Was taken up, and
 The House amendments to the same read and adopted.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 Thursday, Jan. 12, 1871. }

The following communication from the House was received
 and read:

MR. PRESIDENT.—I am instructed to inform the Council that
 the House has this day refused to pass Council Bill No. 41.
 An act to amend an act entitled "An act to simplify and
 abridge the practice, pleadings and proceedings of the Courts
 of this Territory; also,

That the House has this day passed Council Bill No. 66.
 An act to amend chapter 15 of the session laws of 1867-8.
 with attached amendment, which bills are herewith returned.

Also, that the House has this day passed House file No.
 61, A bill for an act to provide for keeping in repair a Terri-
 torial road from Yankton to Sioux Falls, Dakota Territory.
 which bill is herewith transmitted and the concurrence of the
 Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

BILLS ON THIRD READING.

H. F. No. 66, An act to divide the Territory of Dakota into
 Council and Representative districts, and apportion the Coun-
 cilmen and Representatives therein,

Was taken up and

Read third time.

Moved by Mr. McIntyre to indefinitely postpone,

On which the ayes and noes were called, and

The votes stood as follows:

Ayes 4, noes 8.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, McIntyre and Stone.

Those voting in the negative, were

Messrs. Cuppett, Fraley, Kennedy, Kidder, McKay, Miner,
Turner, and Mr. President.

Moved by Mr. Cuppett to lay the bill on the table till to-
morrow morning.

Carried.

C. B. No. 19, (substitute) An act to define the boundaries
of counties, etc.,

Was taken up, and

The House amendments concurred in.

Mr. Turner as per previous notice, moved to reconsider the
vote whereby C. B. No. 40, An act relative to county warrants
of Yankton county was lost.

Motion lost.

ADJOURNMENT.

Mr. Turner moved to adjourned till to-morrow at 9 o'clock.

Carried.

EMORY MORRIS,

President.

Attest:

GEORGE T. REA,
Secretary.

FORTIETH DAY.

COUNCIL CHAMBER,)
Friday, Jan. 13th, 1871.)

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 yesterday read and approved.

INTRODUCTION OF BILLS.

On leave, Mr. Armstrong introduced C. B. No. 85, an act to
establish the county of Hamlin, was
Read first and second time under suspension of rules, and
The question being on its final passage, and
The question being put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 11, noes none.
Those voting in the affirmative were
Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder,
McIntyre, McKay, Miner, Stone, Turner and Mr. President.
None voting in the negative,
So the bill passed, and
Its title agreed to.
Mr. Armstrong asked leave to introduce a bill transferring
a part of Clay county to Union county.
Objection being made leave was not granted.

REPORTS OF COMMITTEES.

Mr. Turner, chairman of Judiciary committee, reported
back C. B. No. 71, with recommendation that it pass: also H.
F. No. 32, without recommendation.

The report of the special committee on Election, was received and ordered printed.

THIRD READING OF BILLS.

H. F. No. 66, an act to amend an act entitled an act to divide the Territory of Dakota into council and representative districts and apportioning the councilmen and representatives therein, was

Taken up and

Read third time, and

After some amendments and discussion it was put on third reading, and

Then upon its final passage, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 6, noes 4.

Those voting in the affirmative, were

Messrs. Cuppett, Kennedy, McKay, Miner, Turner and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Brauch, McIntyre and Stone.

Messrs. Fraley and Kidder were excused.

So the bill passed, and

Its title agreed to.

H. F. No. 50, relative to election laws, was

Taken up, and

Read third time, and

The question being on its passage, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder, Miner, Stone, Turner and Mr. President.

None voting in the negative.

So the bill passed, and

Its title agreed to.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT.—Your committee on Enrolled bills, beg

leave to report that they have examined C. B. No. 30, entitled an act concerning divorces; and

C. B. No. 28, entitled an act to incorporate the city of Bon Homme, Dakota Territory;

C. B. No. 19, entitled an act to define the boundaries of the counties of the Territory, and to organize the counties of Turner, Hutchinson, Hanson and Buffalo, and for other purposes;

C. B. No. 47, an act relating to married women;

C. B. No. 48, entitled an act creating the townships of Virginia, Prairie and Spink, in the county of Union, Dakota Territory;

C. B. 45, entitled a memorial requesting the removal of the Quartermaster's Department from Sioux City, Iowa, to Yankton, Dakota Territory;

C. B. No. 50, entitled an act to transfer the Territorial Library to the custody of the Secretary of the Territory;

C. B. No. 51, entitled an act to punish offenses against the right of suffrage; and

C. B. 35, entitled an act to establish a public school law for the Territory of Dakota, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman,

The committee have also examined H. F. No. 34, entitled an act to establish a Territorial road from opposite or near the mouth of the Rock river, in Union county, to Yankton, D. T.:

H. F. No. 52, an act to repeal section 12 of chapter 15 of the laws of 1867-8, relating to foreign Insurance companies;

H. F. No. 56, entitled an act to amend chapter 4, of the session laws 1865-6, relating to acknowledgments;

H. F. No. 58, entitled an act to organize the county of Brookings;

H. F. No. 60, entitled a memorial to the Congress of the United States, praying for an appropriation to build a bridge across the Big Sioux, below and near the mouth of the Rock river of Iowa;

H. F. No. 62, entitled a memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory; and H. F. No. 69, entitled an act

to provide for filling vacancies in the board of County Commissioners, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined H. F. No. 54, entitled an act defining the judicial districts of the Territory of Dakota, and fixing the time for holding the courts in said districts and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

LAID ON TABLE.

H. F. No. 26, to define the Justices Code, was
Read first time, and
On motion was laid on table.

C. B. No. 33, an act relative to roads, bridges and cart-ways,
was
Laid upon the table.

H. F. No. 67, to repeal chapter 38 of the session laws 1862
and 63, was
Read second time, and
On motion laid upon the table.

H. F. No. 40, to divide the township of Civil Bend, Union
county, into road districts, was
Read second time, and
Laid upon the table.

THIRD READING OF BILLS.

C. B. No. 79, to incorporate the city of Emersonville, was
Taken up, and
Read third time, and
Put on its passage.
The question being put "shall the bill pass?"
It was decided in the affirmative.
Ayes 9, noes 1.
Those voting in the affirmative, were
Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder,
McKay, Miner, Stone, Turner and Mr. President.

Mr. McIntyre voted in the negative.
So the bill was passed, and
Its title was agreed to.

H. F. No. 9, was called up, and
On motion of Mr. Miner,
The bill was laid upon the table.

C. B. No. 98, appropriating money for publishing and circulating information under direction of the Commissioner of Immigration, was

Read third time, and
Put on its passage.

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

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McKay, Miner, Stone, Turner, and Mr. President.

So the bill passed, and

Its title agreed to.

C. B. No. 66, to amend section 59 of laws of 1877-8,

Was taken up, and

The House amendments concurred in.

H. F. No. 61, to provide for keeping in repair a Territorial road from Sioux Falls to Yankton, Dakota, was

Read first and second times, under suspension of rules, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder, Miner, Stone, Turner and Mr. President.

Absent, Messrs. Kennedy, McIntyre and McKay.

So the bill passed, and

Its title agreed to.

INTRODUCTION OF BILLS.

On leave, Mr. Armstrong introduced C. B. No. 86, enlarging the powers of the Commissioners of Yankton county.

On leave, Mr. Kidder introduced C. B. No. 87, relative to the medical profession of the Territory.

C. B. No. 80, to provide for the publication of the Territorial laws,

Was taken up, and
Laid on the table.

THIRD READING OF BILLS.

C. B. No. 86, granting to the County Commissioners power to sell to the highest bidder, the right of way to any telegraph company, was

Read first, second and third times, under suspension of rules, and

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

It was decided in the affirmative,
Ayes 8, noes 3.

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Fraley, Kennedy, Kidder, McIntyre, Stone, and Turner.

Those voting in the negative, were

Messrs. Cuppett, McKay and Miner.

So the bill passed, and

Its title agreed to.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES, {
Friday, Jan. 13, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed H. F. No. 71, entitled a bill for an act providing for the holding of special terms of the district court in Yankton county; also

H. F. No. 72, entitled a bill for an act providing for the service of process upon Foreign Insurance companies, and request the concurrence of the Council therein.

GEO. I. FOSTER,
Chief Clerk.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they did on the 13th day of January 1871, file in the office of the Secretary of the Territory, C. B. No. 19, entitled a memorial to Congress asking for a grant of land for college purposes in the Territory of Dakota;

C. B. No. 20, entitled a memorial to the Secretary of the Interior, requesting that supplies for the Indians on the Upper Missouri river be purchased of the farmers and producers of Dakota Territory;

C. B. No. 23, entitled a memorial to Congress asking an appropriation to enable Messrs. Daggett, Clevenger and Percy, to extend the Sioux City & Missouri River Telegraph line to Fort Randall;

C. B. No. 24, entitled a memorial to the Congress of the United States asking for an appropriation of money to bridge the Sioux river at or near Canton, Dakota Territory;

C. B. No. 44, entitled a memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Fort Randall Military Reservation, Dakota Territory, may be suspended.

MR. PRESIDENT.—Your committee on Enrolled Bills, beg leave to report that they did on the 13th day of January, 1871, at 11 o'clock, A. M., transmit to the Hon. Geo. A. Batchelder, Secretary and Acting Governor of the Territory, for approval, the following Council Bills, to-wit:

C. B. No. 19, entitled "An act to define the boundaries of the counties of the Territory, and to organize the counties of Turner, Hutchinson, Hanson and Buffalo, and for other purposes;"

C. B. No. 35, entitled "An act establishing a public school law for the Territory of Dakota;"

C. B. No. 30, entitled "An act concerning divorces;"

C. B. No. 48, entitled "An act creating the townships of Virginia, Prairie and Spink, in the county of Union, Dakota Territory;"

C. B. No. 50, An act to transfer the Territorial Library to the custody of the Secretary of the Territory;

C. B. No. 51, entitled "An act to punish offenses against the right of suffrage;"

C. B. No. 28, entitled "An act to incorporate the city of Bon Homme, Dakota Territory;"

C. B. No. 45, entitled "A memorial requesting the removal of the Quartermaster's department from Sioux City, Iowa, to Yankton, Dakota Territory," and

C. B. No. 47, entitled "An act relating to married women."

W. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled bills, beg leave to report that they have examined C. B. No. 66, entitled "An act to amend chapter 15, of the session laws of 1867-8," and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled bills, beg leave to report that they did, on the 13th day of January, 1871, at 11 o'clock and 30 minutes, A. M., transmit to the Hon. George A. Batchelder, Secretary and Acting Governor of Dakota Territory, for approval and signature, C. B. No. 66, entitled "An act to amend chapter 15 of the session laws of 1867-8.

WM. M. CUPPETT,
Chairman.

FIRST, SECOND AND THIRD READING OF BILLS.

C. B. No. 87, to amend chapter 14 of the session laws of 1868-9, entitled "An act to protect the citizens and to elevate the medical profession of the Territory," was

Read first, second and third times, under suspension of rules, and

On motion of Mr. Kidder, the bill was amended so that section 2 would be section 4, and so continue through the bill.

The bill as so amended, was

Read third time, and put upon its final passage.

The question being put "shall the bill pass?"

It was decided in the negative.

Ayes 6, noes 6;

Those voting in the affirmative, were

Messrs. Armstrong, Fraley, Kidder, McKay, Miner, and Turner.

Those voting in the negative, were

Messrs. Brauch, Cuppett, Kennedy, McIntyre, Stone and Mr. President.

So the bill was lost.

THIRD READING OF BILLS.

Mr. Armstrong moved to reconsider the vote whereby H. F. No. 50, A bill in relation to elections, was lost.

Motion was carried.

Mr. Armstrong moved to strike out the words "1871" and insert "1872" in lieu thereof. Adopted.

The bill as then amended, was

Read third time, and

Put upon its final passage, and

The question being put. "shall the bill pass?"

It was decided in the affirmative.

Ayes 8, noes 4.

So the bill passed, and

Its title agreed to.

H. F. No. 71, to provide for the holding of special terms of District court in Yankton county was

Read third time, and

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

It was decided in the affirmative:

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kidder, McIntyre, Miner, Stone and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. 72, relating to Insurance companies, was

Read first, second and third times under suspension of rules, and put on its final passage.

The question then being on its passage, and

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 9, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

So the bill passed, and
Its title agreed to.

Mr. McIntyre moved to reconsider the vote whereby the vote on H. F. No. 65, for the punishment of the crime of adultery and fornication, which motion was carried.

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

It was decided in the affirmative.

Ayes 8, noes 4.

Those voting in the affirmative, were

Messrs. Armstrong, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Those voting in the negative, were

Messrs. Branch, Cuppett, Fraley and McKay.

So the bill passed, and

Its title agreed to be "A bill for an act for the punishment of adultery."

RECESS.

On motion of Mr. Turner,

The Council took a recess till 2 o'clock, P. M.

AFTER RECESS.

C. B. No. 84, joint resolution increasing the pay of the secretaries and clerks as amended by the House and the House amendments making the resolution read \$30. instead of \$20. was concurred in.

THIRD READING OF BILLS.

C. B. No. 15, a memorial to Congress asking for an appropriation to aid in draining swamp land in the Territory of Dakota, was

Read third time, and

Put upon its passage.

The question then being on the passage of the bill, and the

It was decided in the affirmative.

question being put "shall the bill pass?"

Ayes 10, noes none.

Those voting in the affirmative, were
Messrs. Brauch, Cuppett, Fraley, Kennedy, Kidder, McKay,
Miner, Stone, Turner and Mr. President.

Absent, Armstrong and McIntyre.

So the bill passed, and

Its title agreed to.

H. F. No. 32, a bill for an act to repeal chapter 39, laws of
1862, and chapter 2 of laws of 1867, was

Read third time, and

The question being on its passage, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 6, noes 5.

[Names of members omitted in printers copy.]

So the bill passed, and

Its title agreed to.

MISCELLANEOUS.

Mr. Armstrong introduced the following:

MR. PRESIDENT.—I move that the secretary of the Council
be instructed to respectfully request the House to return to the
Council H. F. No. 50, relating to elections.

C. B. No. 71, to define the code of civil and criminal pro-
cedure in the Territory, was

Read third time.

REPORTS OF COMMITTEES.

The chairman of the Enrolling committee made the follow-
ing report:

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave
to report that they have examined C. B. No. 84, entitled joint
resolution appropriating moneys to the secretary and assist-
ant secretary of the Council, and clerk and assistant clerk of
the House, and find the same correctly enrolled.

MR. PRESIDENT.—Your committee on Enrolled Bills beg
leave to report that they have examined H. F. No. 71, entitled
an act providing for the service of process upon foreign insu-
rance companies; and

H. F. No. 72, entitled an act providing for the holding of
special terms of the district court in Yankton county, and
find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

THIRD READING OF BILLS.

On motion of Mr. Cuppett,

Moved that the vote whereby C. B. No. 78, relative to the medical board of health was lost, be reconsidered.

Which motion was carried.

Mr. Kennedy moved to amend by inserting the name of J. C. Reynolds in the place of J. B. Van Velsor,

Was lost.

The bill then being put on its final passage, and

The question being put "shall the bill pass?"

It was decided in the negative.

Ayes 5, noes 6.

Those voting in the affirmative, were

Messrs. Armstrong, Kidder, McKay, Miner and Turner.

Those voting in the negative, were

Messrs. Brauch, Fraley, Kennedy, McIntyre, Stone and Mr. President.

Mr. Cuppett was excused from voting.

So the bill was lost.

On motion of Mr. McIntyre,

H. F. No. 9, was taken from the table.

Moved by Mr. Turner to indefinitely postpone,

On which the ayes and noes were called, and

The vote stood as follows:

Ayes 6, noes 6.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, McKay, Miner, and Turner.

Those voting in the negative, were

Messrs. Brauch, Kennedy, Kidder, McIntyre, Stone and Mr. President.

Moved by Mr. Miner,

To amend the bill so that it will not apply to Clay or Yankton counties,

Which motion was lost.

Mr. McIntyre moved to amend by striking out the word "Governor" and inserting the words "County Commissioners" in lieu thereof,

Which motion was carried.

Various amendments were made and adopted.

Moved by Mr. Stone,
 To lay the bill on the table till 7 o'clock this evening.
 H. F. No. 50,
 Was taken up, and
 The amendments of Mr. Armstrong,
 To amend by inserting "189" in lieu of 187, were adopted.
 The bill was then put upon its final passage, and
 The question being put "shall the bill pass?"
 It was decided in the affirmative;
 Ayes 9, noes 3.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Kennedy, Kidder,
 McIntyre, Miner, Stone and Mr. President.
 Those voting in the negative, were
 Messrs. Fraley, McKay and Turner.
 So the bill passed, and
 Its title agreed to.

Moved by Mr. Fraley,
 To reconsider the vote whereby C. B. No. 32 was lost.
 Mr. McIntyre moved to lay the motion on the table.
 On which motion
 The ayes and nays being called, the vote stood as follows:
 Ayes 8, noes 4.
 Those voting in the affirmative, were
 Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy,
 McIntyre, Stone, and Mr. President.
 Those voting in the negative, were
 Messrs. Kidder, McKay, Miner and Turner.

REPORTS OF COMMITTEES.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they did on this 13th day of January, 1871, at 3 o'clock P. M., transmit to the Hon. Geo. A. Batchelder, Secretary and acting Governor of the Territory, for approval and signature;

C. B. No. 84, entitled a joint resolution appropriating moneys to the secretary and assistant secretary of the Council, and clerk and assistant clerk of the House.

WM. M. CUPPETT.

MR. PRESIDENT.—Your committee on Enrolled Bills beg

leave to report that they have examined H. F. No. 55, entitled an act to prevent certain animals from running at large;

H. F. No. —, entitled a memorial to Congress asking for the organization of a new Territory out of the northern portion of Dakota Territory; and

H. F. No. 63, entitled joint resolution requesting the Secretary of the Territory to republish certain laws; and

H. F. No. 61, entitled an act to provide for keeping in repair a Territorial road from Yankton to Sioux Falls, D. T., and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed C. B. No. 82, a memorial to Congress asking for a mail route from Elk Point to Swan Lake, D. T.; also

C. B. No. 65, a bill for an act relating to surveying and county surveyors, with attached amendments;

C. B. No. 75, an act providing for the appointment and election of assessors in the county of Yankton, D. T.;

C. B. No. 59, an act to amend section 16, chapter 4, session laws 1868 and 69;

C. B. No. 70, an act to provide for the revocation of the appointment of guardians;

C. B. No. 81, a memorial to Congress for the establishment of a mail route between Yankton, D. T., and Niobrara, Nebraska;

C. B. No. 43, a bill to locate a Territorial road from Yankton to Fort Thompson;

C. B. No. 78, a memorial to the Congress of the United States, requesting the adoption of the surveyors mark, patented by Carl C. P. Meyer, Dec. 21st, 1869, in all future Government surveys;

Which bills are herewith returned and the concurrence of the Council respectfully requested in amendment to C. B. No. 65.

I return herewith H. F. No. 50, an act providing for elections and to prescribe canvass and return of the same, in compliance of the request of the Council.

GEO. I. FOSTER,
Chief Clerk.

REPORT FROM THE SECRETARY AND ACTING GOVERNOR.

The following communication from the Secretary and acting Governor, Geo. A. Batchelder, was received and read:

SECRETARY'S OFFICE,)
YANKTON, Jan. 13, 1871.)

HON. EMORY MORRIS,
President of the Council,

I have the honor to return the following bills approved: No's 12, 17, 19, 20, 23, 24, 27, 28, 30, 36, 44, 45, 47, 48, 50, 51, 58, 54, 56, 66, 60, 78 and 84.

Respectfully, &c.,
GEO. A. BATCHELDER,
Sec'y and Acting Governor.

REPORT OF COMMITTEE.

The committee on Enrolled Bills made the following report:

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 78, entitled an act appropriating money for publishing and circulating information concerning the Territory of Dakota under the direction of the Bureau of Immigration, and find the same correctly enrolled.

The committee will also report that they did present the same to the Hon. Geo. A. Batchelder, Secretary and Acting Governor, at — o'clock, this P. M.

WM. M. CUPPETT,
Chairman.

C. B. No. 65, relative to a surveyor's mark as amended by the House,

Was taken up, and

Mr. Armstrong moved to adopt the amendments of the House, on which

The ayes and nays were called, and
The motion carried by the following vote:

Ayes 7, noes 5.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Fraley, McIntyre, Stone,
Turner and Mr. President.

Those voting in the negative, were

Messrs. Cuppett, Kennedy, Kidder, McKay and Miner.

PETITION.

A petition from the citizens of Union county, requesting a
herd law, was read and

Referred to committee on Agriculture.

RECESS.

On motion the Council took a recess of 15 minutes.

DURING RECESS.

Capt. Nelson Miner, of Clay county, with due pomposity
and no little *eclat*, and without reference to "Clay county
bonds," offered the following resolution:

Resolved, That, in compliance with long established usages
—usages wherein the mind of man runneth not to the contrary
—and under all parliamentary usages—usages that have ex-
isted from time immemorial, with due defference to this hon-
orable body, it is expected, solicited and required, that the
President of this body do now instruct the sergeant-at-arms
to bring forthwith to this Council Chamber, one bushel of
apples.

Whereupon, C. H. McIntyre with his wonted grace and dig-
nity moved its adoption.

After which both gentlemen as was their wont, made fine
little speeches.

Mr. McIntyre offered the following, which was adopted:

Resolved, That the Public Printers be requested to furnish
for the use of this Council one box of good cigars, to be de-
livered this evening at 8 o'clock, P. M.

AFTER RECESS.

Mr. Armstrong offered the following:

Be it resolved, That a vote of thanks be and the same is

hereby extended to President, Clerks and subordinate officers of this Council for the faithful and creditable manner in which they have discharged their respective duties, during present session.

RECONSIDERATION.

H. F. No. 9, was
 Taken up, and
 Mr. Cuppett moved that the vote whereby the bill was lost be reconsidered.
 Motion carried.

THIRD READING OF BILLS.

H. F. No. —, joint resolution providing for additional enrolling clerk, was
 Read first, second and third times, under suspension of rules, and

Put on its passage.

The question being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 11, noes none.

Those voting in the affirmative, were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

So the bill passed, and

Its title agreed to.

H. F. No. —, to provide for an assistant commissioner of immigration, was

Read first, second and third times under suspension of rules, and

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10, noes 1.

Those voting in the affirmative, were

Messrs. Armstrong, Cuppett, Fraley, Kennedy, McIntyre, McKay, Miner, Stone, Turner and Mr. President.

Mr. Brauch voting in the negative.

Absent, Mr. Kidder.

So the bill passed, and

Its title agreed to.

H. F. No. 73, joint resolution providing for the Territorial library, was

Read first, second and third times, under suspension of rules, and

Put upon its final passage, and

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

It was decided in the affirmative.

Ayes 11, noes 1.

Those voting in the affirmative were

Messrs. Armstrong, Brauch, Cuppett, Fraley, Kennedy, Kidder, McIntyre, Miner, Stone, Turner and Mr. President.

Mr. McKay voting in the negative.

So the bill passed, and

Its title agreed to.

H. F. No. 9, to provide for the registration of voters, was resumed.

Mr. Turner moved to amend by inserting \$1.50 in lieu of \$3.00 per day.

Which carried.

Mr. Miner moved to insert \$20. in lieu of \$40.

Carried.

The bill having been read three times, and

Put on its final passage.

The question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 7, noes 5.

Those voting in the affirmative, were

Messrs. Brauch, Cuppett, Kennedy, Kidder, McIntyre, Stone and Mr. President.

Those voting in the negative, were

Messrs. Armstrong, Fraley, McKay, Miner and Turner.

So the bill passed, and

Its title agreed to.

REPORT OF COMMITTEE.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have examined C. B. No. 43, entitled an act to locate a Territorial road from Yankton to Fort Thompson;

C. B. No. 78, entitled a memorial to the Congress of the United States requesting the adoption of the surveyor's mark,

patented by Carl C. P. Meyer, Dec. 21, 1869, in all future Government surveys;

C. B. No. 65, entitled an act relating to surveying and county surveyors;

C. B. No. 82, entitled a memorial to Congress asking for the establishment of a mail route from Elk Point to Swan Lake;

C. B. No. —, entitled an act providing for the appointment and election of assessors of Yankton county, Dakota Territory;

C. B. No. 59, an act to amend section 16, chapter 4, session laws of 1868 and 69;

C. B. No. 70, an act to provide for the revocation of the appointment of guardians in certain cases;

C. B. No. 81, entitled a memorial for a mail route from Yankton, Dakota Territory, to Niobrara, Nebraska;

H. F. No. 50, entitled an act providing for elections and prescribe the canvass and return of the same; and

H. F. No. 32, and also H. F. No. 65, (substitute) entitled an act to punish adultery, and find the same correctly enrolled.

MM. M. CUPPETT,
Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day concurred in Council amendments to H. F. No. 45, a bill for an act to authorize the board of county commissioners of Clay county, Dakota Territory, to keep in repair the military bridge across the Vermillion river; also to legalize the acts of the board of county commissioners of said county, in making repairs on said bridge heretofore: also that the House has this day concurred in Council amendment to H. F. No. 50, an act providing for elections and to prescribe the canvass and return of the same; also that the House has this day passed C. B. No. 86, a bill granting certain powers to the county commissioners of Yankton county, which bill is herewith returned.

Also, that the House has this day passed H. F. No. 73, joint resolution relating to the Territorial library; also H. F. No. 74, a bill providing for the appointment of an assistant commissioner of immigration, which bills are herewith transmitted, and the concurrence of the Council respectfully requested therein:

Also, that the House has this day concurred in Council amendment to H. F. No. 65, a bill for an act for the punishment of adultery and fornication;

Also, that the House has this day passed H. F. No. 75, joint resolution providing for an additional enrolling clerk, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has adopted the following resolution, viz:

Resolved, That a committee of three be appointed to act with a like committee on the part of the Council, to wait upon his Excellency the Acting Governor, and inquire whether he has any further matter to communicate to the Legislative Assembly.

Messrs. Hancock, Wherry and Hobrough, have been named as such committee on the part of the House.

GEO. I. FOSTER,
Chief Clerk.

The chair appointed

Messrs. Armstrong, Miner and Stone as committee to wait on His Excellency and inform him that the Council is about to adjourn, and ask if he has any further business therewith.

REPORT OF A COMMITTEE.

MR. PRESIDENT.—Your committee on Enrolled bills, beg leave to report that they did on the 13th day of January.

1871, at 8 o'clock, P. M, present to the Hon. George A. Batchelder, Secretary and acting Governor of the Territory,

C. B. No. 43, An act to locate a Territorial road from Yankton to Fort Thompson;

C. B. No. 78, entitled "A memorial to the Congress of the United States, requesting the adoption of the surveyor's mark, patented by Carl C. P. Meyer, December 21, 1869, in all future Government surveys;"

C. B. 65, entitled "An act relating to surveying and county surveyors;"

C. B. No. 82, entitled "A memorial to Congress asking for the establishment of a mail route from Elk Point to Swan Lake;"

C. B. No. —, entitled "An act providing for the appointment and election of Assessor of Yankton county, Dakota Territory;"

C. B. No. 59, An act to amend section 16, chapter 4, session laws of 1868-9;"

C. B. No. 70, An act to provide for the revocation of the appointment of guardians in certain cases; and

C. B. No. 81, entitled "A memorial for a mail route from Yankton, Dakota Territory, to Niobrara, Nebraska."

WM. M. CUPPETT,
Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication from the House was received and read:

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871. }

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day concurred in Council amendment to House File No. 66, An act to amend an act entitled "An act to divide the Territory of Dakota into Council and Representative districts and apportioning the Councilmen and Representatives therein;" also, that the House has this day passed

Council Bill No. 84, Joint resolution appropriating moneys to the Secretary and Assistant Secretary of the Council, and Clerk and Assistant Clerk of the House, with amendment, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT.—Your committee on Enrolled bills, beg leave to report that they have examined C. B. No. 83, entitled “An act granting certain powers to the County Commissioners of Yankton county, relating to telegraph lines;”

H. F. No. 28, Joint resolution providing for an additional enrolling clerk;

H. F. No. 74, An act providing for the appointment of an Assistant Commissioner of Immigration, and

H. F. No. 73, Joint resolution relating to the Territorial Library, and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they have filed in the office of the Secretary of the Territory, Council Bills No. 12, 17, 19, 20, 23, 24, 27, 28, 30, 36, 44, 45, 47, 48, 50, 51, 58, 54, 56, 66, 60, 78 and 84.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled bills, have on this 13th day of January, A. D., 1871, at 8 o'clock and 30 minutes file in the office of the Secretary of the Territory, Council Bills Nos. 59, 81, 82, 78, 65, 75, 43 and 70.

W. M. CUPPETT,
Chairman.

LAID ON TABLE.

H. F. No. 26 was called up.

A moton to lay the bill on the table was carried.

REPORT OF ENROLLING COMMITTEE.

Mr. PRESIDENT.—Your committee on Enrolled bills have on this 13th day of January, 1871, presented to the Hon. Geo. A. Batchelder, Secretary and Acting Governor of the Territory, for approval and signature C. B. No. 86, entitled “An act granting certain powers to County Commissioners of Yankton county, relating to telegraph lines.”

WM. M. CUPPETT,
Chairman.

RECESS.

On motion, the Council took a recess of 10 minutes.

AFTER RECESS.

The following communication from the House was received and read :

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day passed Council Bill No. 41, An act to amend an act entitled “An act to simplify and abridge the practice, pleading and proceedings of the courts of the Territory,” which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

COMMITTEE TO WAIT ON GOVERNOR.

The committee appointed to wait on the Acting Governor, reported that they had performed that duty and that His Excellency, the Acting Governor, requested that the Legislature remain in session for one-half hour from this nine o'clock and fifty-five minutes.

MR. PRESIDENT.—Your Committee on enrolled bills, report that they have examined C. B. No. 41, entitled “An act to amend an act, entitled ‘an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory,’” and find the same correctly enrolled.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills have filed in the office of the Secretary of the Territory, A bill granting certain powers to the commissioners of Yankton county relating to telegraph lines.

WM. M. CUPPETT,
Chairman.

MR. PRESIDENT.—Your committee on Enrolled Bills beg leave to report that they did on the 13th day of January.

1871, at ten o'clock, P. M., present to the Hon. Geo. A. Batchelder, Secretary and Acting Governor of the Territory, C. B. No. 41, entitled "An act to amend an act, entitled 'an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory,'" which bill is herewith returned.

WM. M. CUPPETT,
Chairman.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,)
Friday, Jan. 13, 1871.)

MR. PRESIDENT.—I am instructed to inform the Council that the House has this day refused to concur in Council amendment to House File No. 9, A bill for an act to provide for the registration of the voters of this Territory; also, that the House has this day passed

C. B. No. 79, A bill to incorporate the city of Emmersonville; also,

C. B. No. 88, Joint resolution relative to the republication of the Justices' code of 1865-6, which bills are herewith returned.

GEO. I. FOSTER,
Chief Clerk.

REPORT OF COMMITTEE.

MR. PRESIDENT.—Your committee on Enrolled Bills report that they have examined C. B. No. 79, entitled "An act to incorporate the city of Emmersonville," and

C. B. No. 88, entitled "Joint Resolution in relation to the re-publication of the Justices' code of 1865-6," and find them correctly enrolled.

MR. PRESIDENT.—Your committee on Enrolled Bills report that they have presented, on the 13th day of January, 1871, at 11 o'clock P. M., to Hon. Geo. A. Batchelder, Secretary and Acting Governor of the Territory, C. B. No. 79, entitled "An act to incorporate the city of Emmersonville," and

C. B. No. 88, entitled "Joint resolution in relation to the re-publication of the Justices' code of 1865-6," which bills are herewith returned.

WM. M. CUPPETT,
Chairman.

Mr. Miner, chairman of committee appointed to wait on His Excellency, the Acting Governor, reported that he was pleased to say that he had no further business to communicate.

RESOLUTIONS.

On leave, Mr. Stone introduced the following:

Resolved, That the thanks of the Council are due and are hereby freely tendered to Hon. John A. Burbank, Governor, for his uniform courtesy toward the members of this Council, and for the valuable aid rendered by him in furthering the interests of our legislation.

Resolved, That to Hon. Geo. A. Batchelder, our worthy Secretary and Acting Governor, we return our warmest thanks and assurances of our highest esteem for the prompt, complete and efficient manner in which he has discharged his official duties as Secretary, and also the satisfactory manner in which he has performed the duties of Executive, believing his action has been with an eye to the general interest and public good.

To our President, Hon. Emory Morris; our Secretary, Geo. T. Rea; Assistant Secretary, H. C. Green, and the subordinate officers of this Council, we tender our thanks for the able, prompt and efficient manner in which they have performed their several duties, trusting that each and all may hereafter enjoy the esteem and confidence of the public in the same measure in which it is bestowed by the members of this body.

The President then spoke as follows:

GENTLEMEN OF THE COUNCIL.—On behalf of the officers, allow me to tender our sincere thanks for the mark of courtesy you have extended to us. I have but few words to say upon this occasion. It is with mingled feelings of pleasure and regret that I shall leave the position I have occupied—with pleasure that we are about to return home to our friends and families from whom most of us have been absent, and with regret that I am about to leave the association of esteemed acquaintances which I have made here. I have tried to do my duty according to the best of my ability, and I feel that my acts have been conscientiously and justly performed, and you, both members and officers, have ever been ready and willing to kindly assist me, for which I am very grateful, and I trust the records we have made here may remain and

become an honor to our Territory and a credit to ourselves.

I thank you for your kind attention, and may you all live long and prosper.

COMMITTEE TO WAIT ON HOUSE.

Moved by Mr. Turner that a committee be appointed to wait on the House to see if they were ready to adjourn.

On which committee the President appointed Messrs. Turner and McIntyre, who reported that they had performed the duty, and that the the House was now ready to adjourn.

ADJOURNMENT.

On motion of Mr. Miner,
The Council adjourned *sine die*.

EMORY MORRIS,
President.

Attest:

GEORGE T. REA,
Secretary.

APPENDIX.

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

In accordance with the usual Executive custom, I communicate to you, from the sources of information which I have at command, the condition of public affairs in the Territory, and recommend for your consideration and legislative action such measures as, in my judgment, will promote the general welfare of the people.

BIENNIAL SESSIONS.

By an act of Congress, approved March 3, 1869, it was provided that thereafter the members of both branches of the legislative assemblies of the several territories should be chosen for the term of two years, and that the sessions should be biennial, instead of annual, as before; also, that at the first session after the passage of that act, each territorial Legislature should make provision by law for carrying the act into effect. In the absence of the necessary appropriation to provide for the expense of a meeting of the Legislature last year, I did not deem it advisable to call the members together. I see no cause now to regret the course taken in this respect, as I am not aware that any public interests have suffered thereby; while the rapid increase of our population during the past year, and the occurrence of various events of interest within that time, will bring up questions requiring action upon your part in many important particulars. This

being the first meeting since the passage of the Act referred to, it will be necessary to so change the laws of the Territory affected by it, as to make them conform with its provisions. It is, perhaps, unnecessary that I should, in this connection, admonish you, in view of the changes which have taken place within the past two years, and of the fact that two years more must elapse before the assembling of another Legislature, that the short time which you are allowed to remain together should be employed so as to yield the largest possible amount of wise and judicious legislation.

CODIFICATION OF THE LAWS.

With those to be enacted at the present session, the Territorial laws will be comprised in nine different volumes, the work of so many legislative bodies. Their revision and codification has become a matter of the greatest importance, and the difficulty and uncertainty growing out of the present want of systematic arrangement is well known to all who have occasion to refer to them. I recommend that you provide by an act of the Legislature for the proper performance of this work by competent persons, at the earliest practicable moment, and look to Congress to indemnify the Territory for any expense thereby incurred. The value of law lies in its certainty, and nothing so detracts from the good effect of legislation as frequency of amendment, change, and the confusion and fragmentary character of badly arranged, illy-digested and poorly expressed laws.

TERRITORIAL FINANCES.

By an act of the last Legislature, the Territorial Auditor and Treasurer are allowed until the first week in January in which to prepare and lay before you their reports; I am not, therefore, at this time, in possession of accurate official information relating to the financial condition of the Territory. At the proper time, however, I presume you will be furnished with detailed reports from those officers, and I am led to believe that the showing will be a favorable and satisfactory one.

EDUCATIONAL MATTERS.

By a letter received from Hon. T. McK. Stuart, dated September 9, 1869, I was notified of his resignation of the office

of Superintendent of Public Instruction to which he had been elected, and I subsequently appointed Hon. James S. Foster to fill the vacancy, subject to the approval of the Council. His report has not been received by me, but it will probably be laid before you sometime during the present week, as provided by law, and will doubtless contain some suggestions of importance for you to act upon. The Common School system of the Territory is yet in its infancy, but there is an undoubted disposition on the part of our intelligent population to give it an active and earnest support. While we have the experience of the old settled Eastern States, as well as that of the younger but equally vigorous and prosperous Western ones to profit by, there is certainly no reason why our own system should not be made as near perfect and as successful in its operations, as any that can be devised.

TERRITORIAL PENITENTIARY.

By the provisions of an act of Congress, approved January 22, 1867, the net proceeds of the internal revenue of this Territory for the three fiscal years ending June 30, 1868, were to be set apart for the purpose of erecting a Penitentiary building. I am informed, however, by a letter received from the Secretary of the Treasury in response to one addressed to him on the 4th of July last, that the expense of collecting the revenue in this Territory during the period named, exceeded somewhat the amount of the collections made. As it is highly important that the Territory should be provided with a suitable Penitentiary, it will be necessary to take some other steps looking to this end.

INSANE PERSONS.

It is also important that some provision should be made for the custody and treatment of insane persons. The care of their property is provided for in our laws, but we have no enactment under the authority of which the persons themselves may be properly cared for. Humanity dictates that this unfortunate class of persons, however few may be their numbers, should not be neglected, when prompt and careful treatment might result in their permanent recovery. In view of this, it is important that provision should be made for their removal to the asylums of neighboring States until their wants can be properly met within our own border.

PRE-EMPTION LAWS.

It has been decided by the Commissioner of the General Land Office that the provisions of the second section of the Act of Congress, approved July 14, 1870, entitled "An Act to extend the provisions of the Pre-emption laws to the Territory of Colorado, and for other purposes," apply also to this Territory. The enforcement of this law, as thus interpreted, would result in a very great hardship so far as a large proportion of the settlers of this Territory are concerned, requiring them to prove up and pay for their claims within a year after the passage of the act, and before they will have time to raise another crop, without reference to their past misfortunes or their ability to do so. The task of reclaiming and subduing the wild and untilled prairie, is at first a hard and unsatisfactory one, attended by uncertain results; but the industrious immigrant, however small may be his possessions when he begins the work, must inevitably succeed in a few years in bringing about his only worldly prosperity and independence if he has only the elements to contend with. So different would be the workings of this law from the usual liberal policy of the Government when dealing with its poor but industrious citizens, and so manifest must be the hardships which would result from it, that I trust it may be one of your first acts to memorialize Congress for such a change in its provisions as will enable the settler to so far reclaim the wild land which he seeks to render habitable, as to insure for himself a living from it thereafter, before being compelled to pay for it.

INDIAN AFFAIRS.

Under the wise and humane policy of President Grant, marked progress has been made by the different Indian tribes in this Territory towards civilization. As their ability to supply the food and raiment necessary to their comfort has been lessened, their wants have been met through the bounty of the Government, while they have also been encouraged to cultivate the soil, instructed in the arts of peace, and directed in the paths of Christianity. The wild and savage nature of the Sioux Indians can not be changed in a day, but the treatment which they are receiving is having a marked effect upon them. The character of the food, in itself, with which they are sup-

plied, has a tendency to change their wild nature very materially from what it was when they fed alone upon the buffalo and other animals caught in the chase. With their progress toward humanization, it is important that an ambition to rise higher in the scale and to become intelligent producers rather than indolent consumers, should be implanted within them. Unless this can be done, their future career must necessarily be a brief one, since the rapid settlement of the country will soon leave them no spot upon which their wild and savage disposition can be satisfied, and it is clearly not in accordance with the genius of our free institutions that one class of people should live solely upon the industry of another. It must be confessed, however, that the class of people who are making their homes upon our broad prairies, bestow much less thought upon questions growing out of the future civilization and prosperity of the red man, than they do upon the one of greater importance to them, whether or not their own safety may be fully assured while building homes for themselves and for their posterity. In this respect, a marked improvement has been shown within the past year. The few companies of troops stationed at the different agencies, have served to effectually prevent trouble: their presence, alone, proving sufficient to convince the Indians that while the Government was disposed to deal justly by them, it was also determined to require a strict observance of treaty stipulations in return. Our frontier now rests in security, and the husbandman turns the sod without fear of the whoop of the savage or the crack of his rifle. I trust that this feeling of security may be still more firmly fixed in future, and that, as the Indian shows a disposition to accept the new order of things, and shake off his wild nature, the old condition of fear and hate between him and the white man may pass away.

RAILROADS.

Up to the present time, the settlement of the Territory has been confined almost entirely to the lands bordering upon the Missouri River and tributary streams, in its southeastern portion: and even here, the difficulty of securing a regular and constant market, dependent upon a speedy and reliable means of transportation, has prevented the farmer and grazer from realizing as much from the care and labor bestowed as they

could have desired. Before the meeting of another Legislature, the Northern Pacific Railroad, which passes through the northern portion of the Territory will doubtless have been completed across our border. This will open up to settlement, a vast portion of country which, in its present isolated situation offers almost no inducements to the immigrant, but which, with the facilities that this great thoroughfare will afford for communication with the world at large, will be rapidly settled and cultivated. Several other lines of railroad are also projected through the southern and central portions of the Territory, with a view to their eventually forming a part of the great iron net work which is soon to cover the whole of our vast country. For these lines, bills, asking for grants of land to aid in their construction, are pending before Congress, and in some instances have already passed one branch of the National Legislature. We can scarcely estimate the value of the proposed roads as mediums of communication, and as instrumentalities in the speedy development of our wonderful agricultural resources. While we should memorialize Congress to encourage with needful, and even generous aid, these works, we should protest against any policy which may undermine our greatest bulwark of national strength—the natural right of labor to the soil—by sapping the foundations of the Homestead and Pre-emption laws, which insure our fertile soil to the hardy yeomen of the Nation. Let us see to it, that all lands granted in aid of these roads shall be guarded by such restrictions as will secure to actual settlers the lands so granted in quantities not greater than 160 acres to any individual, and at a price not greater than \$2.50 per acre; and that the alternate sections shall be obtained only by Homestead and Pre-emption, as at present. These laws are our boasted blessing, which extend their broad arms of protection around the homes of the pioneer, and make continued appeal to every citizen of the world to come forward and “emancipate the soil” by industrial development to build homes and establish a patrimony for their children, loyal to our Government, and sacred to her free institutions. We should look with jealous alarm upon any policy which may cripple or abridge the benignant action of these laws, or which may bar and bolt the doors of our national heritage and give the keys of bondage to rapacious and close-fisted monopolies, when mil-

lions of industrious and landless poor are knocking at our threshold and begging for the privilege of raising their own bread.

ECONOMY.

In the conduct of public affairs, I recommend an economy bordering on parsimony. The Territory is yet in its infancy, and though vigorous and promising, it requires only that aid which will promote a natural and healthful growth; and while she remains in her swaddling clothes of claim shanties and partially cultivated settlements, and under the care of the mother government, we should shape our expenditures to the lowest possible fraction.

THE FUTURE.

The present winter will probably be marked by the historian as the crisis for Dakota. The partial failure of crops in sections where the lands are still new and unreclaimed, and the large influx of settlers, coming in many instances without the necessary means of subsistence or the proper safeguards against the severity of our northern climate, may cause, to some extent, privation and discouragement. In the future prosperity of the Territory, however, I have the greatest confidence, and I do not doubt that with the opening of Spring will begin a steady onward march, resulting in the speedy development of our abundant resources; and that another decade will find upon the fertile soil as yet a stranger to the plowshare, the myriad dwelling places of a hardy, vigorous and intelligent people, surrounded by the innumerable blessings bestowed by a kind Providence upon the citizens of a great and free Republic.

JOHN A. BURBANK.

Yankton, December, 1870.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, DAKOTA TERRITORY,)
YANKTON, December 31st, 1870.)

*To the Honorable Legislative Assembly of the Territory of
Dakota:*

GENTLEMEN:—In compliance with the requirements of an act passed by the Legislative Assembly of this Territory, approved January 3d, 1863, I have the honor to submit the following report of the financial transactions and condition of the Territory during the fiscal years of 1869 and 1870.

You will find the following items embraced in the report, viz:

1. A statement of receipts into the treasury, and disbursements therefrom.
2. A detailed statement of warrants drawn on the treasury for the past two years, and for what purposes.
3. A statement of all matters pertaining to the Insurance Department attached to the Auditor's office.

STATEMENT

Showing the amount of receipts and disbursements of the Territorial Treasury during the fiscal years of 1869 and 1870, and the present amount of outstanding warrants:

Balance on hand January 1st, 1869,	\$14 80	
Receipts into the Treasury during the fiscal year ending December 31st, 1869,	548 25	
Receipts into the Treasury during the fiscal year ending December 31st, 1870,	1,017 56	

Total receipts into the Treasury during the two fiscal years of 1869 and 1870, with balance on hand January 1st, 1869,	1,580 61	
Disbursements of the Treasury during the fiscal year 1869,		\$574 50
Disbursements of the Treasury during the fiscal year, 1870,		926 75
Amount of outstanding warrants December 31st, 1870,		57 50
Amount in the Treasury December 31, 1870,	79 36	
Amount in the Treasury over and above all indebtedness,	21 86	

A DETAILED STATEMENT

Showing the Warrants drawn on the Treasury during the fiscal years 1869 and 1870:

<i>Accounts.</i>	<i>Amount.</i>
To Adoph Mauksch, for services as enrolling clerk, 1868-9; paid under joint resolution,	\$120 00
To James S. Foster, for postage, stationery and services as Superintendent of Public Instruction,	55 00
To True & Wisner, publishing in <i>Dakota Republican</i> , January 23d, 1869, An act concerning revenue. Paid under joint resolution,	30 00
To E. Gillham, services as enrolling clerk, 1868-9, Paid under joint resolution,	120 00
To T. K. Hovey, quarter's salary as Ter. Treasurer,	12 50
To T. K. Hovey, fuel, stationery, &c., for Territorial Treasurer,	6 25
To John Morris, quarter's salary as Ter. Auditor,	12 50
To John Morris, fuel, stationery, &c., for Auditor's Office,	6 25
To Geo. W. Kingsbury, for publishing revenue law. Paid under joint resolution,	30 00
To John Morris, for quarter's salary as Ter. Auditor,	12 50
To John Morris, postage, stationery, &c.,	6 25
To T. McK. Stewart, services as Superintendent of Public instruction,	105 00
To T. McK. Stewart, for procuring the printing of blanks, &c.,	25 00
To T. K. Hovey, postage, stationery, &c.,	6 25
To T. K. Hovey, quarter's salary as Ter. Treasurer,	12 50
To John Morris, two quarter's salary of Territorial Auditor,	25 00
To John Morris, stationery, postage, &c.,	12 50
To McIntyre & Foster, for printing blanks for the Auditor's office,	11 00
To James S. Foster, services as Superintendent of Public Instruction,	56 00
To B. F. Campbell, furnishing list of entered lands,	20 00
To T. K. Hovey, for two quarter's salary as Territorial Treasurer,	25 00
To T. K. Hovey, postage, stationery, &c.,	12 50
To T. K. Hovey, quarter's salary as Ter. Treasurer,	12 50
To T. K. Hovey, postage, stationery, &c.,	6 25
To John Morris, two quarter's salary as Ter. Auditor,	25 00
To John Morris, postage, stationery, &c.,	12 50
To McIntyre & Foster, printing report of Superintendent of Public Instruction,	\$100 00
To Arthur Linn, for printing abstract of assessment roll,	3 50

STATEMENT CONTINUED.

<i>Accounts.</i>	<i>Amount.</i>
To T. K. Hovey, quarter's salary as Ter. Treasurer,	12 50
To T. K. Hovey, postage, stationery, &c.,.....	6 25
To Geo. W. Kingsbury, for printing certificates for Territorial Superintendent,.....	15 00
To T. K. Hovey, for two quarter's salary as Territo- rial Treasurer,.....	25 00
To T. K. Hovey, for postage, stationery, &c.,.....	12 50
To James S. Foster, services as Superintendent of Public Instruction,.....	20 00
To Haskell & Cheney, for express charges on books for Territorial Library,.....	6 40
To John Morris, two quarter's salary as Ter. Auditor,	25 00
To John Morris, for postage, stationery, &c., for Auditor's office.....	12 50
To H. J. Brisbine, services as messenger to bring in election returns,.....	30 00
To James S. Foster, services as Ter. Superintendent,	16 00
To James A. Hand, seal for Auditor's office,.....	6 60
To H. J. Brisbine, for expenses for conveying con- vict to Fort Madison, Iowa.....	125 00
<hr/>	
Total amount of warrants issued during the fiscal years 1869 and 1870.....	\$1,194 50

By the provisions of an act of the Legislative Assembly, approved January 9th, 1873, James Tufts was constituted a commissioner for the purpose of auditing all military accounts outstanding against the Territory, but there is no record in this office of the commissioner ever having audited these accounts, as provided by said act, or of any warrants ever having been issued for their payment. In figuring the indebtedness of the Territory, therefore, I have not included these accounts, as there is no means of which I am aware of ascertaining their number or amount.

INSURANCE DEPARTMENT.

The following Insurance Companies, having complied with the requirements of our law by filing the necessary statements in this office, were duly authorized to transact business in the Territory during the year 1869:

Life Companies.

Continental,
Craftsman's,
Excelsior,
Manhattan,

Mutual Life, of Chicago,
Mutual Life, of New York
New England Mutual,
Washington.

Fire and Marine.

Continental,	Phoenix,
Hartford,	Putnam,
Home, of New Haven,	Underwriters,
Home, of New York,	Winneshiek.

The following Insurance Companies were authorized to do business in the Territory during the year 1870:

Life Companies.

Chicago,	Mutual Life, of New York,
Connecticut Mutual,	New England Mutual,
Continental,	St. Louis Mutual.
Manhattan,	

Fire and Marine.

Ætna,	Putnam,
American,	State, of Missouri,
Hartford,	Underwriters,
Home, of New York,	Winneshiek,
Phoenix,	Yonkers and New York.

Before closing this report, I would respectfully call your attention to our present insurance law, and recommend for consideration a change, which, in my opinion, is not only important, but necessary. Section 12 of our law prescribes that all companies doing business in the Territory, shall deposit with the Auditor five per cent, of the premiums, until it amounts to forty thousand dollars.

Many of our best companies have refused to come into the Territory on account of this provision; and others, already with us, have intimated their intention of withdrawing if held to a strict compliance with this law. I would, therefore recommend that section 12 of said law be repealed.

I have the honor to be,

Very Respectfully,

JOHN MORRIS,

Territorial Auditor.

TREASURER'S REPORT.

TREASURER'S OFFICE, DAKOTA TERRITORY,)
YANKTON, December 31st, 1870. }

*To the Honorable Legislative Assembly of the Territory of
Dakota:*

GENTLEMEN:—In compliance with the statute approved January 3d, 1863, I have the honor to submit the following report of the condition of the finances of the Territory during the past two years. The following statements will show the amount of receipts and disbursements of the treasury during the fiscal years 1869 and 1870; balance on hand December 31st, 1868, and balance on hand December 31st, 1870.

No. 1.

STATEMENT showing the receipts into the Treasury from the different counties during the fiscal year, ending December 31st, 1869:

<i>Counties.</i>	<i>Amount.</i>
Union.....	\$208 00
Clay.....	110 00
Yankton.....	198 25
Bon Homme.....	32 00
Total.....	<u>\$548 25</u>

No. 2.

STATEMENT showing the receipts into the Treasury from the different counties during the fiscal year, ending December 31st, 1870:

<i>Counties.</i>	<i>Amount.</i>
Union.....	\$300 00
Clay.....	328 96
Yankton.....	338 60
Total.....	<u>\$1017 56</u>

No. 3.

STATEMENT showing the receipts and disbursements of the
Treasury during the fiscal years 1869 and 1870:

Balance in the treasury January 1st, 1869,	\$14 80	
Receipts into the treasury during the fiscal year, ending December 31st, 1869.....	548 25	
Disbursements of the treasury during the fiscal year, ending December 31st, 1869,		\$574 50
Receipts of the treasury during the fiscal year, ending December 31st, 1870.....	1,017 56	
Disbursements of the treasury during the fiscal year ending December 31st, 1870..		926 75
	_____	_____
Total receipts of the treasury during the fiscal years 1869 and 1870, with balance on hand January 1st, 1869.....	1,580 61	
Total disbursements during the fiscal years 1869 and 1870.....		1,501 25
	_____	_____
Balance in treasury December 31st, 1870..	79 36	

I have the honor to be,

Very Respectfully,

T. K. HOVEY,

Territorial Treasurer.

GENERAL INDEX.

ADJOURNMENT OF COUNCIL—7, 8, 9, 17, 19, 21, 25, 30, 33, 37, 42, 47, 50, 56, 60, 64, 69, 76, 82, 86, 88, 90, 92, 103, 107, 114, 117, 123, 128, 132, 141, 152, 162, 173, 186, 199, 225.

ARMSTRONG, M. K.—took oath of office, 5.
called to chair, 60, 81, 184.
nominations made by, 6, 14.
appointed on committees, 79, 219.
excused from voting, 14.
introduced bills and memorials, 16, 30, 37, 42, 47, 58, 67, 87, 91, 93, 129, 132, 133, 143, 174, 200, 204.
motions made by, 18, 21, 24, 26, 28, 29, 30, 32, 39, 40, 41, 45, 49, 50, 54, 55, 72, 81, 109, 127, 173, 208, 210.
gave notice of bills, 22, 43, 57.
presented resolutions, 31, 82, 188, 215.
submitted reports, 39, 124, 130, 155, 174, 186, 194.

AUDITOR AND TREASURER—reports of, 120, 233.

BEM, FRANK—petition from, 36.

BRAUCH, JACOB—took oath of office, 5.
nominations made by, 6, 15.
nominated for temporary president, 6.
elected temporary president, 6.
appointed on committees, 16, 36.

- BRAUCH, JACOB**—*Continued.*—motions made by, 25, 28, 36, 41, 75, 88, 106, 107, 128, 141, 145, 172, 179.
presented resolutions, 31, 50.
submitted reports, 71, 104, 174, 194.
- BRISBINE, H. J.**—nominated for temporary secretary, 6.
- BROOKINGS, W. W.**—associate justice.
administered oath, 13, 15.
- COMMITTEES, SPECIAL**, appointment of,
to escort president to chair, 13.
on council rules, 15.
to wait on secretary, relative to postage, 15.
joint—on joint rules, 15.
to wait on his excellency, the governor, 17, 19.
on council bill No. 5—35.
on petition of Frank Bem, 36.
of conference, on council bill No. 3—64.
on house file No. 8 and 13—107.
on council bills, 57 and 56—131.
on house file No. 66—183.
to wait on governor, 225.
- COMMITTEES**, reports of
to wait upon the governor, 18, 20.
judiciary on council bills No. 3 and 4—34.
agriculture on council bill No. 5—35.
agriculture minority, on council bill No. 5—35.
select, on herd law, 37.
judiciary, on council bill No. 10—38.
Indian affairs, on house file No. 2—38.
Territorial affairs, on council bill No. 7—38
enrolled bills on council bills No. 1 and 2—38.
railroads on council bill No. 8—39.
counties, on council bill No. 6—41.
judiciary, on council bill No. 11—43.
special, on council bill No. 5—43.
Territorial affairs, on council bill No. 9—44.
enrolled bills, on council bills No. 1 and 2—44.
Territorial affairs, on council bills 13 and 14—48.
engrossed bills, on council bill No. 4—48.

COMMITTEES—*Continued.*—

- Territorial affairs, on council bill No. 16 and 17—51.
- engrossment, on council bill No. 9—55.
- judiciary, on house file No. 8—58.
- counties, on house file No. 3—58.
- Territorial affairs, on house file No. 12—58.
- Indian affairs, on house file No. 4—59.
- special, concerning enrolling clerk, 59.
- relative to a flag over council chamber, 65.
- of conference on council bill No. 3—66.
- judiciary, on council bill No. 22—66.
- public buildings, on house file No. 7—66.
- mines and minerals, on geological surveys, 66.
- judiciary, on council bill No. 27—70.
- engrossment, on council bill No. 5—71.
- highways, bridges and ferries, house file 15, and council bill No. 24—71.
- engrossed bills, on council bill No. 18—74.
- judiciary, on council bill No. 27—77.
- agriculture, on council bill No. 12—78.
- enrolled bills, on council bills No. 6 and 7—78.
- special, on joint rules, 84.
- judiciary, on council bill No. 30—84.
- enrolled bills, on certain bills, 84, 85.
- immigration, on council bill 31—85.
- enrolled bills, on certain bills, 88.
- incorporations, on council bill 28—90.
- enrolled bills, on certain bills, 91.
- public lands, on house file No. 28—92.
- special, on council bill No. 11—94.
- judiciary, on house file No. 27—94.
- judiciary, on council bill No. 25—94.
- counties, on council bill No. 19—94.
- Territorial affairs, on house file No. 25—95.
- enrolled bills, on house file No. 1—95.
- manufactories, on house file No. 21—104.
- agriculture, on house file No. 11—104.
- highways, bridges and ferries, on council bill 36—104.
- judiciary, on council bill 37, and house file No. 1—108.
- agriculture, on council bill No. 33—109.
- enrolled bills, on certain bills, 109.

COMMITTEES—*Continued.*—

- counties, on council bills No. 32 and 40—110.
- judiciary, on council bill 41—115.
- military affairs, on council bill No. 45—115.
- highways, bridges and ferries, on council bill No. 43—115.
- enrolled bills, on house file No. 28—115.
- public buildings, on petition, 116.
- special committee, on house file No. 8 and 13—119.
- counties, on house file No. 36—119.
- enrolled bills, on house file No. 23—119
- enrolled bills, on house file No. 27—120.
- judiciary, on certain bills, 120.
- special, on house file No. 24—124.
- judiciary, on council bill No. 50—124.
- counties, on council bill No. 48—125.
- Territorial affairs, on council bill No. 11—125.
- judiciary, on council bill No. 51—129.
- railroads, on house file No. 39—130.
- judiciary, on council bill No. 55—134.
- education, on house file No. 22—134.
- enrolled bills, 134
- education, on council bill No. 35—132.
- special, on herd law, 139.
- special on apportionment bill, 140.
- special on apportionment bill, minority, 141.
- education, on council bill No. 64—143.
- agriculture, on house files No. 37 and 44—143.
- highways, bridges and ferries, on house files No. 30—143.
- counties, on council bill No. 66—147.
- 143.
- counties, on council bill No. 52—148.
- Clay county delegation, on house file No. 45—153.
- judiciary, on certain bills, 153.
- Territorial affairs, on certain bills, 153.
- incorporations, 154.
- engrossment, 154.
- highways, bridges and ferries, 154.
- enrolled bills, 154.
- immigration, 155.
- railroads, 155.

COMMITTEES—*Continued.*—

- special, on council bill No. 52—157.
- highways, bridges and ferries, 163.
- judiciary, 163.
- Indian affairs, 163.
- Territorial affairs, 164.
- enrolled bills, 164.
- incorporations, 164.
- education, 164.
- enrolled bills, 167.
- judiciary, 174.
- elections, 174.
- incorporations, 174.
- Territorial affairs, 174.
- enrolled bills, 175.
- Territorial affairs, 180.
- counties, 181.
- special, 182.
- special, 186.
- Territorial affairs, 187.
- highways, bridges and ferries, 187.
- enrolled bills, 187, 188.
- public printing, 193.
- enrolled bills, 193.
- special, petition of Frank Bem, 194. ✓
- special, minority on house file No. 54—194.
- judiciary, 200.
- special—election, 201.
- enrolled bills, 202, 203.
- enrolled bills, 206, 207.
- enrolled bills, 210.
- enrolled bills, 212.
- enrolled bills, 214.
- enrolled bills, 217.
- enrolled bills, 219.
- enrolled bills, 221.
- enrolled bills, 222.
- enrolled bills, 223.
- special, to wait on Governor, 225.

COMMITTEE OF THE WHOLE.

- on council bill No. 5—59.

COMMITTEES, STANDING, 27, 28.

COMMUNICATIONS FROM THE HOUSE.—

- informing the council of organization, 12.
- relative to joint committee to wait upon the governor, 16.
- relative to joint convention, 16.
- by committee, relative to joint convention, 19.
- announcing passage of council bills No. 1 and 2—23.
- announcing passage of house file No. 2—29.
- announcing passage of house file No. 4 and 5—39.
- announcing passage of house file No. 16—45.
- announcing passage of council bill No. 3—48.
- announcing passage of house files No. 3, 6, 7 and 12—52.
- announcing passage of council bills No. 6, 7, 8, and house files No. 15 and 18—60.
- announcing passage of house files No. 11 and 24—69.
- announcing passage of council bills No. 9, 13, 14, 16, 17, 20, 21, 23 and house files No. 17, 19 and 26—74.
- announcing passage of certain bills, 77.
- announcing passage of certain bills, 83.
- announcing passage of house file No. 1—95.
- announcing passage of concurrent resolution, 100.
- announcing passage of certain bills, 101.
- announcing passage of house files, 107.
- announcing passage of certain bills, 116, 121, 122, 135, 138, 145, 146, 156, 158, 159, 166, 168, 170, 177, 178, 182, 184, 185, 189, 190, 195, 197, 198, 205, 213, 218, 219, 220, 222 and 223.

COMMUNICATIONS.—

- from the secretary and acting governor, relative to flag for council chamber, 67.
- relative to receiving certain bills, 168.
- relative to approving certain bills, 214.

COUNCIL BILLS, referred to committees.

- No. 3, to judiciary, 28.
- 4, to judiciary, 28.
- 5, to agriculture, 28.
- 6, to counties, 28.
- 7, to Territorial affairs, 29.
- 8, to railroads, 39.

COUNCIL BILLS—*Continued.*—

- 9, to Territorial affairs, 33.
- 10, to judiciary, 36.
- 11, to judiciary, 39.
- 12, to agriculture, 39.
- 14, to Territorial affairs, 45.
- 13, to Territorial affairs, 45.
- 15, to public lands, 49.
- 16 and 17, to Territorial affairs, 49.
- 19, to counties, 49.
- 11, to special committee, 49.
- 18, to mines and minerals, 54.
- 22, to judiciary, 62.
- 24, to highways, bridges and ferries, 67.
- 26, to education, 67.
- 18, to engrossment, 68.
- 29, to judiciary, 72.
- 25 and 30, to judiciary, 80.
- 31, to immigration, 80.
- 28, to incorporations, 87.
- 32, to counties, 87.
- 33, to agriculture, 87.
- 34, to towns and counties, 92.
- 36, to highways, bridges and ferries, 92.
- 43, to highways, bridges and ferries, 95.
- 45, to military affairs, 100.
- 37, to judiciary, 101.
- 41, to judiciary, 110.
- 48, to counties, 117.
- 49, to judiciary, 117.
- 50 and 51, to judiciary, 120.
- 52, to counties, 120.
- 11, to Territorial affairs, 123.
- 54, to counties, 131.
- 55, to judiciary, 131.
- 57 and 56, to special committees, 131.
- 60, to railroads, 132.
- 35, to education, 132.
- 61, 62 and 63, to judiciary, 135.
- 64 and 65, to education and railroads, 136.
- 66, to counties, 141.

COUNCIL BILLS—*Continued.*—

- 68, to railroads, 146.
- 67, to judiciary, 146.
- 52, to special, 155.
- 71, to judiciary, 156.
- 72, to public printing, 156.
- 73, to counties, 156.
- 75, to Yankton county delegates, 170.
- 77, to Territorial affairs, 170.
- 76, to Clay county delegation, 171.
- 78, to Territorial affairs, 176.
- 79, to incorporations, 176.
- 80, to public printing, 178.

COUNCIL BILLS—Introduction and First Reading of Bills and Memorials.

- A memorial to Congress asking for the repeal of an act passed July 14th, 1870, requiring pre-emption claimants to make proof and payment for their lands before the 14th day of July, 1871—16.
- A memorial to Congress asking that the present session of the legislative assembly be extended to sixty days—16.
- A bill fixing the time of holding the session of the supreme court of Dakota Territory—23.
- An act to change the name of the town site of Lincoln, in the county of Lincoln, Territory of Dakota—23.
- An act to establish a herd law for the Territory of Dakota—23.
- A bill entitled an act creating the office of County Clerk, and for other purposes—24.
- Council bill No. 7, a memorial to the Postmaster General, requesting mail service on route No.—, from Algona, Iowa, *via* Canton to Yankton, Dakota—26.
- Joint resolution requesting the railroad companies of this Territory to report to the legislature—30.
- An act repealing a portion of section 704 of an act to establish a code of criminal procedure for Dakota Territory," approved, January 12th, 1869—31.

COUNCIL BILLS—*Continued.*—

Council bill No. 9, a memorial to the Postmaster General for increase of mail service between Elk Point and Sioux Falls, Dakota Territory—31.

An act to amend the first section of chapter eight, of laws of Dakota Territory, enacted in 1865-6—34.

An act to establish a ditch fence as lawful—34.

A memorial to Congress asking for the construction of government wagon roads—37.

A memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory—41.

A memorial to Congress for a road from Fort Abercrombie to Fort Ransom—41.

No. 15, a memorial to Congress, asking for an appropriation to aid in draining swamp lands of the Territory of Dakota—42.

A memorial to Congress praying for an appropriation of money to build a penitentiary in Dakota—42.

A memorial to Congress asking for grant of lands for college purposes in the Territory of Dakota—42.

Council bill No. 18, a memorial to Congress, asking for a geological survey of the Territory of Dakota—42.

No. 19, an act to re-define the boundaries of counties of the Territory—43.

A bill entitled an act to define the boundaries of counties of the Territory—43.

Council bill No. 20, a memorial to the Secretary of the Interior, requesting that supplies for Indians on the Upper Missouri river, be purchased of the farmers and producers of Dakota Territory—47.

A memorial to Congress asking that a mail route may be established between LeMars, Iowa, and Yankton, Dakota—51.

A bill for an act authorizing clerks of courts, in certain cases, to adjourn the same—51.

Council bill No. 21, a memorial to Congress asking that a mail route be established between LeMars, Iowa, and Yankton, Dakota Territory—54.

COUNCIL BILLS—*Continued.*

Council bill No. 22, an act authorizing clerks of courts to adjourn the same—54.

House file No. 3, a bill for legalizing the official acts of certain county officers of Minnehaha county—54.

Council bill No. 23, a memorial to Congress, asking for an appropriation to enable the Missouri river and Sioux City Telegraph Company to extend their line from Yankton to Fort Randall, D. T.—57.

Council bill No. 24, a memorial to the Congress of the United States, asking for an appropriation of money to bridge the Sioux river at or near Canton, D. T.—57

Council bill No. 25, an act to authorize the formation of special partnerships—57.

Council bill No. 26, an act to transfer certain funds to the common school fund of the county of Yankton—57.

Council bill No. 27, an act relative to the holding and transferring of real estate by any legal officer of a religious society and their successors—57.

Council bill No. 28, an act to incorporate the city of Bon Homme, Dakota Territory—65.

Council bill No. 29, an act to establish a Territorial board of health—65.

An act concerning divorces—67.

Council bill No. 31, a bill for an act creating the office of Commissioner of Immigration, and for other purposes—71.

House file No. 11, a bill to encourage the planting and growing of timber—71.

House file No. 24, a bill to divide the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein—71.

Council bill No. 32, an act allowing county commissioners to extend ferry leases and for other purposes—76.

Council bill No. 33, an act to amend an act entitled an act to encourage the planting and growing of timber, approved January 5th 1869—76.

COUNCIL BILLS—*Continued.*

- Council bill No. 34, a bill entitled an act defining the manner of surveying and platting town-sites—87.
- Council bill No. 35, a bill for an act to establish a public school law for the Territory of Dakota—89.
- Council bill No. 36, an act to establish a Territorial road from Canton to Yankton, Dakota Territory—89.
- Council bill No. 37, an act to amend section 279 of the laws of 1868-9—90.
- Council bill No. 38, joint resolution relative to the Dakota and Northwestern railroad—91.
- Council bill No. 39, being a preamble and joint resolution instructing the standing committee of both houses to investigate the alleged frauds of the last Territorial election as represented by W. A. Burleigh—92.
- Council bill No. 40, an act to authorize the county treasurer of Yankton county to receive county warrants in payment of taxes for the period therein named, and for other purposes—93.
- Council bill No. 41, an act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of the Territory—93.
- Council bill No. 42, an act relating to telegraph lines in Dakota Territory—93.
- Council bill No. 43, to locate a Territorial road from Yankton to Fort Thompson—93.
- Council bill No. 44, a memorial to the President of the United States requesting that an order for the removal of certain persons residing upon the Fort Randall military reservation in Dakota Territory may be suspended—93.
- Council bill 45, a memorial asking for the removal of the U. S. Quartermaster's Department from Sioux City, Iowa, to Yankton, Dakota—100.
- Council bill No. 46, an act relative to the form of certain oaths—104.
- Council bill No. 47, an act relating to married women—114.

- Council bill No. 48, an act creating the townships of Virginia, Prairie and Spink, in the county of Union, D. T. 115.
- Council bill No. 50, an act to transfer the Territorial library to the Secretary of the Territory—119.
- Council bill No. 51, an act to punish offenses against the right of suffrage—119.
- Council bill No. 52, to establish a system of township government for the Territory of Dakota—119.
- Council bill No. 53, an act relative to roads, bridges and cartways—124.
- Council bill No. 54, to define the manner of organizing unorganized counties in Dakota—129.
- Council bill No. 55, to regulate the admission of physicians to practice in Dakota—129.
- Council bill No. 56, to divide the Territory of Dakota into council and representative districts, etc.—129.
- Council bill No. 57, to amend an act to protect cultivated lands and growing timber from trespassing animals in Dakota—129.
- Council bill No. 59, to amend section 16, chapter 4, session laws of 1868—9—129.
- Council bill No. 58, prescribing certain duties for the Territorial Treasurer and Auditor—129.
- Council bill No. 60, to enable organized counties and towns to vote aid to any railroad and to provide for the payment of the same—132.
- Council bill No. 61, providing for holding terms of the district courts in the county of Lincoln—133.
- Council bill No. 62, to amend section 34, of chapter 6 of the laws of 1865 and 6—133.
- Council bill No. 63, regulating the fees of office and salaries of certain officers—133.
- Council bill No. 64, an act to repeal section 12 of chapter 15 of the laws of 1867—8—133.
- Council bill No. 65, a bill relating to surveying and county surveyors—133.
-

- Council bill No. 67, specifying when notes on demand shall become over due—142.
- Council bill No. 68, relative to St. Paul and Pacific railroad—143.
- Council bill No. 69, an act for an election of women of Dakota—143.
- Council bill No. 70, an act for the revocation of the appointment of guardians, etc.—153.
- Council bill No. 71, to define the code of civil and criminal procedure, and for other purposes—153.
- Council bill No. 72, to establish the fees of printers for the publication of legal notices—153.
- Council bill No. 74, a memorial to the legislative assembly of the Territory of Dakota—163.
- Council bill No. 75, providing for the appointment and election of assessor, in the county of Yankton—163.
- Council bill No. 76, to change in Clay county the Territorial road from the Big Sioux to Yankton—163.
- Council bill No. 77, for an appropriation to repair the Big Sioux bridge—163.
- Council bill No. 78, a memorial to the Congress, relative to the adoption of a surveyor's mark—174.
- Council bill No. 80, to provide for the publication of the laws passed at this ninth session of the legislative assembly of the Territory of Dakota—178.
- Council bill No. 81, a memorial for mail route between Yankton, Dakota, and Niobrara, Nebraska—184.
- Council bill No. 82, a memorial asking for a mail route from Elk Point, to the town of Swan Lake, Dakota Territory—184.
- Council bill No. 83, concerning insurance companies—192.
- Council bill No. 84, a joint resolution relative to the pay of the clerks and secretaries—196.
- Council bill No. 85, an act to establish the county of Hamlin—200.
- Council bill No. 86, enlarging the powers of the Commissioners of Yankton county—204.

Council bill No. 87, relative to the medical profession
of the Territory—205.

COUNCIL BILLS—Third reading and final passage of

C. B. No. 2—20, 24.

1—21, 24.

3—36.

7—40.

8—40.

10—40.

6—41.

13—52.

14—52.

16—53.

17—53.

4—53.

20—54.

9—56.

21—61.

23—61.

22—68.

24—72.

5—72.

18—75.

12—80.

27—80.

38—91.

89—92.

30—102.

31—102.

28—104.

36—106.

42—106.

37—110.

32—112.

44—112.

19—127.

41—128.

11—130, lost.

58—132.

48—138.

57—139, lost—passed, 142.

COUNCIL BILLS—*Continued.*

C. B. No. 35—140.

56—144.
54—148.
50—149.
43—149.
64—149.
46—150.
55—150.
66—150.
45—151.
51—151.
61—152.
69—156, lost.
47—157.
52—158.
49—158.
65—161.
34—161.
71—165.
70—171.
59—172.
67—172.
60—175.
62—175.
72—176.
40—179, lost.
77—180, lost.
82—191.
75—191.
81—192.
55—196, lost.
84—196.
83—197.
85—200.
70—203.
98—204.
86—205.
87—207, lost.
15—209.
78—211, lost.

CREW, ROBERT—elected Messenger, 14.
Took oath of office, 15.

CUPPETT, W. M.—took oath of office, 5.
nominations made by, 13.
appointed on committees, 15, 35, 58, 107, 131, 179, 183.
gave notice of bills, 17, 22, 31, 51, 18, 127.
introduced bills, 23, 26, 34, 89, 92, 129, 133.
motions made by, 27, 32, 56, 60, 63, 90, 103, 113, 152,
199, 211, 216.
presented resolutions, 102, 157, 173.
submitted reports, 38, 41, 44, 48, 51, 58, 78, 84, 85, 86,
88, 91, 95, 109, 115, 119, 125, 134, 140, 153, 154, 155,
164, 167, 174, 180, 187, 188, 193, 202, 206, 207, 210, 212,
214, 219, 221, 222, 223.

EDWARDS, COL. T. A. H.—appointed temporary sergeant-
at-arms, 8.
nominated for sergeant-at-arms, 14.

FOSTER, GEO. I.—nominated for temporary secretary, 6.

FOSTER, JAS. S.—confirmed as sup't pub. ins., 33.
requested to make report, 43.
submitted report, 81.

FRALEY, HUGH—took oath of office, 5.
nominated for permanent president, 7.
nominations made by, 13.
gave notice of bills, 13, 31, 43, 47, 65.
motions made by, 30, 92, 169, 212.
introduced bills, 23, 42, 65.
appointed on committees, 35, 36, 58, 79, 104, 131, 155,
183.
submitted reports, 59, 86, 91, 141, 154, 155, 164, 174, 194.

FRENCH, GEO. W., *Chief Justice*—administered oath to
members, 5.

GREEN, H. C.—elected assistant secretary, 14.
took oath office, 15.

GREENO, CHAS.—appointed temporary fireman, 7.

HAMMON, A. P.—motions made by, 20.

HOUSE FILES—referred to committees—

- No. 2, to Indian affairs, 29.
- 4, “ “ 41.
- ✓ 5, to counties, 41.
- 3, “ 64.
- 6, to judiciary, 55.
- 7, to public building, 55.
- 12, to Territorial affairs, 55.
- 15, to highways, bridges and ferries, 62.
- 11, to agriculture, 79.
- 24, to special committees, 79.
- 21, to manufacturers, 86.
- 23, to Territorial affairs, 89.
- 27, to judiciary, 89.
- 28, to public lands, 89.
- 1, to judiciary, 105.
- 22, to education, 105.
- 8, to special committee, 107.
- 13, to special committee, 107.
- 33, to internal improvements, 117.
- 9, to judiciary, 117.
- 36, to counties, 117.
- 34, to territorial affairs, 126.
- 42, to territorial affairs, 126.
- 38, to highways, bridges and ferries, 126.
- 39, to railroads, 127.
- 35, to immigration, 136.
- 44, to agriculture, 137.
- 45, to Clay county delegation, 137.
- 37, to agriculture, 137.
- 46, to highways, bridges and ferries, 141.
- 52, to incorporations, 146.
- 54, to judiciary, 143.
- 49, to highways, bridges and ferries, 147.
- 55, to agriculture, 147.
- 56, to judiciary, 147.
- 45, to highways, bridges and ferries, 143.
- 31, to Indian affairs, 148.
- 37, to Indian affairs, 150.

HOUSE FILES—*Continued.*

- No. 9, to Territorial affairs, 156.
- 62, to Territorial affairs, 166.
- 58, to counties, 170.
- 50, to election, 170.
- 31, to Indian affairs, 171.
- 66, to special, 183.
- 32, to judiciary, 183.
- 65, to Indian affairs, 185.
- 68, to counties, 185.
- 60, to highways, bridges and ferries, 185.
- 63, to public printing, 185.

HOUSE FILES—first and second reading of—

- House file No. 2, entitled a memorial to the President of the United States, relative to the removal of the Pembina band of Chippewa Indians—29.
- A memorial to Congress asking for the establishment of a mail route from Yankton to old Fort James, Dakota Territory—41.
- House file No. 3, a bill for legalizing the official acts of certain county officers of Minnehaha county—54.
- House file No. 6, a memorial to Congress asking for appropriation to codify the laws of Dakota—55.
- House file No. 7, a memorial to Congress asking for an appropriation to build a capitol building for Dakota Territory—55.
- House file No. 12, a memorial to Congress praying for the establishment of a mail route from Flandreau to a point at or near Medary, D. T.—55.
- House file No. 11, a bill to encourage the planting and growing of timber—71.
- House file No. 24, a bill to divide the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein—71.
- House file No. 17, a memorial to the Postmaster General requesting service on mail route No. —, from Vermillion, D. T., via Bloomingdale and Eureka, to Swan Lake, Dakota Territory—74.

HOUSE FILES—*Continued.*

House file No. 19, a memorial to the Postmaster General requesting mail service on mail route No. —, from LeMars, Iowa, to Sioux Falls, D. T.—74.

House file No. 26, a memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North—75.

House file No. 26, a memorial to Congress asking for an appropriation to remove obstructions in the Red River of the North—79.

House file No. 37, a bill for the preservation of game in the Territory of Dakota—127.

House file No. 63, to repeal section 7 of chapter 38 of the laws of 1867-8—195.

House file No. 40, to divide the township of Civil Bend in Union county—195.

HOUSE FILE—Third reading and final passage.

No. 16—45.

3—62.

6—62.

18—62.

4—63.

12—63.

2—68.

7—68.

19—74.

17—79.

26—79.

29—86.

23—99.

27—100.

15—105, lost.

1—110, lost.

28—113.

—113.

—125.

11—125.

24—126, lost.

8 & 13—130, lost.

36—137.

31

HOUSE FILES—third reading and final passage—*Continued.*

39—149.
 44—159.
 46—160.
 43—160.
 38—160.
 —162.
 35—166.
 64—169.
 54—169.
 49—171.
 45—172.
 57—175.
 —177.
 37—179, lost.
 52—180.
 58—181.
 56—184.
 65—189, lost.
 69—190.
 60—191.
 34—193.
 63—195.
 66—199, lost.
 50—201.
 66—201.
 61—204.
 50—208.
 71—208.
 72—208.
 65—209.
 32—210.
 50—212.
 —216.
 —216.
 73—216.
 9—217.

HOWARD, A. W.—nominated for assistant secretary, 13.

HOYT, REV. M.—nominated for chaplain, 15.
 elected chaplain, 27.

JERAULD, H. A.—appointed on committee, 20

JOINT CONVENTION—19.

KENNEDY, J. C.—took oath of office, 5.

 motions made by, 8, 17, 21, 23, 28, 32, 86, 134 and 211.

 nominations made by, 14.

 appointed on committees, 15, 17, 35, 49, 64, 79, 107, 131,
 155 and 183.

 reports made by, 18, 35, 38, 43, 59, 71, 78, 94, 104, 109,
 115, 119, 139, 140, 143, 154, 163, 174 and 187.

 gave notice of bills, 22, 31, 47, 76, 108 and 114.

 introduced bills, 31, 34, 51, 115, 119 and 163.

KIDDER, SILAS W.—took oath of office, 5.

 nominations made by, 6, 13, 15.

 nominated for permanent president, 7.

 appointed on committees, 16, 131, 183.

 submitted reports, 35, 48, 55, 59, 71, 75, 110, 141, 153,
 154, 182.

 gave notice of bills, 47, 83, 103, 108, 114, 119, 124, 133.

 presented resolutions, 47.

 motions made by, 50, 64, 107, 138, 173, 207.

 introduced bills, 51, 93, 104, 114, 115, 129, 142, 153, 205.

McINTYRE, CHAS. H.—took oath of office, 5.

 nominations made by, 6 and 14.

 nominated for temporary president, 6.

 motions made by, 7, 12, 19, 21, 32, 55, 81, 86, 92, 101,
 105, 117, 123, 130, 140, 145, 156, 169, 183, 196, 199, 209,
 211 and 212.

 appointed on committees, 13, 15, 16, 107, 131 and 225.

 presented resolutions, 15, 18, 20, 82, 128, 215.

 introduced bills, 23, 57, 65, 76, 89, 90, 93, 124, 133, 163,
 178 and 184.

 submitted reports, 34, 43, 84, 119, 134, 139, 140, 143, 164,
 193 and 194.

 gave notice of bills, 51, 57, 65, 103, 108 and 114.

McKAY, W. T.—took oath of office, 5.

 motions made by, 23, 32, 33, 130, 141, 189 and 196.

 appointed on committees, 35, 79, 107, 131, 155, 179 and
 183.

McKAY, W. T.—*Continued.*

- gave notice of bills, 43, 145.
- submitted reports, 66, 94, 141, 194.
- introduced bills, 93, 100.

MESSAGES FROM THE GOVERNOR.—

- annual message delivered, 22.
- relative to appointment of Superintendent of Public Instruction, 23.
- relative to the appointment of private secretary, 22.
- relative to making provision for the proper confinement of criminals, 29.
- approving council bills 1 and 2—46.
- relative to military warrants, 96.
- approving certain bills, 111.
- approving certain bills, 116.
- announcing absence of governor, 136.
- annual message, 226.

MEYER, CARL C. P.—petition from, 102.

MINER, NELSON—took oath of office, 5.

- nominated for permanent president, 7.
- appointed on committees, 20, 36, 49, 57, 58, 219.
- introduced bills, 24, 31, 153.
- gave notice of bills, 26.
- called to chair, 92.
- motions made by, 28, 31, 32, 33, 45, 48, 49, 59, 69, 74, 100, 106, 123, 196, 211, 217, 225.
- presented resolutions, 46, 57, 70, 215.
- submitted reports, 38, 65, 86, 94, 115, 163, 182, 186, 224.

MOORE, MR.—nominated for fireman, 14.

MORRIS, EMORY—took oath of office, 5.

- nominated for permanent president, 7.
- elected president of council, 12.
- remarks by, 13, 224.
- took oath office, 13.
- gave notice of bill, 31.
- motions made by, 37.
- introduced bills, 42, 129, 184.

MORRISON, REV. P. B.—appointed temporary chaplain, 8.
 elected chaplain, 15.
 letter of resignation, 26.

ON THE TABLE.—

Council bill No. 11- 45, 95, 109.
 House file No. 28- 92.
 Council bill No. 19—99.
 “ “ “ 28 and 25—101.
 House file No. 11—109.
 Council bill No. 40—113.
 “ “ “ 33—117.
 House file No. 22—152.
 “ “ “ 52—159.
 “ “ “ 9—176.
 Council bill No. 63—178.
 House file No. 5—181.
 “ “ “ 14—183.
 Council bill No. 83—192.
 “ “ “ 55—193.
 House file No. 50—198.
 “ “ “ 26, 67, 40—203.
 Council bill No. 32—203.
 House file No. 9—204, 212.
 Council bill No. 8—205.
 House file No. 26—221.

POUND, WM.—appointed private secretary to governor, 22.

RAUUM, ANDREW—elected fireman, 15.
 took oath of office, 15.

REA, GEO. T.—elected temporary secretary, 6.
 elected permanent secretary, 13.
 took oath of office, 15.

RECESS—18, 81, 99, 111, 126, 139, 140, 146, 157, 167, 179, 194,
 209, 215, 222.

RESOLUTIONS—for committee to draft rules, 15.
 relative to postage and newspapers, 15.
 relative to committee on joint rules, 15.

RESOLUTIONS—*Continued.*

- relative to committee to wait on the governor, 16.
- relative to time of meeting in joint convention, 18.
- relative to news stand in council chamber, 18.
- that governor's message be made special order, 20.
- relative to printing governor's message, 20.
- relative to daily calendars, 31.
- relative to printing governor's message in German language, 31.
- asking the governor for information relative to military warrants, 34.
- giving use of hall to secretary, 46.
- giving use of hall to secretary, 48.
- relative to election of engrossing clerk, 50.
- relative to U. S. flag over council chamber, 57.
- electing Chas. H. Greeno, enrolling clerk, 59.
- tendering use of hall to certain societies, 70.
- tendering desk to newspaper reporters, 77.
- tendering use of portion of hall to citizens, 81.
- relative to conference of committees of immigration, 82.
- tendering thanks to Jas. S. Foster, 82.
- tendering use of hall to citizens, 103.
- relative to partition in council chamber, 128.
- directing auditor to draw warrant, 157.
- making appropriation, 164.
- relative to printing immigration report, 165.
- relative to printing memorials, 173.
- requesting judges of supreme court to communicate their desires regarding judicial districts, 188.
- concerning fruit for the members, 215.
- concerning cigars for the members, 215.
- tendering thanks to officers, 215, 224.

SAMPSON, LOUIS—elected sergeant-at-arms, 14.
took oath of office, 15.

SHAW, A. F.—called house to order, 5.
took oath of office, 5.

STONE, JAS. M.—took oath of office, 5.
motions made by, 7, 20, 27, 35, 45, 60, 105, 113, 117, 127,
130, 212.

STONE, JAS. M.—*Continued.*

appointed on committees, 17, 35, 49, 57, 64, 155, 183, 219.
reports made by, 18, 38, 41, 58, 36, 91, 94, 110, 116, 119,
125, 147, 148, 181, 194, 195.
introduced bills, 41, 42, 57, 76, 153, 192.
presented resolutions, 224.
gave notice of bills, 43, 50, 69, 114.

TURNER, J. W.—took oath of office, 5.

nominated for temporary president, 6.
nominations made by, 14.
nominated for permanent president, 7.
name withdrawn for permanent president, 12.
motions made by, 9, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30,
33, 36, 37, 39, 43, 46, 49, 52, 54, 58, 59, 61, 64, 72, 93,
111, 118, 120, 121, 130, 132, 139, 148, 152, 159, 162, 167,
177, 179, 182, 185, 194, 196, 199, 211, 217, 225.
reports made by, 18, 34, 37, 38, 43, 58, 66, 70, 77, 84, 92,
94, 108, 109, 115, 119, 120, 124, 129, 134, 153, 157, 163,
169, 182, 200.
appointed on committees, 13, 15, 17, 20, 35, 57, 79, 107,
155, 179, 225.
excused from voting, 15.
presented resolutions, 15, 16, 18, 20, 34, 70, 77, 164, 165.
introduced bills and memorials, 16, 57, 71, 119, 129, 163,
196.
called to chair, 30.
gave notice of bills, 51, 57, 124.