

COUNCIL JOURNAL

OF THE

SECOND SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA;

TO WHICH IS PREFIXED

A LIST OF THE MEMBERS AND OFFICERS OF THE
COUNCIL, WITH THEIR RESIDENCE, POST-OF-
FICE ADDRESS, OCCUPATION, AGE, &c.

PUBLISHED BY AUTHORITY.

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LIST OF MEMBERS AND OFFICERS OF THE COUNCIL
OF THE
SECOND LEGISLATURE OF THE TERRITORY OF DAKOTA,
WITH THEIR RESIDENCE, AGE, OCCUPATION, FAITH, WEIGHT, &c.

<i>Name.</i>	<i>County.</i>	<i>Post-office.</i>	<i>Occupation</i>	<i>Age.</i>	<i>Nativity.</i>	<i>Faith.</i>	<i>W't</i>	<i>Settled in Dakota.</i>	
J. W. BOYLE,	Clay	Vermilion	Lawyer	37	Penn'a	Presbyterian	140	1860	Married.
D. T. BRAMBLE,	Yankton	Yankton	Merchant	30	Verm't		167	1859	Single.
W. W. BROOKINGS,	Minnehaha	Sioux Falls	Lawyer	30	Maine	Congregat'al	155	1857	Single.
AUSTIN COLE,	Cole	Willow	Farmer	48	Ohio		165	1860	Married.
JACOB DEUEL,	Clay	Vermilion	Engineer	32	N. Y.		140	1859	Married.
J. SHAW GREGORY,	Todd	Ponca Agency	Merchant	31	N. Y.	Episcopal'n		1857	Single.
JAMES McFETRIDGE.	Kittson	St. Joseph	Trader	32	Canada	Episcopal'n	145	1855	Single.
JOHN H. SHOBER,	Bon Homme	Bon Homme	Lawyer	30	Virg'a	Universalist	147	1858	Single.
ENOS STUTSMAN,	Yankton	Yankton	Lawyer	37	Ind.	Episcopal'n	135	1858	Single.

OFFICERS.

ENOS STUTSMAN *	Yankton	Yankton	Lawyer	37	Indiana	Episcopalian	135	1858	Single.
JAMES TUFTS †	Yankton	Yankton	Lawyer	30	N. H.	Episcopalian	148	1857	Single.
W. W. WARFORD ‡	Bon Homme	Bon Homme	Farmer	27	Penn'a	Universalist	147	1859	Single.
LORENZO ROBINSON	Clay	Vermilion	Farmer	22	N. Y.		140	1860	Single.
HANS GUNDERSON §	Clay	Vermilion	Farmer	30	Norway	Lutheran	150	1859	Married.
OLE HALVERSON ¶	Cole	Brule Creek	Farmer	40	Norway	Lutheran	140	1861	Married.
M. HOYT **	Yankton	Yankton	Clergyman	53	Conn.	Protestant	180	1862	Married.

* *President.* † *Secretary.* ‡ *Assistant Secretary.* || *Sergeant-at-Arms.* § *Messenger.* ¶ *Fireman.* ** *Chaplain.*

COUNCIL JOURNAL.

FIRST DAY.

COUNCIL CHAMBER,
MONDAY, December 1, 1862. }

Legislative Assembly of Dakota Territory, begun and held at the capitol, in the town of Yankton, on Monday, the first day of December, in the year of our Lord, eighteen hundred and sixty-two, being the second session of the Legislative Assembly held under the Organic Act.

On which day, being the day fixed by the law of the Territory for the meeting of the Legislative Assembly, the members of the Council, at 12 o'clock, meridian, were called to order by James Tufts, Secretary, and the roll being called, the following members answered to their names:

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Shober and Stutsman.

The Secretary having announced that a quorum was present,
On motion of Mr. Stutsman,
Mr. Shober was elected temporary chairman.

The council then proceeded to the election of permanent officers.

On motion of Mr. Boyle,
Enos Stutsman was chosen, without opposition, president of the council.

The chair appointed Messrs. Boyle and Gregory a committee to wait upon the president elect to the chair.

The committee discharged the duty assigned them, and the president, on taking the chair, accepted the office in suitable terms.

On motion of Mr. Brookings,
James Tufts was elected secretary of the council.

On motion of Mr. Shober,
W. W. Warford was elected assistant secretary.

The council proceeded to the election of sergeant-at-arms.

Mr. Deuel nominated L. D. Robinson.

Mr. Bramble nominated W. P. Lyman.

The vote being taken, resulted as follows :

Those voting for Mr. Robinson, were
Messrs. Boyle, Brookings, Deuel, Shober, and the President.

Those voting for Mr. Lyman, were
Messrs. Bramble, Cole, and Gregory.

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

The council then proceeded to the election of messenger.

Mr. Cole nominated Eli B. Wixson.

Mr. Bramble nominated Samuel Jerou.

Mr. Boyle nominated H. Gunderson.

The vote being taken, resulted as follows :

Those voting for Mr. Gunderson, were
Messrs. Boyle, Brookings, Deuel, Shober, and the President.

Those voting for Mr. Jerou, were
Messrs. Bramble and Gregory.

Mr. Cole voted for Mr. Wixson.

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

The council then proceeded to the election of fireman.

Mr. Brookings nominated Ole Halverson.

Mr. Bramble nominated Charles Nolan.

The vote being taken, resulted as follows :

Those voting for Mr. Halverson, were
Messrs. Boyle, Brookings, Cole, Deuel, and Shober.

Those voting for Mr. Nolan, were
Messrs. Bramble and Gregory.

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

On motion of Mr. Shober,
Melancthon Hoyt was elected chaplain.

The officers elect were then duly qualified by the President.

On motion of Mr. Shober,
The council adjourned to meet to-morrow at 10 o'clock,
A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

SECOND DAY.

COUNCIL CHAMBER, }
Tuesday, December 2, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Deuel, Shober and the President.

On motion of Mr. Bramble,
The reading of the journal was dispensed with.

On motion of Mr. Bramble,
The rules of the last session were adopted for the temporary government of the council.

On motion of Mr. Shober,
The President appointed Messrs. Shober, Brookings and Boyle a committee to prepare rules for the government of the council.

On motion of Mr. Brookings, the following resolution was adopted :

Resolved, That the Federal officers of the Territory, members of the house of representatives and officers of the same, be admitted to seats within the bar of the council.

The chair announced the following Standing committees :

Judiciary—Messrs. Shober, Boyle and Brookings.

Education—Messrs. Brookings, Gregory and Cole.

Military Affairs—Messrs. Gregory, Deuel and Shober.

Incorporations—Messrs. Boyle, Brookings and Bramble.

Finance—Messrs. Bramble, Cole and McFetridge.

Elections—Messrs. Deuel, Brookings and Boyle.

Public Buildings—Messrs. McFetridge, Bramble and Cole.

Highways, Bridges and Ferries—Messrs. Cole, Gregory and Shober.

Counties—Messrs. Boyle, McFetridge and Gregory.

Territorial Affairs—Messrs. Deuel, Cole and Brookings.

Public Printing—Messrs. Shober, Boyle and Deuel.

Agriculture—Messrs. Cole, McFetridge and Bramble.

Expenditures—Messrs. Gregory, Brookings and Boyle.

Federal Relations—Messrs. Brookings, Boyle and Gregory.

Engrossed and Enrolled Bills—Messrs. Shober, Deuel and Boyle.

Council took a recess until 1 o'clock P. M.

President resumed the chair.

On motion of Mr. Brookings,

The council adjourned to meet to-morrow at 10 o'clock
A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRD DAY.

COUNCIL CHAMBER,
Wednesday, December 3, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle Bramble, Brookings, Deuel, Gregory, Shober
and the President.

Journal read and approved.

Mr. Shober, from special committee on Rules, presented the
following report, which was adopted :

MR. PRESIDENT :

Your committee on Rules have had the same under consid-
eration and beg leave to report the rules of the last session,
with the accompanying amendments, and recommend their
adoption.

J. H. SHOBER, Ch'n.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

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

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

R U L E S .

1. The President shall take the chair at the hour to which the Council is adjourned, and call the members to order; and if a quorum be present, he shall direct the journals of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council.

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

3. Questions shall be put in this form, viz: "As many as are of the opinion that (as the case may be) say 'aye.'" And after the affirmative voice is expressed, "as many as are of the contrary opinion, say 'no.'" If the President doubt, or a division be called for, the Council shall divide—those in the

affirmative of the question shall first rise from their seats, and afterwards those in the negative.

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

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

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

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

8. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the Council to a direct vote upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

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

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

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

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

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

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

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

17. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration the same or the day following.

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

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

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

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

22. On the final passage of all bills the ayes and noes shall be taken. And there shall be the following standing committees :

Judiciary,
Education,
Military Affairs,
Incorporations,
Finance,
Elections,
Public Buildings,
Counties,
Territorial Affairs,
Agriculture,
Expenditures,

Federal Relations,
Public Printing,
Engrossed and Enrolled Bills.
Highways, Bridges, and Ferries.

23. All bills after a second reading shall be printed, unless otherwise ordered by the council.

Mr. Brookings presented the following resolution, which was adopted :

Resolved, That a committee of three be appointed to wait upon the secretary and make arrangements in regard to the furnishing of postage and papers for the members and officers of the council.

The chair appointed Messrs. Boyle, Gregory, and Deuel such committee.

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

Resolved, That the secretary be instructed to furnish the printer, forthwith, with a copy of the rules adopted for the government of the council, and have a sufficient number of the same printed for the use of the council.

On motion of Mr. Gregory,

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

ENOS STUTSMAN, *President*.

JAMES TUFTS, *Secretary*.

FOURTH DAY.

COUNCIL CHAMBER, }
Thursday, December, 4, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Deuel, Gregory, Shober, and the President.

Mr. Boyle, from special committee, presented the following communication from the Secretary :

DAKOTA TERRITORY, SECRETARY'S OFFICE, }
Yankton, Dec. 4, 1862. }

Messrs. BOYLE, GREGORY and DEUEL,

Committee of the Council:

In reply to your inquiries relative to the payment of postage of the members of the council, and in relation to the number of newspapers which will be furnished the council by the Secretary, I have to say that, at present, all postage of the members, and chief clerk of the council, will be paid at the postoffice. You will each write your name on the papers, documents and letters by you deposited. Newspapers published within the Territory, will be furnished to the amount of three dollars to each member and chief clerk, and one-half that amount to the other officers. Each person will make known to me what newspapers he wishes me to furnish.

I am very respectfully,

Your obedient servant,

JOHN HUTCHINSON,

Secretary.

Mr. Shober gave notice of

A bill providing for the selection of United States grand and petit jurors.

On motion of Mr. Gregory, the following resolution was adopted :

Resolved, That the use of this chamber, on every Sunday during the session, be tendered to Rev. M. Hoyt, for the purpose of performing divine service.

On motion of Mr. Shober,

The council adjourned, to meet at ten o'clock, A. M. tomorrow.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

FIFTH DAY.

COUNCIL CHAMBER,
Friday, December 5, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Shober, and the President.

Mr. Cole presented the credentials of James McFetridge, as councilman from the Red River district.

Mr. McFetridge being duly qualified by chief justice P. Bliss, took his seat as member of the council.

Journal read and approved.

Mr. Shober gave notice of

A bill for an act to amend section six of chapter twenty-three of the code.

Mr. Boyle gave notice of

A bill fixing the time for holding the territorial district court in the several districts in the Territory.

On motion of Mr. shober,

Mr. McFetridge was excused for non-attendance to date.

On motion of Mr. Brookings,

Mr. Mr. Cole was excused for three days absence from the session of the council.

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

Resolved, That the Secretary of the Territory be requested to furnish seats for spectators in the council chamber.

Mr. Cole gave notice of

A bill to provide for the payment of a bounty on the scalps of wolves, and other ferocious animals in the Territory.

On motion of Mr. Shober.

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

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

SIXTH DAY.

COUNCIL CHAMBER,
Saturday, December 6, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Cole, Deuel, Gregory, McFetridge, Shober, and the President.

Journal read and approved.

The following messages were received from the house :

HOUSE OF REPRESENTATIVES, }
December 6, 1862. }

MR. PRESIDENT :

I am instructed by the house, to inform your honorable council, that the house is now permanently organized, by the election of the following officers :

A. J. Harlan, Speaker.

B. M. Smith, Chief Clerk.

R. M. Hagaman, Assistant Clerk.

Gustave Jacobson, Sergeant-at-arms.

T. Halverson, Messenger.

J. S. Presho, Fireman.
Mr. Payne, Chaplain.

B. M. SMITH,
Chief Clerk.

MR. PRESIDENT :

I am instructed by the house, to inform your honorable council, that the house has appointed Messrs. Donaldson, Puett, and Armstrong, to confer with a like committee on the part of your honorable body, in the formation of joint rules for the government of both houses in joint convention.

B. M. SMITH,
Chief Clerk.

The following notices of bills were given :

By Mr. Shober, of

A bill to provide for the election of a public printer.

By Mr. Deuel, of

A bill to unite East and West Vermilion, in the county of Clay, into one council and representative district.

By Mr. Bramble, of

A bill granting a ferry charter, to certain persons, across the Missouri river, at Yankton.

On motion of Mr Shober,

Messrs. Shober, Bramble, and McFetridge were appointed a committee on the part of the council, to confer with a similar committee appointed by the house, to prepare joint rules for the government of the two houses.

Mr. Shober introduced

C. B. No. 1, an act to amend section six of chapter twenty-three of the code.

Read a first and second time,

: And referred to the committee on Judiciary.

Mr. Cole introduced

C. B. No. 2, an act providing bounties for wolf scalps.

Read a first and second time,

And referred to the committee on Agriculture.

On motion of Mr. Shober,

Messrs. Shober and Gregory were appointed a committee to act with a similar committee from the house, to wait upon his excellency, the Governor, and inform him that the two houses are now permanently organized, and ready to receive any communication he may have to make to them.

On motion of Mr. Deuel,

The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, December 8, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle Bramble, Brookings, Cole, Deuel, McFetridge, Shober and the President.

Journal read and approved.

NOTICES OF BILLS.

Mr. Brookings, of

A bill to incorporate the Minnesota and Dakota Railroad company.

On motion of Mr. Gregory,

Messrs. Shober, McFetridge and Gregory, were appointed a special committee on Indian Affairs.

Mr. Shober introduced,
 C. B. No. 3, an act to provide for the public printing.
 Read a first and second time,
 And referred to the committee on Printing.

The following messages were received from the house :

HOUSE OF REPRESENTATIVES, }
 Yankton, D. T., Dec. 6, 1862. }

MR. PRESIDENT :

I am instructed to inform your honorable body that Messrs. Armstrong and Jacobson, are appointed a committee on the part of the house, to act with a similar committee on the part of the council, to wait upon his excellency the Governor, and inform him that the two houses are now permanently organized and ready to receive any communication he may have to make.

B. M. SMITH,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
 Yankton, D. T., Dec. 6, 1862. }

MR. PRESIDENT :

I am instructed to inform your honorable body that Messrs. Armstrong and Bothun, are appointed a committee on the part of the honorable house, to act with a similar committee on the part of the council, to draft rules for the government of both houses.

B. M. SMITH,
Chief Clerk.

On motion of Mr. Brookings,
 The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

NINTH DAY.

COUNCIL CHAMBER,
 Tuesday, December 9, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Deuel, Gregory, Shober
 and the President.

Journal read and approved.

NOTICES OF BILLS.

Mr. Brookings, of

A memorial praying for the establishment of a military post
 on the Big Sioux river.

Mr. Deuel, of

A bill for an act prescribing rules and regulations for the
 execution of the trust arising under the act of Congress, en-
 titled "an act for the relief of citizens of towns upon lands
 of the United States, under certain circumstances.

Also, of

A bill for an act to regulate and encourage the drainage of
 lands.

Also, of

A bill for an act to encourage the erection of mill dams and
 mills.

Mr. Shober introduced

C. B. No. 4, an act to establish a seal for the Territory of
 Dakota.

Read first and second time,

And referred to the committee on Territorial Affairs.

Mr. Shober presented the following report from special committee, which was adopted :

MR. PRESIDENT :

Your joint committee, appointed to act with a similar committee appointed on the part of the house, to wait upon his Excellency the Governor and inform him that the two houses are permanently organized and ready to receive any communication he may have to make, have performed that duty, and are requested by his Excellency to say that he will be ready to communicate with the two houses in joint convention as early as to-morrow, at two o'clock, P. M.

J. H. SHOBER,
J. SHAW GREGORY,
Council Committee.

M. K. ARMSTRONG,
J. A. JACOBSON,
House Committee.

On motion of Mr. Bramble, the secretary was instructed to inform the house that the council would be ready to meet them in joint convention to-morrow, at 2 o'clock, P. M.

On motion of Mr. Brookings,
The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TENTH DAY.

COUNCIL CHAMBER, }
Wednesday, December 10, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle Bramble, Brookings, Cole, Deuel, Gregory, Shober and the President.

Journal read and approved.

NOTICES OF BILLS.

Mr. Gregory, of

A bill for an act prescribing the general duties of the territorial treasurer.

Mr. Deuel introduced

C. B. Nos. 5, 6, and 7.

Mr. Deuel, from committee on Teritorial Affairs, reported back

C. B. No. 4, and recommend its passage, with accompanying amendments.

Mr. Shober, from the Judiciary committee, reported back C. B. No. 1, and recommended its passage.

C. B. No. 4, an act to establish a seal for the Territory of Dakota,

Taken up.

Amendment of committee rejected.

Read third time.

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 1, as follows :

Ayes—Messrs. Boyle, Bramble, Cole, Deuel, Gregory, Shober, and President.

Noes—Mr. Brookings.

Bill passed.

Title agreed to.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 10, 1862.

MR. PRESIDENT :

I am directed to inform the honorable council that the house

will be ready to meet the council in joint convention, at two o'clock this day, P. M., for the purpose of receiving any communication the Governor may have to make, and the members of the council are hereby invited to seats in the house, at the right of the Speaker's chair.

B. M. SMITH,
Chief Clerk.

C. B. No. 1,

Taken up, and recommitted to committee on Judiciary.

C. B. No. 5, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States, under certain circumstances,

Taken up,

Read first and second time,

And referred to committee on Judiciary.

C. B. No. 6, an act to encourage the erection of mill dams and mills,

Taken up,

Read first and second time,

And referred to committee on Incorporations.

C. B. No. 7, an act to regulate and encourage the drainage of lands.

Taken up,

Read first and second time,

And referred to committee on Agriculture.

Mr. Bramble moved the following amendments to the standing rules, which were adopted :

Insert after calling the roll :

3d. Reading of the journal.

After notices of bills insert,

Introduction of bills.

Change the numbers to correspond.

Mr. Bramble introduced the following preamble and resolution :

Whereas, H. D. Betts, a member of the council elect, has left the territory, and is now a resident of Newark, New Jer-

sey, thus leaving the people of Clay county without its legal representation ; therefore,

Resolved, That the seat of H. D. Betts, in this council, be declared vacant, and the secretary of this body be instructed to notify the county commissioners of Clay county by a copy of this resolution.

On motion, Mr. Boyle was excused from voting on the resolution :

On the adoption of the resolution,

The ayes and noes being ordered :

Resulted—ayes 5, noes 1, as follows :

Ayes—Messrs. Bramble, Cole, Deuel, Gregory, and Shober.

Noes—Mr. Brookings.

Resolution passed.

On motion of Mr. Bramble,

Council took a recess until half-past one, P. M.

President resumed the chair.

Called the council to order.

Messrs. Waldron and Donaldson, committee on the part of the house, appeared in the council chamber, and informed the council that the house were ready to meet them in joint assembly.

On motion of Mr. Bramble,

The council proceeded in a body to the hall of the house of representatives.

IN JOINT CONVENTION.

The two houses met in joint convention, at 2 o'clock, and were called to order by the president of the council.

On motion of Mr. Shober,

A committee of two, consisting of Messrs. Shober and Armstrong, were appointed to wait upon his Excellency the

Governor, and inform him that both houses are now in joint convention, and are prepared to receive any communications he may have to make.

The roll being called :

Present—A majority of the members of both houses.

Mr. Bramble moved that the chief clerk of the house and assistant clerk of the council act as the clerks of the joint convention,

Which motion prevailed.

The committee appointed to wait upon the Governor, returned and reported as follows :

MR. PRESIDENT :

Your committee have waited upon the Governor, and informed him that the two houses are in joint convention, and ready to receive any communications he may have to make, and were informed by him that he had no communications to make at present, and that he does not recognize the branch of the legislature to which M. K. Armstrong belongs.

J. H. SHOBER,
M. K. ARMSTRONG,
Committee.

The report was adopted and committee discharged.

Mr. Shober, from the committee on joint rules, reported rules for the government of the two houses in joint convention, which was, at the request of Mr. Shober, withdrawn.

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

B. M. SMITH,
W. W. WARFORD,
Clerks of Joint Convention.

The members of the council returned to the council chamber.

President resumed the chair.

On motion of Mr. Shober,
The chaplain was excused from duty for one week.

On motion of Mr. Gregory,
Council adjourned to meet to-morrow, at eleven, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, December, 11, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory,
Shober, and the President.

Journal read and approved.

Mr. Bramble gave notice of
A bill providing for township organization.

Mr. Shober, from Judiciary committee, report back
C. B. No. 1, recommending its passage, with accompanying
amendments.

Mr. Brookings introduced,
C. B. No. 8.

Mr. Gregory introduced,
C. B. Nos. 9 and 10.

A communication was received from the Governor.

On motion of Mr. Gregory,
The council went into executive session.

After some time considering executive business, council resumed regular business.

Mr. Gregory moved that the communication now received from his excellency the Governor, being a message addressed to the two houses composing the legislature of this Territory, can in the opinion of the council be only properly received by the two houses in joint convention, and therefore that the Secretary of the council be instructed by the President to respectfully return the message to the Governor.

Carried.

Mr. Shober, from committee on Joint Rules, for the government of the two houses, presented the following report :

MR. PRESIDENT :

Your committee on Joint Rules, have had the same under consideration, and beg leave to report the following, and recommend their adoption.

J. H. SHOBER,
D. T. BRAMBLE,
M. K. ARMSTRONG.
Joint Committee.

JOINT RULES
OF THE
COUNCIL AND HOUSE OF REPRESENTATIVES.

1. In every case of disagreement between the two Houses, if either House request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and having conferred freely, each shall report to their respective House the result of their conference.

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

3. All messages between the two houses shall be communicated by the Secretary or Chief Clerk, or their respective assistants.

4. When a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the secretary or clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of two from the council and two from the house of representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the Speaker of the house of representatives, and then by the President of the council, in the presence of their respective house.

7. After the bill shall have been thus signed in each house, it shall be presented by said committee to the Governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the house in which the bill originated.

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

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

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

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

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

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

14. It shall be the duty of the chief clerk of the house of representatives, and the secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. In all elections in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

On motion of Mr. Bramble, the report of the committee was adopted.

Mr. Bramble, offered the following resolution :

Resolved, That in consideration of the facts that we are unable to communicate with his excellency, the Governor, on account of his refusing to recognize the co-ordinate branch of this legislative assembly, and believing that a longer session of this house is, under the circumstances, unnecessary and unwise, therefore, that this council adjourn *sine die* on the 16th day of the present month at meridian.

Objection being made,
Resolution laid over under the rule.

C. B. No. 1, an act to amend section 6 of chapter 23 of the code.

Taken up.
Amendment adopted.

Bill read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle Bramble Brookings, Cole, Deuel,
Gregory, Shober and the President.

Bill passed.

Title agreed to.

C. B. No. 8, a bill for an act for the partition of real prop-
erty.

Taken up.

Read a first and second time,
And referred to committee on Judiciary.

C. B. No. 9, a bill for an act prescribing the general duties
of the Territorial Treasurer.

Taken up,

Read a first and second time,
And referred to committee on Territorial Affairs.

C. B. No. 10, a bill for an act prescribing the general duties
of the Territorial Auditor.

Taken up,

Read first and second time,
And referred to a committee on Territorial Affairs.

On motion of Mr. Bramble,
Council adjourned, to meet to-morrow at 11 o'clock, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWELFTH DAY.

COUNCIL CHAMBER,
Friday, December 12, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory,
Shober, and the President.

Journal read and approved.

Mr. Gregory introduced
C. B. No. 11.

Mr. Bramble introduced
C. B. No. 12.

Mr. Brookings introduced
C. B. No. 13.

Mr. Boyle reported back
C. B. No 6, and recommended its passage.

Mr. Deuel, from the committee on Territorial Affairs, reported
back
C. B. No. 9, and recommended its passage.

Mr. Cole, from the committee on Agriculture, reported back
C. B. No. 2, and recommended its passage, with accompa-
nying amendments.

C. B. No. 2, a bill for an act providing for bounties on wolf
scalps,

Taken up.

Amendments reported by committee adopted,

And bill ordered engrossed for a third reading to-morrow.

C. B. No. 6, a bill for an act to encourage the erection of mill dams and mills.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted — Ayes 8, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 9, a bill for an act prescribing the general duties of territorial treasurer.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 8, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 11, a bill for an act incorporating the Racine, Ameni transportation and mining company.

Taken up.

Read first and second time,

And referred to committee on Incorporations.

C. B. No. 12, a bill for an act providing for the record of town plats,

Taken up.

Read first and second time,

And referred to the committee on Judiciary.

C. B. No. 13, a bill for an act to incorporate the Minnesota and Dakota Railroad company,

Taken up.

Read first and second time,
And referred to committee on Incorporations.

On motion of Mr. Gregory, the resolution introduced by Mr. Bramble in regard to the adjournment of the council was postponed until Monday next.

On motion of Mr. Gregory,
Messrs. Boyle, Bramble, and Brookings were appointed a committee to revise the laws passed during the last session, and suggest such amendments as they may deem necessary.

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

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTEENTH DAY.

COUNCIL CHAMBER,
Saturday, December 13, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Gregory, Shober
and the President.

Journal read and approved.

Mr. Cole introduced

C. B. No. 14, a bill for an act to authorize the formation of the Mining, Manufacturing and Banking Company of North America.

Mr. Shober, from Judiciary committee, reported back
C. B. No. 5, and recommended its passage, with amendments.

Mr. Cole reported back
C. B. No. 7, and recommended its passage.

Mr. Shober reported
C. B. No. 2, correctly engrossed.

C. B. No. 2, a bill for an act providing bounties for wolf
scalps.

Taken up,
Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Gregory,
Shober and the President.

Bill passed,
Title agreed to.

C. B. No. 5,
Taken up,
Amendments reported by committee adopted,
And bill recommitted to committee of the Whole Tuesday
next, Dec. 16th, at half past 11.

C. B. No. 7, a bill for an act to regulate and encourage the
drainage of lands.

Taken up,
Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Gregory,
Shober and the President.

Bill passed,
Title agreed to.

C. B. No. 14, a bill for an act to authorize the formation of

the Mining, Manufacturing and Banking Company of North America.

Taken up,

Read first and second time,

And referred to committee on Incorporations.

Mr. Gregory asked and obtained leave of absence till Friday next.

On motion of Mr. Shober,

Mr. Deuel was excused till Tuesday next.

On motion of Mr. Shober,

Council adjourned till 11 o'clock to-morrow.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

FIFTEENTH DAY.

COUNCIL CHAMBER,
Monday, December 15, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Shober and the President.

Journal read and approved.

Mr. Brookings introduced

C. B. No. 15, a memorial.

Mr. Cole introduced

C. B. No. 17.

Mr. Bramble introduced

C. B. No. 18.

Mr. Brookings gave notice of
A bill designating certain holidays.

Also, of
A bill creating the office of Attorney General, and defining
the duties of the same.

Mr. Brookings introduced the following resolution resolution
which was adopted:

Resolved, That a committee of three be appointed by the
chair to visit the Territorial Library, and to report to this
house, at an as early day as possible.

The chair appointed Messrs. Brookings, Shober and Bramble,
such committee.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
Dec. 15, 1862. }

MR. PRESIDENT:

I have to inform your honorable body, that the house have
concurred in council amendment to joint rules, for the govern-
ment of the two houses in joint convention.

B. M. SMITH,
Chief Clerk.

Mr. Brookings presented the following resolution, which was
adopted:

Resolved, That a committee be appointed by the chair to
wait on the Secretary, and ascertain the amount of last years
appropriation that still remains unexpended.

On motion of Mr. Shober, the appointment of the committee
was postponed until the members of the council were all pres-
ent.

Mr. Boyle, from committee on Incorporations, reported back
C. B. No. 11, and recommended its passage without amend-
ments.

C. B. No. 11,

Taken up,

And ordered engrossed for a third reading to-morrow.

C. B. No 16, a bill for an act adopting the common law.

Taken up.
Read first and second time,
And referred to committee on Judiciary.

C. B. No. 15,
A memorial for a Military post on the Big Sioux River.
Taken up.
Read first and second time,
And referred to committee on Federal Relations.

C. B. No. 17, a bill for an act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory.

Taken up.
Read first and second time,
And referred to committee on Highways, Bridges and Ferries.

C. B. No. 18, a bill for an act to provide for township organization.

Taken up.
Read first and second time,
And referred to the committee of the Whole one week from Tuesday next—Dec. 23.

Mr. Boyle, from special committee appointed to revise the code, asked and obtained leave to report in printed form.

Resolution of Mr. Bramble relative to the adjournment of the council.

Taken up.
After debate,
On motion of Mr. Shober, postponed till Monday next—Dec. 22.

On motion of Mr. Shober,
Council adjourned, to meet to-morrow at 11 o'clock, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

SIXTEENTH DAY.

COUNCIL CHAMBER,
 Tuesday, December 16, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober
 and the President.

Journal read and approved.

Mr. Brookings gave notice of
 A bill for an act relative to interest on money.

Mr. Bramble introduced
 C. B. Nos. 19, 20 and 21.

Mr. Brookings introduced
 C. B. Nos. 22 and 24.

Mr. Deuel introduced
 C. B. Nos. 23 and 24.

Mr. Deuel, from the committee on Territorial Affairs, re-
 ported back

C. B. No. 10, and recommended its passage.

Mr. Shober, from the committee on engrossed bills, reported
 C. B. No. 11 correctly engrossed.

C. B. No. 11, a bill for an act incorporating the Racine
 Ameni transportation and mining company.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober, and the President.

Bill passed.

Title agreed to.

C. B. No. 10, a bill for an act prescribing the general duties of Territorial Auditor,

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, and Shober.

Bill passed.

Title agreed to.

C. B. No. 19, a bill for an act to authorize F. Chapel, and J. S. Presho, to establish and run a ferry across the Missouri river at Yankton,

Taken up.

Read first and second time,

And referred to committee on Highways, &c.

C. B. No. 20, a bill for an act regulating weights and measures,

Taken up.

Read first and second time,

And referred to the committee on Territorial Affairs.

C. B. No. 21, a bill for an act regulating the hours of manual labor,

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 22, a bill for an act to designate certain holidays,

Taken up.

Read first and second time,

And referred to committee on Education.

C. B. No. 23, a bill for an act for the protection of the owners of saw logs in this territory,

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 24, a bill for an act to secure the free passage of logs and lumber down the several rivers of this territory,

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 25, a joint resolution relative to a geological report,

Taken up.

Read first and second time,

And referred to committee on Federal Relations.

On motion of Mr. Shober,

The council resolved itself into committee of the Whole,

Mr. Bramble in the chair,

To take into consideration C. B. No. 5.

After spending some time therein,

The committee arose, reported through their chairman the bill back to the house,

And recommended its passage.

Report was adopted.

C. B. No. 5, a bill for an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "an act for the relief of citizens of towns upon lands of the United States under certain circumstances."

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 5, noes 2, as follows :

Ayes—Messrs. Bramble, Cole, Deuel, Shober, and President.

Noes—Messrs. Boyle and Brookings.

Bill passed.

Title agreed to.

On motion of Mr. Bramble,

Council adjourned till half past ten, A. M., to-morrow.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

SEVENTEENTH DAY.

COUNCIL CHAMBER,
Wednesday, December 17, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Brookings, Cole, McFetridge, Shober, and
the President.

Journal read and approved.

Mr. McFetridge gave notice of

A memorial praying Congress for the establishment of a line
of military posts from Abercrombie to St. Joseph,

Mr. Brookings gave notice of

A bill for an act regulating divorce.

Mr. Brookings introduced

C. B. No. 27.

On motion of Mr. Shober,

Mr. McFetridge was excused for non-attendance on account
of illness.

Mr. Shober, from committee on Judiciary, reported back
C. B. No. 16, recommending its indefinite postponement.

Mr. Boyle, from the committee on Incorporations, reported
back

C. B. No. 14, and recommended its passage.

Mr. Cole, from committee on Highways, &c., reported
back

C. B. Nos. 17 and 19, and recommended their passage.

C. B. No. 14, a bill for an act to authorize the formation of
the mining, manufacturing and banking company of North
America.

Taken up.

Read a third time.

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, McFetridge,
Shober, and the President.

Bill passed.

Title agreed to.

C. B. No. 16, a bill for an act adopting the common law.

Taken up.

Report of committee adopted,

And bill indefinitely postponed.

C. B. No. 17, a bill for an act granting a ferry charter
across the Missouri river at a point nearly opposite Ponca,
Nebraska Territory.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, McFetridge,
Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 19, a bill for an act to authorize F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river, at Yankton.

Taken up.

Read a third time,

And put upon its passage :

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, McFetridge, Shober and President.

Bill passed.

Title agreed to.

C. B. No. 26, a bill for an act regulating the rate of interest on money.

Taken up.

Read a first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 27, a bill for an act providing for the sale of lands for the payment of debts by executors, administrators, and guardians.

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

On motion of Mr. Shober,

Council took a recess till two o'clock P. M.

President resumed the chair.

Quorum present.

The following communication was received from the Governor :

EXECUTIVE OFFICE,
December 17, 1862. }

To the Council:

GENTLEMEN:—I would most respectfully inform you that I

will have a communication to make to the two houses in joint convention, on Thursday, at 2½ o'clock.

I am, very respectfully, yours,

W. JAYNE,
Governor.

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

Resolved, That the council will be ready to meet the house in joint convention, in the representative hall, to-morrow, at 2½ o'clock, P. M., to hear any communication that his excellency the Governor, may have to make, and that the house is respectfully requested to concur in the time herein fixed.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 17, 1862. }

MR. PRESIDENT :

I am instructed to inform the honorable council that the members of your body are invited to meet the house in joint convention at a quarter past two o'clock, this date, P. M., for the purpose of hearing any communication his Excellency the Governor, may have to make, and that the members of the council are invited to seats at the right of the Speaker's chair.

B. M. SMITH,
Chief Clerk.

On motion of Mr. Shober, the secretary was instructed to inform the house, forthwith, of the adoption of the foregoing resolution.

On motion of Mr. Bramble,
Council adjourned to meet to-morrow, at two o'clock, P. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

EIGHTEENTH DAY.

COUNCIL CHAMBER,
Thursday, December 18, 1862. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Cole, Deuel, McFetridge, Shober,
and the President.

Journal read and approved.

Mr. Bramble introduced

C. B. No. 28, a bill for an act to provide for the taking up
of water crafts found adrift, lost goods, and for other purposes.

Read a first and a second time,

And referred to committee on Territorial Affairs. ●

Messrs. Puett and Harlan, committee from the house, ap-
peared in the council chamber, and informed the council that
the house were ready to meet them in joint convention to re-
ceive any communication the Governor may have to make.

On motion of Mr. Bramble, the council repaired to the hall
of the house of representatives.

IN JOINT CONVENTION.

The two houses met in joint convention at half past 2 o'clock.

The President of the council in the chair.

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

Messrs. Boyle, Bramble, Brookings, Cole, McFetridge,
Shober, Stutsman, Bothun, Donaldson, Frisbie Gifford, Har-

lan, Johnson, Jacobson, Larson, Pease, Puett, Wallace, Waldron and Armstrong.

The chair announced that a quorum was present.

On motion of Mr. Bramble, the secretary of the council was instructed to act as assistant clerk of the joint convention.

Mr. Shober moved that a committee of two (one on the part of the house, and one on the part of the council) be appointed, to wait upon his excellency, the Governor, and inform him that the two houses are now in joint convention and ready to receive any communication his excellency may have to make.

Carried.

The chair appointed Messrs. Shober and Puett, such committee.

Joint convention took a recess until the committee should have time to report.

The committee appearing in the hall,
The President called the convention to order.

Mr. Shober presented the following report :

MR. PRESIDENT :

Your committee appointed to wait upon his excellency the Governor, and inform him that the two houses are in joint convention, and ready to receive any communications his excellency may have to make, have discharged that duty, and report that the Governor will communicate to the convention immediately through his private secretary.

J. H. SHOBER,

A. W. PUETT,

Committee.

The private secretary of the Governor appeared and presented a communication from his excellency, which was read to the convention, as follows :

Gentlemen of the Council and House of Representatives :

While humbly acknowledging our dependence on the kindness of God, let us return thanks for the many blessings, which our people have enjoyed during the past year—peace in the

midst of war, abundant harvests and general health. While the whole country has been convulsed with the throes of a mighty civil rebellion, devastating the finest regions of our country, destroying the crops and wasting the hard earned accumulations of the husbandman, depopulating and laying waste whole districts of country, sacking, and destroying towns, ruining commercial marts, and carrying want and destitution into tens of thousands of once happy homes. While Indian depredations and massacres of untold ferocity and brutality, and to an extent unheard of in all the annals of savage war, have been committed only just without our limits, yet Dakota has been spared all the immediate calamities of civil, and, to a great extent, the horrors of Indian war, and our people have been blessed with security and prosperity,

The first Legislative Assembly enacted a civil and criminal code, established a revenue, militia and educational system, formed all the counties which our settlements seemed to require and passed many other acts of necessary legislation. I am not aware of many alterations or amendments to our laws, which are at present demanded, though doubtless time and more experience in their practical operations will suggest some.

I would recommend some legislation in reference to the establishment of Territorial Courts. No time or place for the holding of terms of the Territorial Courts having as yet been designated by any act of the legislature, many cases which cannot be brought before the Federal courts, will have to be postponed until some action is taken by your honorable body upon this subject.

The questions, which are most intimately connected with the welfare and settlement of Dakota, and which will require your attention and consideration, are Indian affairs and military protection to the frontier. Although the Legislature has no direct control and authority over these matters, yet it is very desirable, and, I think, absolutely necessary that you take cognizance of these subjects, and that you memorialize Congress in reference to them, and ask for the adoption of prompt and vigorous measures, which shall quiet the apprehension of

the settlers, and give peace and perfect security to all the border settlements.

During the past year, we have had no formidable attack or appalling massacres, yet our people have suffered from Indian depredations, and the continual fear of being plundered and murdered by the roving bands of lawless savages, who have been prowling around our settlements, has been the source of annoyance and alarm to all our citizens.

The murder of Judge J. B. Amidon and son at Sioux Falls, occurring immediately upon the receipt of the first news of the terrible massacre of men, women and children in Minnesota, very justly alarmed the settlers in that portion of the Territory. Knowing their entire inability to protect themselves against any considerable force of Indians, with the small detachment of Dakota Cavalry I had stationed there, they wisely concluded to withdraw to the more thickly settled portions of the Territory lying upon the Missouri river. After the abandonment of that place, the Indians came in and destroyed and burnt the town and all the improvements in the surrounding country. Upon the reception of the news of this attack, at Sioux Falls, coupled with the news of a great savage war in Minnesota, and the actual presence of hostile bands in the vicinity of our towns, engaged in plunder and threatening war, a feeling of general alarm naturally spread through the territory—and many of our citizens moved temporarily into Iowa.

As we have but one military company stationed in the whole district of country between the Big Sioux and Fort Randall, and as this company was divided into several detachments, and could render only very limited protection to our scattered settlements, I issued a proclamation calling for the immediate organization of the entire militia of the Territory. Finding however, that the feeling of insecurity was likely to depopulate some of our counties, I dispatched Lieutenant Kellam, a special messenger to Gen. Blunt, commanding the Department of Kansas, with letters and a requisition for arms, ammunition, and additional troops. Just at this time the Department of the North-West was created and Dakota was transferred from the Department of Kansas to the Department of the North-West. Some delay was thus occasioned in

the reception of arms, but as soon as the requisition was forwarded to Gen. Pope, he promptly responded to it, and we are now in possession of arms and ammunition sufficient for all our militia force.

As no troops could be sent to us immediately, I thought it necessary to call into active service a part of our militia, which would tend to restore confidence, and give us protection until United States troops could be stationed in our midst.

I would recommend that an act be passed authorizing the Auditor of the Territory to audit the military accounts of the Territory, and to issue warrants sufficient to defray the expenses connected with subsisting and paying the militia for the time they have been in actual service; and that, when the amount is ascertained, the Legislature memorialize Congress for an appropriation sufficient to refund to the Territory all the expenses incurred by her in providing for the maintenance of the militia force.

The Yankton Sioux and the Ponca Indians, the annuity tribes which are located upon their own reservations, in close proximity to our settlements, have remained friendly, and I see no good reason to apprehend any trouble with them, but believe that the same peaceful relations will continue with those tribes which have heretofore existed.

I regret to say that I fear we are to have trouble with the Sioux of the upper Missouri agency. They have for some time past been uneasy, restless, and dissatisfied with the government, and disposed to war. The unusual amount of travel during the past year through the region of country claimed and occupied by the upper Sioux, has excited and alarmed them. The news of new gold fields, of unsurpassed richness, on the Salmon river and the head waters of the Missouri has made a highway through a part of this Territory never before marked by the foot of the white man, save an occasional hunter and trapper. The presence of the stranger, and this passage to and fro through their lands, has awakened their jealousy, and made them suspicious that they, too, would soon be crowded from the hunting grounds of their fathers, and be pressed farther west towards the setting sun. Portions of these tribes, who are friendly and who desire to remain at

peace, are becoming intimidated by the more bold and lawless members of their bands, and are fast being won over to the views and feelings of the hostile ones. Four-Bears, one of the friendly Yanktonnai chiefs, was murdered last year by his own people, on account of his friendship for the government. Bear's-Rib, one of the head chiefs of the Onckpapa, and most devoted friend of the whites, was murdered by members of his own tribe, because he opposed any hostility against the United States, and consenting to still receive the goods brought up for distribution by Mr. Latta, the Indian agent for the upper Missouri. This year the Rees and Grosventres, who are located near Fort Berthold, and who are the most peaceful of all the upper tribes, were twice attacked in their own village by the Sioux, for the reason that they still hold out for peace, and refuse to combine with them to make war on the whites.

The Indians were promised by the Government, that so long as they remained at peace, and faithfully observed their treaty stipulations, they should have aid and protection against all hostile tribes. How has this been observed? Experience has taught the friendly tribes that the greatest safety is to be found in hostility to the whites—the government having neglected and failed to give the friendly disposed Indians the promised aid.

The hostile Indians embrace a large majority of the tribes of the Upper Missouri, and unless prompt measures are taken to suppress any uprising there, and to punish the hostile bands, we have every reason to expect a combination of all the numerous tribes of Dakota, and a general Indian war of unparalleled proportions and untold ferocity.

We require, for the purpose of giving ample security to our settlements, and to preserve peace throughout our Territory, the establishment of three military posts: One at Sioux Falls; one at or near Fort Berthold, and one near Fort Benton. Ample protection to Dakota is protection to Western Minnesota, Northwestern Iowa, and Northern Nebraska. When Dakota is left unprotected, then the frontier settlements of Minnesota, Iowa and Nebraska are liable to a repetition of the horrible massacre which last August devastated two hundred miles of frontier settlements in Minnesota. This question of protec-

tion is vital to all frontier settlements. Without it, settlements must recede and not advance; with it, emigration, the hardy pioneer with his axe and plow, will push forward the advanced line of civilization, and open up new lands which will furnish happy homes for thousands who are now looking to the great North West.

I take great pleasure in informing you that I now believe that we are to have protection, and that a powerful expedition is now being organized, which will visit summary punishment upon all the hostile tribes, and teach them a proper respect for and fear of the authority of the Federal Government. Major General John Pope, commanding the Department of the North West, is fully alive to the interests and the military necessities of his Department, and he intends that these Indian difficulties shall be thoroughly attended to.

General Pope has created the first military district of his Department, which is to embrace Dakota and a portion of Northwestern Iowa; he has assigned to this command General John Cook, of Illinois, one of the heroes of Fort Donelson and Shiloh—an officer whose ability and gallantry in the field, are only equalled by his executive talent. The appointment of General Cook to the command of this district is a guaranty of a prompt, vigorous and effective campaign—one which shall inflict severe punishment upon a treacherous foe, and give peace to our borders, and create a feeling of security among our people, which shall tend to the settlement and development of Dakota. I have dwelled at some length upon our Indian relations, because I consider it a matter of the most vital importance, and one that will enlist your hearty co-operation.

At the last session of Congress, an appropriation was made for the purpose of defraying the expense of making a treaty with the Chippewa Indians, living on the Red River of the North, and, but for the late Indian war in Minnesota, this treaty would have been made, and that rich and fertile portion of our Territory would have been opened to white settlement. I trust that treaty may not long be delayed, thereby affording encouragement and protection to the large and remunerative trade already established between that region of country and St Paul.

I would again call to your notice some recommendations made in my first message to the Legislature of Dakota. I would urge that Congress be memorialized in reference to a geological survey of the Territory; to make Fort Randall the distributing post for supplying the Forts to the west of us, and for the establishment of military roads from the Big Sioux river to Fort Randall, and from the Red River of the North to points on the Missouri river at or near Forts Union and Benton. The reasons for these recommendations were given at length in my last message, and it would seem unnecessary to repeat them at this time.

It is not my intention to enlarge to you on the future of this Territory, and discuss the many advantages offered to those desirous of leaving the older States for the purpose of seeking new locations, and participating in the many benefits incident to a young and prosperous Territory. Dakota, unsurpassed in soil, climate, and the abundance of her own resources, has already attracted the attention of the whole country, and promises soon to be filled up by a hardy, industrious and intelligent population.

With a satisfactory adjustment of Indian Affairs, and the end of the rebellion, we shall witness the checked emigration of the past few years, once more spring up, and soon the rich valleys of the Missouri, the Big Sioux, Dakota, Red River, and Niobrara will be crowded with dense settlements, thriving towns, and commercial cities.

At the last session of Congress, an act was passed authorizing the construction of the Pacific Railroad. The idea of a great central Railway across the continent has been a popular one for some years, and has received the approval of the whole country. While this is a great enterprise of public improvement—identified with every interest of the nation, which we, in common with others, will participate in, yet we have every reason to expect local and immediate benefits to flow from its construction. Sioux City has been very properly designated as the point from which the North branch shall start. We are especially interested in an amendment to the bill as passed, which shall require that this branch shall be located on the North side of the Missouri, and thence up the valley of the Ni-

obrara river, to the most practicable point of connection with the main trunk. As the bill will be amended in many particulars at the present session of Congress, I think, with the proper effort, that the amendment which most interests our Territory may be carried.

My former message contained several suggestions and recommendations which, under the great pressure of local and general business, were not acted upon by the last Legislature, and as I believe some of them vital to the best interests of the Territory, and equally appropriate at the present time, I trust that you will give them the attention and consideration that that you, in your wisdom, may deem necessary.

I would also most respectfully bespeak your counsel and hearty co-operation in all public measures for the promotion of the general well-being of the Territory; and I trust that your deliberations will be harmonious—guided by wisdom and justice. And in conclusion, I ask you to join me in the hope, that before the convening of another Legislative Assembly in your respective halls, the dark clouds of civil and Indian wars, which now overcast our political sky, through the interposition of an over-ruling Providence, will have been swept away forever, letting in the sunshine of peace, liberty and prosperity upon our once more happy country.

WILLIAM JAYNE.

Governor.

Executive office, Yankton, Dec. 18, 1862.

On motion of Mr. Brookings,

Joint convention dissolved, and council returned to the council chamber.

President in the chair.

On motion of Mr. Bramble,

The secretary of the council was instructed to procure six hundred copies of the Governor's message for the council.

On motion of Mr. Deuel,

The council adjourned till to-morrow at ten o'clock A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

NINETEENTH DAY.

COUNCIL CHAMBER,
Friday, December 19, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober, and the President.

Journal read and approved.

Mr. Brookings gave notice of

A bill for an act to incorporate the Dakota bridge company.

Mr. Brookings introduced

C. B. No. 29.

Mr. Bramble introduced

C. B. No. 31.

Mr. Cole introduced the following preamble and resolution :

Whereas, It has come to the knowledge of this honorable body, that Ole Halverson, our present fireman, was one of the prominent participants in the Brule Creek fraud, and, whereas, we do not intend to countenance or reward those who have abused the sacred privilege of the elective franchise, and polluted the ballot-box ; therefore,

Resolved, That the council dispense with the services of our present fireman, Ole Halverson, and his place be immediately supplied.

Objections being made,

Resolution laid over under the rules.

Mr. Brookings, from committee on Education, reported back

C. B. No. 22, without recommendation.

Mr. Boyle, from committee on Incorporations, presented the following report :

MR. PRESIDENT :

Your committee on Incorporations, to whom was referred C. B. No. 13, report that they have had the same under careful examination, and report the same back without amendment and recommend its passage.

BOYLE, Ch'n.

Mr. Bramble, from the same committee, presented a minority report, as follows :

MR. PRESIDENT :

The minority of your committee, to whom was referred C. B. No. 13, would report the same back and state that we do not believe that the necessities of the country or its railroad interest require any such legislation. Therefore, the minority of your committee would recommend that the enacting clause of the same be stricken out.

All of which is respectfully submitted,

D. T. BRAMBLE,
Minority Committee.

Mr. Deuel, from committee on Territorial Affairs, reported back

C. B. Nos. 21, 23, 24, and 26, and recommended their passage without amendment.

Mr. Brookings, from committee on Federal Relations, reported back

C. B. Nos. 15 and 25, and recommended their passage without amendment.

C. B. No. 13, a bill for an act to incorporate the Minnesota and Dakota railroad company.

Taken up.

Mr. Brookings moved the adoption of the majority report.

Ayes and noes ordered :

Resulted—ayes 4, noes 5, as follows :

Ayes—Messrs. Boyle, Brookings, Gregory, and President.

Noes—Messrs. Bramble, Cole, Deuel, McFetridge, and Shober.

Lost.

Mr. Brookings moved the minority report be postponed till to-morrow.

Lost.

The minority report was then adopted.

C. B. No. 15, a memorial for a military post on the Big Sioux river.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered:

Resulted—ayes 9, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 25, a joint resolution relative to a geological report.

Taken up,

And ordered engrossed for a third reading to-morrow.

C. B. 21, a bill for an act regulating the hours of manual labor.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered:

Resulted—ayes 9, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 22, a bill for an act to designate certain holidays.

Taken up,

And ordered engrossed for a third reading on Monday next.

C. B. No. 23, a bill for an act for the protection of the owners of saw logs in this territory.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 9, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober, and President.

Bill passed.

Title agreed to.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 19, 1862. }

MR. PRESIDENT :

I am instructed to inform the council that the following house file has passed the house :

H. F. No. 8, a memorial asking military protection from Brigadier General Cook, commanding military district of Dakota.

And the concurrence of the council is respectfully solicited.

R. M. HAGAMAN,
Chief Clerk.

C. B. No. 24, a bill for an act to secure the free passage of logs and lumber down the several rivers of this territory.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 8, noes 1, as follows :

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, Gregory, McFetridge, Shober, and President.

Noes—Mr. Bramble.

Bill passed.

Title agreed to.

C. B. No. 26, a bill for an act to regulate the rate of interest on money.

Taken up.

On motion of Mr. Bramble,
Indefinitely postponed.

C. B. No. 29, a bill for an act relative to divorce.

Taken up.

Read first and second time,

And referred to committee on Judiciary.

C. B. No. 31, a bill for an act changing the time of holding the United States district courts in the several judicial districts of the Territory of Dakota.

Taken up.

Read first and second time,

And referred to committee on Judiciary.

H. F. No. 8, a memorial asking protection from Brigadier General Cook, commanding military district of Dakota.

Taken up.

Read first and second time,

And referred to special committee consisting of
Messrs. Gregory, Shober, and Cole.

On motion of Mr. Bramble,

The Governor's message was referred to the committee of the whole on Monday next, at eleven o'clock, A. M.

On motion of Mr. Gregory,

Council adjourned to meet to-morrow, at half-past ten A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTIETH DAY.

COUNCIL CHAMBER,
Saturday, December 20, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory,
McFetridge, Shober and the President.

Journal read and approved.

Mr. Shober, from the committee on Judiciary, reported
back

C. B. Nos. 31 and 8, and recommended their passage.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
December 20, 1862. }

MR. PRESIDENT :

I am instructed to inform the council that the house has
passed without amendment,

C. B. No. 4, an act to establish a seal for the Territory of
Dakota,

And I herewith return the same.

I have also to inform you that the house has ordered eight
hundred copies of the Governor's message to be printed in the
English language, and two hundred in the Norwegian language,
for the use of the house.

R. M. HAGAMAN.
Chief Clerk.

Mr. Shober from committee on Engrossed bills, reported
C. B. Nos. 22 and 25, correctly engrossed.

Mr. Deuel, from the committee on Territorial Affairs, reported back

C. B. No. 28, and recommended its passage.

Mr. Gregory, from select committee, reported back

H. F. No. 8, and recommended its passage with amendments.

Mr. Brookings, introduced

C. B. No. 32.

C. B. No. 25, a joint resolution relative to a geological report.

Taken up,

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 5, noes 4, as follows :

Ayes—Messrs. Boyle, Brookings, Deuel, Shober and President.

Noes—Messrs. Bramble, Cole, Gregory and McFetridge.

Bill passed.

Title agreed to.

C. B. No. 8, a bill for an act, for the partition of real property.

Taken up,

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 9, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober and President.

Bill passed.

Title agreed to.

C. B. No. 28, a bill for an act to provide for the taking up of water crafts found adrift, lost goods, and for other purposes.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 9, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober and President.

Bill passed.
Title agreed to.

C. B. No. 31, a bill for an act changing the time of holding United States districts courts in the several judicial districts of the Territory of Dakota.

Taken up.
Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 9, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober and President.

Bill passed,
Title agreed to.

H. F. No. 8.

Taken up.
Amendments reported by committee adopted.

Mr. Brookings moved the bill be indefinitely postponed.
Lost.

Bill read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, Noes 2, as follows :

Ayes—Messrs. Bramble Cole, Deuel, Gregory, McFetridge, Shober and President.

Noes—Messrs. Boyle and Brookings.

Bill passed.

Title agreed to.

C. B. No. 32, a memorial to the President of the United States, relative to the Indian prisoners in Minnesota.

Taken up.

Read first time.

Mr. Bramble moved its indefinite postponement.

Lost.

The bill was then read second time,
And referred to a special committee, composed of
Messrs. Shober, Brookings and McFetridge.

Resolution introduced yesterday by Mr. Cole, relative to
Ole Halverson.

Taken up.

On motion of Mr. Cole, the resolution was referred to a select committee of three.

On motion of Mr. Shober,
The council proceeded to elect such committee.

The ballot resulted in the choice of Messrs. Cole, Shober and Boyle.

On motion of Mr. Cole, the committee was instructed to report Tuesday next.

On motion of Mr. Boyle,
The council adjourned till to-morrow at two o'clock P. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
Monday, December 22, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFet-
ridge, Shober, and the President.

Journal read and approved.

Mr. Shober presented the following report :

MR. PRESIDENT :

Your committee on Engrossed and Enrolled Bills have ex-
amined C. B. No. 4, a bill for an act to establish a seal for the
Territory of Dakota, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Bramble gave notice of

A bill providing for holding territorial courts in the judicial
districts of the territory.

Mr. Deuel introduced
C. B. Nos. 33 and 34.

Mr. Bramble introduced
C. B. No. 35.

Mr. Boyle introduced
C. B. Nos. 36, 37, and 38.

Mr. Brookings introduced
C. B. No. 39,

On motion of Mr. Bramble,

Mr. Cole had leave, and reported from select committee, to
whom was referred resolution relative to Ole Halverson.

C. B. No. 22, a bill for an act to designate certain holidays.

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 1, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, McFet-
tridge, Shober, and President.

Noes—Mr. Cole.

Bill passed.

Title agreed to.

C. B. No. 33, a bill for an act regulating search warrants
and proceedings thereon.

Taken up.

Read first and second time,

And referred to committee on Judiciary.

C. B. No. 34, a bill for an act for taking the census, and of
the militia.

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 35, a bill for an act for the removal from office.

Taken up.

Read first and second time,

And referred to select committee composed of Messrs.
Shober, McFetridge, and Boyle.

C. B. No. 36, a bill for an act relative to notaries public.

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 37, a bill for an act to authorize the appointment
of commissioners of deeds.

Taken up.

Read first and second time,

And referred to committee on Territorial Affairs.

C. B. No. 38, a bill for an act to authorize and regulate the adoption of children.

Taken up.

Read first and second time,

And referred to committee on Agriculture.

C. B. No. 39, joint resolution relative to the policy of the President.

Taken up.

Read first time.

Mr. Bramble moved the bill be rejected.

Ayes and noes ordered :

Resulted — ayes 5, noes 3, as follows :

Ayes—Messrs. Bramble, Cole, McFetridge, Shober, and the President.

Noes—Messrs. Boyle, Brookings, and Deuel.

So the bill was rejected.

Mr. Boyle presented a minority report from select committee to whom was referred resolution relative to Ole Halverson.

The majority and minority reports were then taken up and read as follows :

EVIDENCE IN THE CASE OF OLE HALVERSON.

N. J. Wallace testifies as follows :

Ole Halverson's name was used in connection with Rich and others, as having been at the house of Timothy Andrews, and participating in the election held there on the first day of September, 1862, at one o'clock, A. M. Ole Halverson informed me he was a man of influence among the Norwegians ; he informed me would support me if I would get him a position in the legislature. I told him I could make him no promises. He has been recognized as an adviser among the Norwegians. It is common report in Cole county that he advised his countrymen to participate in the election at Andrews, on Brule Creek. I am satisfied, in my own mind, that Ole Halverson was present at said election, and from my knowledge of the county,

know a *fraud* was there perpetrated. I have heard Francis Furlong (who is a man of truth and veracity) say, under oath, that Ole Halverson was present at the said election, held at the house of Timothy Andrews, and participated in said election fraud.

E. B. Wixson testifies—

That a number of persons have informed him that this Ole Halverson did participate in the Brule Creek fraud. From my knowledge of Cole county, I know a fraud was perpetrated on Brule Creek (meaning an election fraud on the first Monday of September, 1862.)

Your committee, from the foregoing evidence, are satisfied that the allegation in the resolution charging Ole Halverson with having participated in the election fraud at Brule Creek, in the county of Cole, Dakota Territory, is sustained, and feel ourselves in duty bound, in discharging our duty to ourselves, this council, the citizens of Cole county, and of the Territory at large, to report in favor of the passage of the resolution.

AUSTIN COLE,
J. H. SHOBER.

MR. PRESIDENT:

The minority of your committee, to whom was referred the resolution relative to Ole Halverson, would beg leave to report, that, in our opinion the testimony heard by the committee does not substantiate a single allegation contained in said resolution, and therefore recommend that the resolution be indefinitely postponed.

JNO. W. BOYLE,
Minority of Committee.

Mr. Cole moved the adoption of the majority report.

Lost.

Mr. Brookings moved the adoption of the minority report.

Lost.

On motion of Mr. Shober,

The resolution relative to Ole Halverson was made the special order to-morrow, at half-past 11, A. M.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 22, 1862. }

MR. PRESIDENT:

I have to inform you that the house has passed
C. B. No. 9, entitled an act prescribing the general duties
of the territorial treasurer.

And I herewith return the same.

Also, H. F. No. 3, entitled an act conferring the rights of
citizenship upon Walter Arcon,

In which the concurrence of the council is respectfully re-
quested.

I have also to inform you that the house elected, on the 17th
instant, M. K. Armstrong Speaker, in the place of A. J. Har-
lan, resigned. Also, elected R. M. Hagaman chief clerk, on
the 18th inst., in the place of B. M. Smith, resigned, and J.
M. Allen, on the 22nd, was elected assistant clerk to fill va-
cancy.

R. M. HAGAMAN.

Chief Clerk.

On motion of Mr. Shober,

The Governor's message was made the special order Wed-
nesday next, at half-past 11 o'clock, A. M.

Mr. Bramble moved that when the council adjourn on Wed-
nesday, it adjourn to meet on the first day of January.

Lost.

H. F. No. 3, a bill for an act conferring the rights of citi-
zenship upon Walter Arcon.

Taken up.

Read first time.

Mr. Bramble moved the rejection of the bill.

Lost.

Bill read second time,

And referred to the committee on Territorial Affairs.

On motion of Mr. Shober,

The council adjourned to meet to-morrow at half-past 10 o'clock A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-THIRD DAY.

COUNCIL CHAMBER,
Tuesday, December 23, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and the President.

Journal read and approved.

Mr. Brookings introduced

C. B. No. 40,

And gave notice of

A bill to incorporate colleges.

Mr. Bramble introduced

C. B. Nos. 41 and 42.

Mr. Boyle introduced,

C. B. Nos. 43.

Mr. Brookings introduced,

C. B. Nos. 44, 45, 46 and 47.

Mr. Bramble introduced the following resolution :

Resolved, That Chief Justice, P. Bliss, be and is hereby respectfully invited to give this council his opinion in regard to the power of the legislative assembly of the Territory to confer

the rights of citizenship upon persons of mixed blood in this Territory.

Mr. Shober, from committee on Judiciary, reported back C. B. No. 12, and recommended its indefinite postponement.

Mr. Shober, from committee on enrolled bills, reported as follows :

MR. PRESIDENT :

Your committee on engrossed and enrolled bills have examined

C. B. No. 9, prescribing the duties of Territorial Treasurer, And report the same correctly enrolled.

J. II. SHOBER, Ch'n.

C. B. No. 12, a bill for an act providing for the record of town plots.

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 40, a memorial to the Congress of the United States in relation to compensation for losses by Indian depredations.

Read first and second time,
And referred to committee on Federal Relations.

C. B. No. 41, a bill for an act to provide for the holding of Territorial courts in the judicial districts of this Territory.

Read first and second time,
And referred to Judiciary committee.

C. B. No. 42, a bill for an act to dissolve the marriage contract between Matilda Irwin and John A. Irwin.

Read first and second time,
And referred to committee on Judiciary.

C. No. 43, a bill for an act concerning the construction of statutes.

Read first and second time,
And referred to Judiciary committee.

C. B. No. 44, a bill for an act regulating the disposal of property stolen and embezzled.

Read first and second time,
And referred to committee on Judiciary.

C. B. No. 45, a bill for an act to provide for contested elections.

Read first and second time,
And referred to committee on Elections.

C. B. No. 46, a bill for an act to prevent the sale of intoxicating liquors to soldiers.

Read first and second time,
And referred to committee on Territorial Affairs.

C. B. No. 47, a bill for an act to regulate reprieves, commutations and pardons and remission of fines and forfeitures.

Read first and second time,
And referred to committee on Finance.

Resolution of Mr. Bramble taken up.

Mr. Brookings moved its adoption.

Lost.

On motion of Mr. Shober,
Mr. Cole's resolution relative to Ole Halverson,
Was postponed till Saturday next.

On motion of Mr. Shober,
The council resolved itself into committee of the Whole to consider C. B. No. 18.

Mr. Deuel in the chair.

After spending some time therein,
The committee rose, reported the bill back to the house and recommended its indefinite postponement.

Report of committee adopted,
And bill indefinitely postponed.

Mr. Shober offered the following resolution which was adopted:

Resolved, That one hundred copies of the standing rules, organic act, list of members and officers, and standing committees, be printed together in pamphlet form, for the use of the members of this council.

On motion of Mr. Shober,
Council adjourned to meet to-morrow at 10 A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
Wednesday, December 24, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs Boyle, Bramble, Brookings, Cole, Deuel, McFet-
ridge, Shober and President.

Journal read and approved.

Mr. Boyle moved to reconsider the vote of yesterday by
which Mr. Bramble's resolution was rejected.

Lost.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
Dec. 24, 1862. }

MR. PRESIDENT :

I have to inform you that the house has passed
H. F. No. 5, entitled, a memorial and joint resolution rela-
tive to making Fort Randall a distributing post.

Also, H. F. No. 12, entitled, an act to change the name of
Torbjon W. Torrison.

In all of which the concurrence of the council is respectfully requested.

R. M. HAGAMAN.

Chief Clerk.

Mr. Brookings, from committee on Federal Relations, reported back

C. B. No. 40, and recommended its passage.

Mr. Shober, from committee on Judiciary, reported back

C. B. No. 35, with amendments.

The report of the committee was adopted,

And bill ordered engrossed for third reading to-morrow.

C. B. No. 40, A memorial to Congress of the United States in relation to compensation for losses by Indian depredations,

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Bill passed,

And title agreed to.

H. F. No. 5, a memorial and joint resolution, relative to making Fort Randall a distributing post,

Read first and second time,

And referred to committee on Military Affairs.

H. F. No. 12, an act to change the name of Torbjorn W. Torrison,

Read first and second time,

And referred to committee on Education.

Mr. Shober asked and obtained further time to report from select committee on Indian Affairs.

On motion of Mr. Shober,

The council adjourned till to-morrow at ten, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,
Thursday, December 25, 1862. }

Council met pursuant to adjournment.

No quorum present.

Council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-SIXTH DAY.

COUNCIL CHAMBER,
Friday, December 26, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Deuel, Shober, and
the President.

Journal of the two preceding days read and approved.

Mr. Brookings gave notice of
A bill regulating official oaths.

Mr. Bramble gave notice of
A bill to change the name of A. W. Puett, to A. W. Puett-
son.

Mr. Shober, from Judiciary committee, reported back
C. B. No. 33 and 34, and recommended their passage.

Mr. Shober, from committee on engrossed bills, reported back C. B. No. 35, correctly engrossed.

Mr. Brookings, from committee on Education, reported back H. F. No. 12, and recommended its passage.

Mr. Deuel, from committee on Military Affairs, reported back

H. F. No. 5, and recommended its passage.

Mr. Boyle, from special committee, introduced, C. B. No. 30.

C. B. No. 35, a bill for an act entitled an act for removal from office.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Shober and President.

Bill passed,

Title agreed to.

C. B. No. 43, a bill for an act concerning the construction of statutes.

Taken up,

Read a third time.

And put upon its passage. •

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel Shober and President.

Bill passed.

Title agreed to.

C. B. No. 33, a bill for an act regulating search warrants and proceedings thereon.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Shober and President.

Bill passed,

Title agreed to.

H. F. No. 5, a memorial and joint resolution relative to making Fort Randall a distributing post.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Shober, and President.

Bill passed,

Title agreed.

H. F. No. 12, a bill for an act to change the name of Torbjorn W. Torrison.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Shober and President.

Bill passed,

Title agreed to.

C. B. No. 30, a bill for an act defining the courts and jurisdiction of justices of the peace.

Taken up,

Read a first and second time,
And referred to committee on Judiciary.

Mr. Shober, from committee on Judiciary, reported back
C. B. No. 42, and recommended its passage.

C. B. No. 42, a bill for an act to dissolve the marriage contract between Matilda Irwin and John A. Irwin.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Shober
and President.

Bill passed.

Title agreed to.

On motion of Deuel,
Council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,
Saturday, December 27, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Bramble, Brookings, Cole, Deuel, McFetridge, Shober and the President.

Journal read and approved:

Mr. Shober gave notice of
A bill for an act to define council and representative districts of the territory, and apportion the representation thereof.

Mr. Brookings introduced
C. B. No. 48.

Mr. Deuel introduced
C. B. Nos. 49 and 50.

Mr. Shober, from committee on Judiciary, reported back
C. B. No. 44, and recommended its passage.

Mr. Shober reported as follows:

MR. PRESIDENT :

Your committee on engrossed and enrolled bills have examined H. F. Nos. 5 and 12, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Deuel, from committee on Territorial Affairs, reported back

C. B. No. 34, and recommended its passage.

Also, C. B. Nos. 37 and 46, and recommended their indefinite postponement.

Mr. Cole, from committee on Agriculture, reported back
C. B. No. 38, and recommended its passage.

C. B. No. 34, a bill for an act to provide for taking the census,

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered:

Resulted—ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Bill passed.
Title agreed to.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 27, 1862. }

MR. PRESIDENT:

I have to inform you that the house has passed

C. B. No. 1, entitled, an act to amend section six of chapter twenty-three of the code, with attached amendments.

C. B. No 2, entitled, an act providing bounties for wolf scalps, with attached amendments.

Also, H. F. No. 6, entitled, a memorial and joint resolution praying Congress to amend section two of the act providing for the temporary government of Dakota.

H. F. No. 13, entitled, an act to change the name of Nels W. Weckengson.

H. F. No. 15, entitled, an act relative to settlers on public lands.

In all of which the concurrence of the council is respectfully requested.

The house has also passed

C. B. No. 6, entitled, an act to encourage the erection of mill dams and mills.

C. B. No. 10, entitled an act prescribing the general duties of the territorial auditor.

C. B. No. 17, entitled, an act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory.

C. B. No. 22, entitled, an act to designate certain holidays.

C. B. 23, entitled, an act for the protection of the owners of saw logs in this territory.

C. B. No. 24, entitled, an act to secure the free passage of logs and lumber down the several rivers of this territory.

And I herewith return the same.

R. M. HAGAMAN,
Chief Clerk.

On motion of Mr. Shober,
The vote by which C. B. No 34 was passed,
Was reconsidered,
And the bill recommitted to a special committee, composed
of Messrs. Shober, Deuel, and Bramble.

C. B. No 44, a bill for an act regulating the disposal of
property stolen or embezzled,

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered:

Resulted—ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel,
McFetridge, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 37, a bill for an act to authorize the appointment
of commissioners of deeds,

Taken up.

Report of the committee adopted,

And the bill indefinitely postponed.

C. B. No. 46, a bill for an act to prevent the sale of intoxi-
cating liquor to soldiers,

Taken up.

Report of committee adopted,

And bill indefinitely postponed.

C. B. No. 38, a bill for an act to authorize and regulate the
adoption of children,

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 8, noes 0 as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel,
McFetridge, Shober and the President.

Bill passed.

Title agreed to.

C. B. No. 48, a bill for an act to incorporate the Dakota bridge company,

Taken up.

Read first time.

Mr. Bramble moved the bill be rejected.

Lost.

The bill was then read second time,

And referred to committee on Incorporations.

C. B. No. 49, a bill for an act concerning licences,

Read first and second time,

And referred to committee on Counties.

C. B. No. 50, a bill for an act to provide for the punishment of offenses against the lives and property of individuals,

Read first and second time,

And referred to committee on Education.

Council concurred in house amendments to

C. B. Nos. one and two.

H. F. No. 15,

Taken up.

Read first and second time,

And referred to committee on Judiciary.

H. F. No. 6,

Taken up.

Read first and second time,

And referred to committee on Federal Relations.

H. F. No. 13,

Taken up.

Read first and second time,

And referred to committee on Education.

On motion of Mr. Shober,

The select committee to whom was referred the resolution relative to Ole Halverson was re-appointed, and the resolution re-committed to the same for further consideration.

On motion of Mr. Shober,
 The council resolved itself into committee of the Whole,
 Mr. Bramble in the chair,
 To take into consideration the Governor's message.

After spending some time therein,
 The committee rose,
 Reported the message back to the council through their
 chairman, and recommended that it be referred to the appropriate committees.

The question being taken on the adoption of the report,
 The report was rejected.

On motion of Mr. Shober,
 The message was referred to a select committee consisting of
 Mr. Brookings.

On motion of Mr. Shober,
 Council adjourned, to meet to-morrow at ten, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

TWENTY-NINTH DAY.

COUNCIL CHAMBER, }
 Monday, December 29, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFet-
 ridge, Shober, and the President.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 29, 1862. }

MR. PRESIDENT :

I have to inform you that the house has passed
H. F. No. 21, entitled a bill for an act for the establish-
ment of Clay county, in the Territory of Dakota.

The concurrence of the council is respectfully requested.

R. M. HAGAMAN,
Chief Clerk.

Mr. Shober introduced
C. B. No. 52.

Mr. Brookings introduced
C. B. No. 51.

Mr. Boyle introduced
C. B. No. 53.

Mr. Shober, from the committee on Judiciary, reported
back

C. B. No. 30, with accompanying amendments, and recom-
mended its passage.

Mr. Shober reported as follows :

MR. PRESIDENT :

Your committee on Engrossed and Enrolled Bills, have ex-
amined

C. B. No. 6, an act to encourage the erection of mills and
mill dams,

And report the same back correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Brookings, from committee on Education, reported
back

H. F. No. 13, and recommended its passage.

Mr. Deuel, from committee on Elections, reported back
C. B. No. 45, and recommended its passage.

Mr. Cole, from committee on Territorial Affairs, reported
back

H. F. No. 3, and recommended its passage.

Mr. Deuel, from same committee, reported
C. B. No. 36, and recommended its indefinite postponement.

Mr. Shober, from select committee reported
C. B. No. 34, and recommended its indefinite postponement.

Mr. Shober, from select committee on Indian Affairs, presented the following report :

MR. PRESIDENT :

Your select committee on Indian Affairs beg leave to submit the following report :

In view of the exposed condition of the eastern portion of the territory, the northwestern border of the State of Iowa, and the western frontier of Minnesota, we deem it advisable to recommend that Congress be immediately memorialized upon the necessity of constructing a fort at Sioux Falls, situate in Minnehaha county, Dakota Territory. By the construction of a substantial fort at Sioux Falls, garrisoned with two companies of more, of cavalry, that portion of the eastern frontier of Dakota Territory and western frontier of Iowa lying between Sioux Falls and the confluence of the Big Sioux with the Missouri river, would be effectually protected from the marauding, thieving, and murderous bands of Indians, which, for the past few years, have so much impeded the progress, prosperity, and settlement of that district of country — the distance from Sioux Falls to the junction of the Big Sioux with the Missouri river, is about eighty miles. The valley of the Big Sioux river is unsurpassed in fertility, and well adapted to agriculture and grazing, and competent of sustaining a dense population. The only obstacle that has thus far prevented the valley of the Big Sioux from being densely populated at the present time, is the dangerous and exposed condition in which that portion of our territory has been situated, and liability of the inhabitants of that valley to be murdered by the numerous bands of hostile Indians, who are constantly traversing said valley. With the protection guaranteed, recommended in this report,

your committee feel sanguine that within a very short period of time the Big Sioux valley would be so densely populated that any longer protection would be unnecessary.

The next point on the Big Sioux river, where your committee deem protection advisable, is at Medary—distant about sixty miles above Sioux Falls, where Noble's South Pass wagon road from Fort Ridgely to Fort Lookout crosses the Big Sioux river—situate in one of the best agricultural portions of Dakota Territory, and one of the first places settled in Dakota. A settlement was made there as early as 1856, and had it not been for the Indian depredations, would, ere this time, have been a flourishing town, surrounded by a prosperous community. The Indians drove the settlers from Medary in June, 1858, burning and destroying nearly all of their property. Since which time it has remained entirely deserted.

Your committee would recommend the construction of a small military post at Medary, to be garrisoned by, at least, one company of cavalry, which, we think, would furnish a sufficient guarantee to ensure the immediate and rapid settlement of that favored portion of our territory lying between Lake Benton and Lake Thompson, which district of country is abundantly supplied with timber and water, and only requires protection from Indian depredations to secure its immediate settlement and prosperity.

The next place on our eastern border, where we deem protection demanded, and, in fact, absolutely necessary, is at Big Stone Lake. Here, for many years, has been an Indian village, with a temporary trading post, situate on the west side of said Lake. This portion of our territory has all the natural advantages to insure a rich agricultural country. For a distance of forty or fifty miles west of Big Stone Lake the country is diversified with numerous small lakes, surrounding which are handsome groves of hard wood timber—a fertile soil—and only requires ample protection to secure its speedy settlement.

Big Stone Lake is situate on the great Indian thoroughfare leading from the Minnesota river to Missouri river, and is,

doubtless, more traveled by the various bands of Minnesota and Dakota Sioux than any other route in the northwest.

When the late massacre took place in Minnesota, all of the settlers in the vicinity of Big Stone Lake, save one, were murdered, and he narrowly escaped with his life, leaving all of his effects.

Your committee recommend that Congress be immediately memorialized upon this subject, and that the necessity for the establishment of a military post at Big Stone Lake, in Dakota Territory, setting forth in said memorial the great advantages that would necessarily accrue in the ample protection that it would not only afford to the eastern portion of Dakota, but also to the western portion of the State of Minnesota.

We would recommend that said post be garrisoned by at least three companies of cavalry. With the establishment of a military post at Big Stone Lake, together with the posts recommended to be established on the Big Sioux river, ample protection would be afforded to the southeastern frontier of Dakota, the southwestern frontier of Minnesota, and the northwestern frontier of Iowa. With less protection than herein requested, we feel that no security exists to prevent the occurring of another massacre as atrocious, bloody and heart-rending as that which so lately occurred in Minnesota.

The year 1862 has made it certain that the whole mountain range between latitude 44° and 47° and extending from the head of steamboat navigation on the Missouri river to the same navigable point on the Columbia River, is gold producing, and will eventually prove as productive of the precious metals as similar areas in Colorado or California. Now, the sooner the hidden wealth embraced within the above described area can be procured, the better for the interests of this territory and more particularly for the general government.

That gold abounds among the Black Hills and the head waters and tributaries of the Missouri river there is no longer any doubt. In consequence of the hostile attitude of the upper Missouri Indians, mining operations in the Territory cannot be successfully carried on without ample military protection. The Black Hills are accessible by about one hundred miles land travel from the mouth of the Shyenne river, and it is reported

by good authority that small vessels might ascend the Shyenne nearly to their base. Their exploration and settlement by adventurers from Dakota and Minnesota is inevitable, and would have been accomplished years ago (or any time since the publication of Warren's description) except for certainty of attack by the Minneconges or Unckpapa Indians, whose lodges converge thither from expeditions on the surrounding plains. The Black Hills are destined, by another year to divide the gold seeking excitement of the Territory, and ample protection should be provided to secure the safety of those who may venture there to develop the mineral resources of that portion of our Territory.

Your committee deem that the mouth of the Shyenne river is the most accessible point on the Missouri river, for the establishment of a substantial military post to afford protection to that portion of the Territory, and your committee would recommend that Congress be memorialized upon the necessity of constructing a military post at the mouth of the Shyenne river, and also the necessity of furnishing an escort of at least four hundred cavalry to accompany an exploring expedition to the Black Hills and surrounding country.

The upper Missouri Indians have, during the past year, manifested a very hostile and warlike spirit toward the whites. Scarcely any of our citizens, who were going to or returning from the upper Missouri river gold mines escaped their insults and injuries. Several companies of returning miners have been shamefully treated by these fiends in human form, some of them severely wounded, and others robbed of their entire effects; and thus far these perpetrators have gone unpunished.

We are also in receipt of reliable information that many of the Minnesota Indians, who were engaged in the late massacre in that State, have escaped, crossed through the Northern portion of our Territory, and have joined with the upper Missouri Indians, and are in readiness to renew their murderous course the first favorable opportunity. We therefore recommend that an expedition composed of an army not less than five thousand strong, be fitted out early in the spring, and proceed as soon circumstances will permit, to move up the valley of the Missouri river to Fort Benton, to mete out to those offending Indians

the just punishment their hellish acts deserve. We feel satisfied, unless such protection is furnished, there can be no peace or security to the settlers on the upper Missouri river; and that mining operations of our Territory will of necessity have to be abandoned; and the settlements on the frontier of Dakota recede instead of progress.

Let the General Government extend to us the protection herein requested, and in a few years Dakota will be densely populated and knocking at the doors of Congress for admission into the sisterhood of States.

Fort Benton being about centrally situated in the gold fields of the upper Missouri river, we would recommend that a substantial military post be there erected, and that it be garrisoned by at least one thousand efficient soldiers, one half of whom should be cavalry, well armed and equipped. This is probably one of the most important points designated in this report, and will in a very few years be the great starting point for the overland emigration to the Pacific slope. For the past two or three years, there has been considerable travel from this point across to the Columbia river, and should ample protection be furnished at this point, in a very short period of time there would be more travel on Lieutenant Mullen's Route than on the emigrant road leading from Omaha. A few years protection is all that is required in the vicinity of Fort Benton.— The fact of gold existing in paying quantities in that vicinity is no longer questioned; which will in a brief space of time insure a sufficient population for self protection.

Your committee would further represent that that portion of our Northeastern frontier, bordering on the State of Minnesota, and situated between Fort Abercrombie and the British possessions is in a very exposed condition. The Red river valley of the North is the oldest settled portion of Dakota Territory. An extensive trade has for many years been carried on between that portion of the Territory and St. Paul, and other points on the Mississippi river. Hundreds of thousands of dollars worth of merchandise and furs are yearly transported over the route leading from St. Paul on the Mississippi to Pembina and St. Joseph on the Red river of the North. It was on this route that the United States mail was robbed and

the driver murdered, by the Indians but a few months since.

We would recommend that the following line of military posts be established on said route, to-wit: One at Georgetown, situated on the Red River of the North, and fifty miles distant from Fort Abercrombie; also, one at Goose river, distant sixty-five miles from Georgetown; one at Turtle river, distant fifty miles from Goose river; one at Hawthorn river, distant thirty miles from Turtle river; one at Tongue river, distant thirty miles; one at St. Joseph, distant from Tongue river thirty miles. The above is the only route from Red River to Fort Abercrombie and St. Paul, and the only route over which all the exports and imports, together with the mail matter of the Red River country must pass.* Principally, the entire route extends through the Indian country, and an extensive portion of the route passes through a portion of our territory occupied by the hostile Sioux. The establishment of the posts herein designated would, provided they were garrisoned with from one to two hundred efficient men each, afford ample protection to that portion of our territory bordering on the Red River of the North. We deem the number of posts recommended in this report, with a few men at each, a better and more efficient protection than to have fewer posts and more soldiers. There is abundance of timber for building purposes at all of the points herein mentioned.

We would further represent, that at Mininakon, or Devil's Lake, there should be established a military post. Devil's Lake is situated about eighty miles south-west of St. Joseph, and is much frequented by, and in fact is the great camping ground of the Yanktonias. The Lake is about sixty miles in length, and surrounded by a large body of timber. Could protection be furnished to that place, it would soon be sufficiently populated to be able to protect itself.

The valley of the Red River of the North is renowned for being the best wheat producing district in the northwest, both as to quality and quantity; and it is certainly a moderate demand on the general government to furnish the amount of protection herein required for that portion of our territory.

We deem it desirable that the Indians in the southern portion of the territory should not be permitted to roam at will

over the ceded lands. We believe that all Indians should be restricted to the unceded lands and their reservations. Could such a requirement be complied with, it would certainly conduce much to the peace and quiet of the territory, and free the settlers from the annoyance of the straggling Indians who are wandering about the country. We think it would be well for the Indian agents to endeavor to prevent those Indians under their supervision and superintendency, from hunting and trapping on the ceded lands, and particularly in the settled portions of this territory.

Since the excitement created by the late massacre, the presence of Indians in a settlement is particularly obnoxious—the settlers not knowing whether they are friendly or unfriendly, and in either event, would much rather not have them round. We trust that the general government will not deal leniently with those Indians who have been engaged in the late massacre.

We feel that the policy of our government has heretofore been too pacific and kind toward the Indians.

The Indian is the natural implacable enemy of the white man. He hates the pale face, his dress and his mode of life. The Indian is a treacherous, revengeful creature—he cannot be controlled by friendship—he can be ruled only by coercion and force. We trust that our government will not rest content until it hunts down the last one of those Indians engaged in the late massacre; and when they have caught them all, they will execute them in the presence of those Indians belonging to the same tribe who were not engaged in the massacre, and thereby teach them a living example of the fate of the transgressor.

“ Example is a living law,
Which Indians (as well as white men,)
More than all other laws obey.”

We ask that no less than the same judgment should be passed and executed upon these deliberate murderers, these mutilators of their murdered victims, than would be passed upon white men guilty of the same offense. The blood of hundreds of our fellow citizens, of all ages, sexes, and conditions,

cries from the ground for vengeance. "Vengeance is mine, I will repay, saith the Lord." And the authorities of the United States are, we believe, the chosen instruments to execute that *vengeance*. Let them not neglect their plain duty. Nor should we ask alone for vengeance. We should demand indemnity for the past and security for the future.

There can be no safety for frontier settlers unless an example shall be made of those who committed murders and barbarities. Let it be understood that *Indians* can commit such crimes and be pardoned upon surrendering themselves and, in the language of Governor Ramsey, "there is henceforth a torch for every white man's dwelling, and a knife for every white man's heart upon our frontier."

J. H. SHOBER,
JAMES McFETRIDGE.

Mr. Bramble, from committee on Finance, reported back C. B. No. 47, recommending its indefinite postponement.

C. B. No. 30,

Taken up.

Reported amendments of the committee adopted,
And bill ordered engrossed for third reading to-morrow.

C. B. No. 34, a bill for an act for taking the census, and of the militia.

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 36, a bill for an act relative to notaries public.

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 45, a bill for an act to provide for contested elections.

Taken up.

Read a third time,
And put upon its passage.
Ayes and noes ordered :

Resulted—ayes 5, noes 2, as follows :

Ayes—Messrs. Boyle, Brookings, Deuel, Shober, and President.

Noes—Messrs Bramble and Cole.

Bill passed.

Title agreed to.

C. B. No. 47, a bill for an act regulating reprieves, commutations, &c.

Report of committee adopted,
And bill indefinitely postponed.

H. F. No. 13, a bill for an act to change the name of Nels W. Wekingson.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober, and President.

Bill passed.

Title agreed to.

H. F. No. 3, a bill for an act conferring the rights of citizenship upon Walter Arcon.

Taken up.

Read a third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 5, noes 2, as follows :

Ayes—Messrs. Boyle, Brookings, Cole, McPetridge, and Shober.

Noes—Messrs. Bramble and Deuel.

Bill passed.

Title agreed to.

C. B. No. 51, a bill for an act for the incorporation of villages.

Read first and second time,
And referred to committee on Incorporations.

C. B. No. 52, a bill for an act defining the council and representative districts of Dakota Territory, and apportioning the representation thereof.

Read first and second time,
And referred to committee on elections.

C. B. No. 53, a bill for an act to regulate the license and keeping of dogs.

Read first and second time,
And referred to committee on Incorporations.

H. F. No. 21, a bill for an act for the establishment of Clay county, in the Territory of Dakota.

Read first and second time,
And referred to committee on Counties.

On motion of Mr. Deuel, the report of select committee on Indian Affairs, was accepted, and 200 copies ordered printed in pamphlet form, for the use of the council, and the committee discharged.

Mr. Brookings, from committee on Federal Relations, reported back

H. F. No. 6, and recommended its passage with accompanying amendments.

H. F. No. 6, a memorial and joint resolution praying Congress to amend section 2, of the act providing for a temporary government of Dakota.

Reported amendments of committee adopted.

Bill read third time,
And put upon its passage.

Ayes and noes ordered:

Resulted — ayes 8, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shoher, and President.

Bill passed.

On motion of Mr. Brookings,

The title was amended by striking out the words "and joint resolution."

The title was then agreed to.

On motion of Mr. Deuel,
The council adjourned till 10, A. M., to-morrow.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTIETH DAY.

COUNCIL CHAMBER,
Tuesday, December 30, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs Boyle, Bramble, Brookings, Cole, Deuel, McFet-
ridge, Shober and President.

Journal read and approved.

Mr. Bramble introduced
C. B. Nos. 54 and 55.

Mr. Brookings introduced
C. B. Nos. 56 and 57.

Mr. Boyle introduced
C. B. No. 58.

Mr. Shober from committee on Engrossed bills, reported
C. B. No. 30, correctly engrossed, and

C. B. No. 22 correctly enrolled.

And further as follows :

MR. PRESIDENT :

Your committee on enrolled bills have examined C. B. No. 1, 2, 24, 10 and 23 and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Shober, from Judiciary committee, reported back H. F. No. 15 and recommended its indefinite postponement.

Mr. Boyle, from committee on Incorporations, presented the following report :

MR. PRESIDENT :

A majority of your committee on Incorporations, to whom was referred C. B. No. 48, beg leave to report the same back without amendment and recommend its passage.

J. W. BOYLE, Ch'n.

Mr. Bramble, from same committee, presented the following minority report :

MR. PRESIDENT :

A minority of your committee on Incorporations have had under consideration C. B. No. 48, an act to incorporate the Dakota Bridge company, and after a careful consideration of the matter have come to the conclusion that the chartering of a monopoly like that contemplated by the bill will be detrimental to the interests of the Territory at large, as it grants extensive powers and creates no responsibilities, and said franchise is given to strangers outside the limits of the Territory and fixes no time when said bridges shall be built, and your committee would say further that we do not believe that necessities of the people require any such legislation, and would recommend that it do not pass. All of which is respectfully submitted.

D. T. BRAMBLE,
Minority Committee

Mr. Deuel, from committee on elections, reported back C. B. No. 32, and recommended it be recommitted to special committee.

Mr. Shober, from special committee, reported back C. B. No. 32, and recommended its indefinite postponement.

Mr Brookings, from special committee, to visit library, reported as follows :

MR. PRESIDENT :

Your committee appointed to visit the Territorial library have visited the same, and find that the present building is not sufficiently large for the same, and would recommend that the Secretary be requested to rent one of the small rooms of this building to be used for a library room. They would further recommend that all the books of said library be labeled with a printed label, "Dakota Territorial Library."

W. W. BROOKINGS, Ch'n.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 30, 1862. }

MR. PRESIDENT :

I have to inform you that the house has passed C. B. No. 28, entitled an act to provide for the taking up of water craft found adrift, lost goods and for other purposes.

C. B. No. 21, an act regulating the hours of manual labour.

C. B. No. 15, entitled a memorial for a military post on the Big Sioux river.

Also, C. B. No. 19, entitled an act to authorize F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river at Yankton, with attached amendments.

Also, H. F. No. 9, an act prohibiting the sale of spirituous liquors on Sunday.

In which the concurrence of the council is respectfully requested.

R. M. HAGAMAN.

Chief Clerk.

C. B. No. 32, a memroial to the President of the U. S. relative to Indian prisoners in Minnesota.

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 48, a bill for an act to incorporate the Dakota
Bridge company.

Taken up.

Mr. Brookings moved the adoption of the majority report.

Lost.

Mr. Bramble moved the adoption of the minority report.

Carried.

Mr. Brookings moved the bill be made the special order to-
morrow at 11 o'clock.

Lost.

On motion of Mr. Bramble,
The bill was indefinitely postponed.

C. B. No. 30, a bill for an act defining the courts and juris-
diction of justices of the peace.

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel,
McFetridge, Shober and President.

Bill passed.

Title agreed to.

C. B. No. 52.

Taken up,

Report of committee adopted,

And bill recommitted to special committee, composed of
Messrs. McFetridge, Cole, Boyle, Bramble and Shober.

H. F. No 15, a bill for an act relating to settlers on the pub-
lic lands.

Taken up,

Report of committee adopted,
And the bill indefinitely postponed.

C. B. No. 54, a bill for an act to prevent and punish resistance to officers.

Read first and second time,
And referred to committee on Finance.

C. B. No. 55, a bill for an act concerning fugitives from justice.

Read first and second time,
And referred to committee on Finance.

C. B. No. 56, a bill for an act to punish malicious mischief and trespass on property.

Read first and second time,
And referred to committee on Education.

C. B. No. 57, a bill for an act to regulate official oaths.

Read first and second time,
And referred to committee on Elections.

C. B. No. 58, a bill for an act concerning amendments and joofails.

Read first and second time,
And referred to committee on Federal Relations.

Council concurred in house amendments to C. B. No 19.

H. F. No. 9, a bill for an act prohibiting the sale of spirituous liquors on Sunday.

Read first time.

Mr. Bramble moved the bill be rejected.

Ayes and noes ordered :

Resulted—Ayes 4, noes 2, as follows :

Ayes—Messrs. Bramble, Deuel, McFetridge and Shober.

Noes—Messrs. Boyle and Brookings.

So the bill was rejected.

On motion, the report of Mr. Brookings from special committee on library was adopted and committee discharged.

Mr. Bramble moved that Mr. Boyle be appointed a special committee to wait on the Secretary of the Territory and ascertain the amount of unexpended funds appropriated for the legislative assembly for the last fiscal year.

Mr. Brookings moved to amend by adding Mr. Bramble.
Adopted.

Mr. Shober moved to lay the original motion on the table.
Lost.

Original motion as amended was then put and carried.

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

Resolved, That the secretary of the council be instructed to forward immediately to the proper Department of the General Government all memorials passed by the legislative assembly of the Territory of Dakota, which originated in the council.

On motion of Mr. Bramble,
The council adjourned till to-morrow at ten, A. M.

ENOS STUTSMAN, *President*.

JAMES TUFTS, *Secretary*.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,
Wednesday, December 31, 1862. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and the President.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
Dec. 31, 1862. }

MR. PRESIDENT :

I have to inform the council that the house has passed
H. F. No. 38, entitled, an act granting to Ellis Wall a ferry
charter across the Missouri.

The concurrence of the council is respectfully requested.

R. M. HAGAMAN,
Chief Clerk.

Mr. Bramble introduced
C. B. Nos. 59 and 62.

Mr. McFetridge introduced
C. B. No. 63.

Mr. Deuel introduced
C. B. No. 61.

Mr. Boyle introduced
C. B. No. 63.

Mr. Shober reported as follows :

MR. PRESIDENT :

Your committee on Engrossed and Enrolled bills, have exam-
ined

C. B. No. 17, an act granting a ferry charter across the
Missouri river at a point nearly opposite Ponca, Nebraska Ter-
ritory, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

Your committee on engrossed and enrolled bills, have exam-
ined

H. F. No. 8, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

Your committee on Engrossed and Enrolled bills, have exam-
ined

C. B. No. 15, a memorial for a military post on the Big Sioux river, and No. 19, an act to authorize F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river at Yankton, and C. B. No. 21, an act regulating the hours of manual labor, and C. B. No. 28, an act to provide for the taking up of water crafts found adrift, lost goods, and for other purposes, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Brookings, from committee on Education, reported back C. B. No. 50, without recommendation.

Mr. Boyle, from committee on Counties, reported back. H. F. No. 21, and recommended its passage.

Also, C. B. No. 49, recommending its indefinite postponement.

Mr. McFetridge, from special committee, appointed to consider

C. B. No. 52, reported as follows:

MR. PRESIDENT :

Your special committee, to whom was referred

C. B. No. 52, an act to divide the territory into council and representative districts, and apportion the representation thereof, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

JAMES McFETRIDGE.

Mr. Boyle, from same committee, presented the following minority report :

MR. PRESIDENT :

A minority of your select committee, to whom was referred C. B. No. 52, an act defining the council and representative districts in Dakota Territory, and to apportion the representation thereof, beg leave to report that they have had the same under careful consideration, and find that the representation therein provided for is not in proportion to the population of the respective districts, as provided for by the organic act of the Territory, but is evidently unequal and unjust in the distribution of representation, for and on account of which, a minority of

your committee recommend that the bill be indefinitely postponed.

J. W. BOYLE.

C. B. No. 49, a bill for an act concerning licenses,
Taken up.
Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 50, a bill for an act for the punishment of offenses against the lives and property of individuals,
Taken up,
And on motion of Mr. Brookings,
Laid on the table.

C. B. No. 52,
Taken up.

Mr. Shober moved the adoption of the majority report.

Ayes and noes ordered:

Resulted—ayes 5, noes 3, as follows:

Ayes—Messrs. Bramble, Cole, McFetridge, Shober, and President.

Noes—Messrs. Boyle, Brookings, and Deuel.

The report was adopted.

Mr. Brookings moved the bill be made the special order this day, at eleven and a-half o'clock.

Mr. Shober moved to amend by ordering the bill to its third reading forthwith.

Amendment lost.

Mr. Brookings' motion then prevailed,

And the bill was made the special order this day at eleven and a-half o'clock.

H. F. No. 21, a bill for an act for the establishment of Clay county,

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, McFetridge, Shober, and the President.

Bill passed.

Title agreed to.

C. B. No. 59, a memorial to the Congress of the United States, asking an appropriation for the construction of capitol buildings for the Territory of Dakota,

Taken up.

Read second time,

And rules suspended,

Read a third time,

And put upon its passage.

Ayes and noes ordered:

Resulted—Ayes 7, noes 1, as follows :

Ayes—Messrs. Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Noes—Mr. Boyle.

Bill passed,

And title agreed to.

C. B. No. 60, a bill for an act providing for the printing and distribution of the laws and journals,

Read first and second time,

And referred to committee on Printing.

C. B. No. 61, a bill for an act to punish offenses against the rights of suffrage,

Read first and second time,

And referred to committee on Elections.

C. B. No. 62, a bill for an act relating to the estates of decedents,

Read first and second time,

And referred to committee on Judiciary.

C. B. No. 63, a bill for an act locating the county seat of Clay county,

Taken up.

Read first and second time,

Rules suspended,

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 8, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Bill passed,

Title agreed to.

H. F. No. 38, a bill for an act granting to Ellis Wall a ferry charter across the Missouri,

Read first and second time,

And referred to committee on Highways, &c.

. Council took a recess for one-half hour.

President resumed the chair.

The chair announced special order,

C. B. No. 52, a bill for an act defining the council and representative districts in Dakota, and apportioning the representation thereof.

Mr. Brookings moved the council resolve itself into committee of the Whole.

Mr. Shober moved to amend, that the bill be read the third time forthwith.

Amendment adopted.

The bill was then read third time.

Mr. Brookings moved to re-commit the bill to committee of the Whole, Friday next, at eleven and a-half o'clock.

On motion of Mr. Shober,

The motion to re-commit was laid on the table

The bill was then put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 5, noes 3, as follows :

Ayes — Messrs. Bramble, Cole, McFetridge, Shober, and President.

Noes — Messrs. Boyle, Brookings, and Deuel.

Bill passed,

Title agreed to.

On Motion of Mr. Brookings,

The council adjourned to meet on Friday at ten, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-THIRD DAY.

COUNCIL CHAMBER, }
Friday, January 2, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Deuel, Shober, and the President.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
December 31, 1862. }

MR. PRESIDENT :

I have to inform the council that the house has passed
C. B. No. 43, entitled an act concerning the construction of
statutes.

I have also to inform you that the house has indefinitely
postponed

C. B. No. 7, entitled an act to encourage and regulate the
drainage of lands.

Also, C. B. No. 8, entitled an act for the protection of real
property.

And I herewith return the same.

The house has also passed

C. B. No. 11, entitled an act incorporating the Racine
Ameni transportation and mining company, with an accom-
panying amendment.

Also, C. B. No. 14, entitled an act to authorize the forma-
tion of the mining, manufacturing, and banking company of
North America, with accompanying amendments.

Also, C. B. No. 31, entitled an act changing the time of
holding United States district courts in the several judicial
districts of the Territory of Dakota, with accompanying
amendments.

In all of which the concurrence of the council is respect-
fully requested.

The house as also passed

H. F. No. 16, entitled an act to provide against the recov-
ery of damages done by beasts on lands which are not inclosed
by a lawful fence.

H. F. No. 23, entitled, joint resolution and memorial to
Congress asking for an increase of pay of the common soldier.

In which the concurrence of the council is respectfully re-
quested,

R. M. HAGAMAN.

Chief Clerk.

Mr. Bramble introduced
C. B. No. 64.

Mr. Brookings gave notice of
A bill extending the boundary lines of Cole county.

Mr. Deuel introduced
C. B. No. 65.

Mr. Shober introduced
C. B. Nos. 66 and 67.

Mr. Brookings, from committee on Education, reported
back
C. B. No. 56, and recommended it be laid on the table.

Mr. Boyle, from committee on Incorporations, reported
back
C. B. No. 53, and recommended its passage.

Mr. Shober, from committee on Public Printing, reported
back
C. B. No. 60, and recommended its passage.

Council, on motion, concurred in house amendments to
C. B. No. 11.

The council also concurred in house amendments to
C. B. No. 14.

On motion of Mr. Shober,
C. B. No. 31, returned from the house with amendments,
was recommitted to select committee, composed of Messrs.
Shober, Bramble, and Boyle.

H. F. No. 16,
Taken up.
Read first time.

Mr. Bramble moved its rejection.
Lost.

The bill was then read a second time,
And referred to committee on Agriculture.

H. F. No. 23,

Taken up.

Read first and second time,

And referred to committee on Military Affairs.

C. B. No. 56, a bill for an act to punish malicious mischief and trespass on property.

Taken up.

Report of committee adopted,

And bill indefinitely postponed.

C. B. No. 53,

Taken up.

Mr. Shober moved to lay the bill and report of committee on the table.

Lost.

Mr. Shober moved to indefinitely postpone.

Lost.

The bill was then ordered engrossed for third reading tomorrow.

C. B. No. 60, a bill for an act providing for the printing and distribution of the laws and journals.

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Colc, Deuel, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 65,

Read first and second time,

And referred to committee on Highways, Bridges, &c.

C. B. No. 64,

Read first and second time,

And referred to committee on Military Affairs.

C. B. No. 66,
Taken up.
Read first time,

Mr. Boyle moved the bill be rejected.
Lost.

Bill read second time,
And referred to committee on Judiciary.

C. B. No. 67,
Read first and second time,
And referred to committee on Public Buildings.

On motion of Mr. Shober,
Council adjourned, to meet to-morrow at ten o'clock, A. M.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-FOURTH DAY.

COUNCIL CHAMBER,
Saturday, January 3, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Cole, Deuel, McFetridge, Shober
and the President.

Journal read and approved.

Mr. Brookings introduced,
C. B. No. 68.

Mr. Boyle introduced
C. B. No. 69.

Mr. Shober, from committee on Judiciary, reported back
C. B. No. 66,
And recommended its passage.

Mr. Shober, from committee on Engrossed and Enrolled
Bills, reported as follows :

MR. PRESIDENT :

Your committee on Engrossed and Enrolled bills, have examined

C. B. No. 11, an act incorporating the Racine Ameni transportation and mining company,

And C. B. No. 43, an act concerning the construction of statutes,

And report the same back correctly enrolled.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

We have examined

C. B. No. 14, an act to authorize the formation of the mining, manufacturing, and banking company of North America,

And find it correctly enrolled.

And have this day presented the same to his excellency the Governor for his signature and approval.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

I have presented

C. B. Nos. 15, 28, 17, 21, 19, 24, 4, 9, 10, 23, 2, 1, 22 and 6, to his excellency the Governor, for his approval and signature.

J. H. SHOBER, Ch'n.

Mr. Deuel, from committee on Military Affairs, reported back

C. B. No. 64, and recommended its passage.

Also, H. F. No. 23, without recommendation.

Mr. McFetridge, from committee on Public Buildings, reported back

C. B. No. 67, and recommended its passage.

Mr. Deuel, from committee on Territorial Affairs, reported back

C. B. No. 27, without recommendation.

Mr. Shober, from committee on Public Printing, reported back

C. B. No 3, and recommended its passage.

Mr. Bramble, from committee on Finance, reported back

C. B. No. 54 and 55, and recommended their indefinite postponement.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
January 3, 1863.

MR. PRESIDENT :

I have to inform the council that the house has passed

C. B. No. 59, a memorial to Congress, for an appropriation for capitol buildings.

I have also to inform you that the house has indefinitely postponed

C. B. No. 5, entitled, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled, "an act for the relief of citizens of towns upon lands of the United States under certain circumstances."

And I herewith return the same.

R. M. HAGAMAN.

Chief Clerk.

Mr. Shober, from select committee, reported as follows :

MR. PRESIDENT :

Your select committee to whom was referred

C. B. No. 31, an act concerning the judicial districts of the Territory of Dakota,

Have had the same under consideration, and beg leave to report the same back with attached amendments to house amendments, and recommend the concurrence of the council in house amendments with council amendments.

J. H. SHOBER, Ch'n.

C. B. No 31,

Taken up.

Report of committee adopted.

House amendments concurred in as amended by the council.

C. B. No. 3, a bill for an act to provide for the public printing,

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 7, noes 1, as follows :

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, McFetridge, Shober, and President.

Noes — Mr. Brookings.

Bill passed.

Title agreed to.

C. B. No. 66, a bill for an act to amend section forty-nine of chapter thirty-two of the code,

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 8, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Bill passed.

Title agreed to.

C. B. No. 54, a bill for an act to prevent and punish resistance to officers,

Taken up.

Report of committee adopted.

Bill indefinitely postponed.

C. B. No. 55, a bill for an act concerning fugitives from justice.

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 55, a bill for an act concerning fugitives from justice,

Taken up.

Report of committee adopted,
And bill indefinitely postponed.

C. B. No. 27,

Taken up.

On motion, laid on the table.

C. B. No. 64,

Taken up.

Read third time,
And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 8, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel,
McFetridge, Shoher, and President.

Bill passed.

Title agreed to.

H. F. No. 23,

Taken up. •

On motion of Mr. Bramble,
Was laid on the table.

C. B. No. 67, a bill for an act to dissolve the marriage contract between Wm. Hammond and Marietta Hammond,

Taken up.

Read third time,
And put upon its passage,

Ayes and noes ordered,

Resulted—Ayes 6, noes 1, as follows:

Ayes—Messrs. Boyle, Bramble, Cole, Deuel, McFetridge,
Shoher and President.

Noes — Mr. Brookings.

Mr. Shober, from committee on enrolled bills, reported as follows :

MR. PRESIDENT :

Your committee on engrossed and enrolled bills have examined H. F. Nos. 3, 6, 13, and 21, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

C. B. No. 68, a bill for an act to extend the boundary lines of Cole county.

Taken up.

Read first time,

And on motion of Mr. Cole, rejected.

C. B. No. 69, a bill for an act regulating proceedings on writ of habeas corpus.

Taken up.

Read first and second time,

And referred to Judiciary committee.

Mr. McFetridge obtained leave and presented,

C. B. No. 70, a memorial to the Secretary of War on the subject of Indians Affairs in Dakota.

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and President.

Passed and

Title agreed to.

Council took a recess for one hour.

President resumed the chair.

Mr. Shober, from committee on enrolled bills, reported as follows :

MR. PRESIDENT :

Your committee on enrolled and engrossed bills have examined

C. B. No. 59, a memorial to Congress for an appropriation for capitol buildings.

And report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Brookings, from committee on Federal Relations, reported back

C. B. No. 58, and recommended its passage.

Mr. Cole, from committee on Highways, &c., reported back C. B. No. 65, and recommended its passage.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
Yankton, D. T., Jan. 3, 1863. }

MR. PRESIDENT :

I have to inform the council that the house has passed

H. F. No. 44, a memorial to Congress asking for an amendment to an act entitled an act to secure homesteads to actual settlers on the public domain,

Also, C. B. No. 60, an act providing for the printing and distribution of the laws and journals.

The concurrence of the council is respectfully requested.

I have also to inform you that the house has passed

C. B. No. 38, An act to authorize and regulate the adoption of children.

Also, C. B. No. 63, an act locating the county seat of Clay county, Dakota Territory.

Also, C. B. No. 30, an act defining the courts and jurisdiction of justices of the peace,

And I herewith return the same.

R. M. HAGAMAN,
Chief Clerk.

C. B. No. 65, a bill for an act providing for county roads,

Taken up,

Read third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and President.

Bill passed,

Title agreed to.

C. B. No. 58, a bill for an act concerning amendments and jeofails,

Taken up,

Read third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and the President.

Bill passed,

Title agreed to.

Messrs. Boyle, Brookings and the President, were, on motion of Mr. Shober, appointed a committee to examine the criminal code and report the necessary amendments.

H. F. No. 44, a memorial to Congress asking for an amendment to an act, entitled an act to secure homesteads to actual settlers on the public domain.

Taken up.

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows ;

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and President.

Bill passed,

Title agreed to.

On motion of Mr. Bramble,
The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-SIXTH DAY.

COUNCIL CHAMBER, }
Monday, January 5, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFet-
ridge, Shober, and the President.

Journal read and approved.

Mr. Shober, from committee on Enrolled bills, reported as
follows :

MR. PRESIDENT :

Your committee on engrossed and enrolled bills, have exam-
ined.

C. B. No. 30, an act defining the courts and jurisdiction of
justices of the peace.

And No. 38, an act to authorize and regulate the adoption
of children.

And No. 60, an act providing for the printing and distribu-
tion of the laws and journals.

And No. 63, an act locating the county seat of Clay county.

And report the same correctly enrolled.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

Your committee on engrossed and enrolled bills, have this day submitted to his excellency, the Governor for his approval and signature to the following C. Bills, to-wit :

No. 30, an act defining the courts and jurisdiction of justices of the peace.

No. 38, an act to authorize and regulate the adoption of children.

No. 60, an act providing for the printing and distribution of the laws and journals,

And No. 63, an act locating the county seat of Clay county.

J. H. SHOBER, Ch'n.

MR. PRESIDENT :

Your committee on enrolled bills, have presented the following bills to his excellency for his signature, to-wit :

C. B. Nos. 11, 43 and 59, January 3, 1863.

J. H. SHOBER, Ch'n.

The following communications were received from the Governor :

TO THE COUNCIL :

I have approved and signed

C. B. No. 14, entitled an act to authorize the formation of the Mining, Manufacturing and Banking company of North America.

W. JAYNE,
Governor.

January 3rd, 1863.

EXECUTIVE OFFICE,
Yankton, January 5th, 1863, }

To the Honorable Council :

GENTLEMEN :—I have examined, approved and signed, the following council bills, and herewith return the same :

No. 2, an act providing bounties for wolf scalps.

No. 4, an act to establish a seal for the Territory of Dakota.

No. 9, an act prescribing the duties of the territorial treasurer.

No. 10, an act prescribing the general duties of the territorial auditor,

No. 11, an act incorporating the Racine, Ameni Transportation and Mining company.

No. 15, a memorial for a military post on the Big Sioux River.

No. 17, an act granting a ferry charter across the Missouri river at a point nearly opposite Ponca, Nebraska Territory.

No. 19, an act to authorize F. Chapel and J. S. Presho to establish and run a ferry across the Missouri river at Yankton.

No. 22, an act to designate certain holidays.

No. 24, an act to secure the free passage of logs and lumber down the several streams, in this Territory.

No. 59, a memorial to Congress for an appropriation for capitol buildings.

Very respectfully,
 Your obedient servant,
 W. JAYNE,
Governor.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
 January 5, 1863. }

MR. PRESIDENT :

I have to inform the council that the house has passed

H. F. No. 10, an act to dissolve the marriage contract existing between Malinda Metcalf and Morris Metcalf.

Also, H. F. No. 24, a memorial for the establishment of a military road from Fort Ridgley, Minnesota, to Fort Randall, Dakota Territory.

Also, H. F. No. 25, a memorial to Hon. W. P. Dole, Commissioner of Indian Affairs, in reference to compensation for losses by Indian depredations.

Also, H. F. No. 26, joint resolutions endorsing the administration of Abraham Lincoln.

Also, H. F. No. 28, a memorial to Congress for the establishment of a mail route from Mankato, in Minnesota, to Fort Randall, Dakota Territory.

Also, H. F. No. 36, an act supplementary to an act entitled an act for the regulation and support of common schools.

Also, H. F. No. 37, a memorial to the Congress of the United States, relative to the building of a fort in the valley of the Red River.

Also, H. F. No. 39, a memorial to the Post Master General.

Also, H. F. No. 42, a memorial to Congress asking an appropriation of lands for the University of Dakota.

In all of which the concurrence of the council is respectfully requested.

The house has also passed

C. B. No. 64, a memorial and joint resolution to Congress praying that section 14 of an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean and to secure to the Government the use of the same for postal, military and other purposes, approved July 1st, 1862, may be amended.

And I herewith return the same.

The house has also passed

H. F. No. 40, an act granting H. S. Kelly the right to establish and run a ferry across the Vermilion river in Clay county.

In which the concurrence of the council is respectfully requested.

R. M. HAGAMAN.

Chief Clerk.

Mr. McFetridge, introduced

C. B. No. 71, a memorial to the Congress of the United States, asking military protection, and recommending the establishment of a line of military posts from Fort Abercrombie, to St. Joseph, Kittson county, Territory of Dakota, . . .

Read first time,

Rules suspended.

Read second and third time,

And put upon its passage.

Ayes and noes ordered:

Resulted—Ayes 8, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and President.

Bill passed.

Title agreed to.

H. F. No. 25, A memorial to the Hon. W. P. Dole, Commissioner of Indian Affairs, in reference to compensation for losses by Indian depredations.

Read first and second time,

And referred to select committee, composed of Messrs. Sho-ber, Bramble and Boyle.

H. F. No. 26, joint resolutions indorsing the administration of Abraham Lincoln.

Read first and second time,

Referred to select committee, composed of Sho-ber, Deuel and Brookings.

H. F. No. 28, a memorial to Congress for the establishment of a mail route from Mankato, in Minnesota, to Fort Randall in Dakota.

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, noes 1, as follows ;

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, McFetridge, Sho-ber and President.

Noes—Mr. Bramble.

Bill passed,

Title agreed to.

H. F. No. 36, a bill for an act supplementary to an act entitled an act for the regulation and support of common schools.

Read first and second time,

And referred to committee on Education.

H. F. No. 37, a memorial to the Congress of the United States relative to the building of a fort in the valley of the Red River.

Read first time.

Rules suspended.

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

Ayes and noes ordered:

Resulted—ayes 8, noes 0, as follows:

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel,
McFetridge, Shober, and President.

Bill passed.

Title agreed to.

H. F. No. 39, a memorial to the Postmaster General.

Read first and second time,

And referred to select committee, composed of Messrs.
Bramble, McFetridge, and Boyle.

H. F. No. 42, a memorial to Congress asking an appropriation
of lands for the University of Dakota.

Read first time.

Rules suspended.

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

Ayes and noes ordered:

Resulted—ayes 6, noes 0, as follows:

Ayes—Messrs. Boyle, Brookings, Cole, Deuel, McFetridge,
and President.

Bill passed.

Title agreed to.

H. F. No. 40, a bill for an act granting to H. S. Kelley the
right to establish and run a ferry across the Vermilion river,
in Clay county.

Read first and second time,

And referred to the committee on Territorial Affairs.

H. F. No. 10, a bill for an act to dissolve the marriage con-
tract existing between Melinda Metcalf and Morris Metcalf.

Read first time.

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 6, noes 2, as follows :

Ayes—Messrs. Bramble, Cole, Deuel, McFetridge, Shober, and President.

Noes—Messrs. Boyle and Brookings.

Bill passed.

Title agreed to.

H. F. No. 24, a memorial for the establishment of a military road from Fort Ridgely, Minnesota, to Fort Randall, in Dakota Territory.

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and President.

Bill passed.

Title agreed to.

Mr. Boyle, from committee appointed to report necessary amendments to criminal code, introduced

C. B. No. 72.

Read first and second time,

And referred to committee on Judiciary.

Council took a recess till half-past two.

President resumed the chair.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
January 5, 1863. }

MR. PRESIDENT :

The house has passed

H. F. No. 45, a bill for an act locating the county seat of Cole county.

Also, C. B. No. 52, an act defining the council and representative districts, in Dakota Territory, and apportioning the representation thereof,

With accompanying amendments.

The concurrence of the council is respectfully requested.

Also, H. F. No. 46, an act to locate a territorial road from Yankton to the Big Sioux river.

The concurrence of the council is respectfully requested.

The house has rejected.

C. B. No. 25, joint resolution relative to a geological report.

And I return the same.

R. M. HAGAMAN,
Chief Clerk.

Mr. Brookings, from committee on Education, reported back

H. F. No. 36, recommending its indefinite postponement.

Mr. Brookings, from committee on Judiciary, reported back

C. B. No. 72, and recommended its passage with accompanying amendments.

H. F. No. 36, a bill for an act supplementary to an act entitled "an act for the regulation and support of common schools."

Taken up.

Report of committee adopted,

And the bill indefinitely postponed.

C. B. No. 72, a bill for an act providing for a criminal code for Dakota.

Taken up.

Reported amendments of committee adopted.

Bill read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober and President.

Bill passed.

Title agreed to.

C. B. No. 52, returned from the house amended.

Taken up.

And, on motion,

Recommitted to select committee, composed of Messrs. Bramble, Cole and Boyle.

H. F. No. 45, a bill for an act locating the county seat of Cole county.

Taken up.

Read first time.

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 5, noes 1, as follows:

Ayes—Messrs. Bramble, Cole, Deuel, Shober, and President.

Noes—Mr. Brookings.

Bill passed.

Title agreed to.

H. F. No. 46, a bill for an act to locate a territorial road from Yankton to the mouth of the Big Sioux.

Taken up.

Read first time.

Rules suspended.

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober and the President.

Bill passed.

Title agreed to.

Mr. Boyle introduced

C. B. No. 73, a bill for an act to provide for filling vacancies in office.

Read first and second time,

And referred to committee on counties.

On motion of Mr. Bramble,

The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
Tuesday, January 6, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Cole Deuel, McFetridge, Shober, and the President.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES,
January, 6, 1863. }

MR. PRESIDENT :

The house has passed

H. F. No. 30, an act to regulate the setting of prairie fires.
The concurrence of the council is respectfully requested.

The house has also passed.

C. B. No. 71, a memorial to the Congress of the United States, asking military protection, and recommending the establishment of a line of military posts from Fort Abercrombie to St. Joseph, Kittson county, Territory of Dakota.

And I herewith return the same.

The house has also passed

H. F. No. 43, a bill for an act to incorporate the University of Dakota,

The concurrence of the council is respectfully requested.

R. M. HAGAMAN,
Chief Clerk.

Mr. Cole; from committee on Counties, reported back
H. F. No. 38, and recommended its passage.

Mr. Shober, from committee on Enrolled bills, reported as follows:

MR. PRESIDENT:

Your committee on Engrossed and Enrolled bills, have examined

H. F. Nos. 44, 28, 37, 42 and 24, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

MR. PRESIDENT:

Your committee on Engrossed and Enrolled bills, have examined

C. B. No. 64, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Bramble, from select committee, reported back
H. F. No. 39, with amendments, and recommended its passage.

Mr. Bramble, from select committee, reported back
C. B. No. 52, with amendments, and recommended its passage.

Mr. Cole, from select committee, presented the following report:

MR. PRESIDENT:

Your select committee, to whom was referred the resolution relative to Ole Halverson, charging him with having participated in a fraudulent election, beg leave to submit the following, with the evidence hereto attached:

My name is Peter Peterson. I am a resident of Brule creek precinct, Cole county, Dakota Territory. I am personally acquainted with Ole Halverson, and know that he was implicated in the fraudulent election that was held in the Brule creek precinct. He (Ole Halverson) came to me during the night previous to Sept. 1st, A. D. 1862, and wanted me to go to the house of Mr. Andrews, and wanted me to vote that night—telling me I could not vote on the next day. I am satisfied that Ole Halverson used his influence to get others of my countrymen to vote on that night. Some of them, I think, were by him influenced to vote in the night. I did not vote myself on that night.

PEDER PEDERSON.

Sworn and subscribed before me the undersigned justice of the peace, this 27th day of December, A. D. 1862.

MYSON SHELDON,

Justice of the Peace, Cole County, D. T.

In presence of

E. B. WIXSON,

A. L. EDWARDS.

My name is Helge Mathews. I am a settler of Brule creek precinct, Cole county, Dakota Territory. I came into this Territory on the 29th of June, A. D. 1862. I am personally acquainted with Ole Halverson, and know that he took a prominent part in carrying on the election fraud in this precinct. He (Halverson) asked me to go with him, and vote on the night previous to Sept. 1st, (the day of the general election in this Territory) A. D. 1862. He also asked my father to go and vote on the same night.

HELGE MATHEWS.

Sworn and subscribed before me this 27th day of December,
A. D, 1862.

MYSON SHELDON,
Justice of the Peace, Cole county, D. T.

Signed in presence of
E. B. WIXSON,
A. L. EDWARDS.

My name is Mathias Holgarson. I am a resident of Brule creek precinct, Cole county, Dakota Territory. I am personally acquainted with Ole Halverson, and know that he took a prominent part in the fraudulent election held in this precinct; as he (Halverson) asked me to vote in the night previous to Sept. 1st, 1862, on which the general election was held.

his
MATHIAS \bowtie HOLGARSON.
mark.

Subscribed this 15th day of Jan., A. D. 1863,
In presence of

E. B. WIXSON,
A. L. EDWARDS.

It appearing evident to your committee, beyond the possibility of a doubt, that said Ole Halverson took an active part in influencing men to participate in the election held at the house of Andrews, on Brule creek, at the hour of one o'clock in the morning of the first of Sept. 1862, we feel ourselves in duty bound, in justice to ourselves, our constituents, and this council, to recommend the passage of said resolution. The evidence hereto attached forming a part and portion of this report.

AUSTIN COLE,
J. H. SHOBER.

Mr. Boyle, from same committee, submitted the following minority report:

MR. PRESIDENT:

A minority of your committee to whom was referred the resolution relative to Ole Halverson, beg leave to report that in our opinion, the allegations in said resolution are not sustained, therefore, a minority of your committee ask that said resolution be indefinitely postponed.

J. W. BOYLE.

H. F. No. 39.

Taken up.

Amendments reported by the committee adopted.

Bill read a third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Cole, Deuel, McFetridge,
Shober and the President.

Bill passed,

And the title agreed to.

C. B. No. 52, returned from the house amended,

Taken up.

And the report of the committee adopted.

House amendments concurred in as amended by the council.

H. F. No. 38, a bill for an act granting to Ellis Wall a
ferry charter across the Missouri river,

Taken up.

Read a third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 6, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Cole, Deuel, Shober, and
President.

Bill passed.

Title agreed to.

H. F. No. 43, a bill for an act to incorporate the University
of Dakota,

Taken up.

Read a first time,

And rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered:

Resulted — Ayes 7, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Cole, Deuel, McFetridge, Shober, and President.

Bill passed,
And title agreed to.

H. F. No. 30, a bill for an act to regulate the setting of prairie fires,

Taken up.
Read first time.

Mr. Bramble moved the bill be rejected.
Lost.

Read second time,
And referred to committee on Agriculture.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
Jan. 6, 1863. }

MR. PRESIDENT :

The house has passed
C. B. No. 70, a memorial to the Secretary of War, on the subject of Indian Affairs in Dakota Territory.

The house has also indefinitely postponed
C. B. No. 40, a memorial to the Congress of the United States, in relation to compensation for losses by Indian depredations.

And I herewith return the same.

R. M. HAGAMAN,
Chief Clerk.

The majority and minority reports of committee in the case of Ole Halverson were then taken up.

Mr. Shober moved the adoption of the majority report.
Pending which,

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
 January, 6, 1863. }

MR. PRESIDENT :

The house has passed

H. F. No. 31, a memorial to the Secretary of the Interior and commissioner of Indian affairs, asking for the appointment of a special agent to adjust the claims of citizens of Dakota Territory, who have sustained losses by Indian depredations.

The concurrence of the council is respectfully requested.

R. M. HAGAMAN.

Chief Clerk.

Mr. Bramble stated that he had paired with Mr. Brookings; but,

Mr. Brookings appearing in his seat before the question was taken, was allowed to vote under a suspension of the rules.

The ayes and noes being ordered on the motion of Mr. Shober,

Resulted — Ayes 4, noes 4, as follows :

Ayes — Messrs. Bramble, Cole, McFetridge, and Shober.

Noes — Messrs. Boyle, Brookings, Deuel, and the President

Motion was lost.

The chair decided that the rejection of a report, averring the truth of the subject matter of a resolution, also rejected the resolution, or subject matter upon which the report was founded.

Mr. Shober appealed from the decision of the chair.

The question being taken,

Four voted in the negative,

And the decision of the chair was not sustained.

Mr. Bramble moved that the further consideration of the subject be postponed till Friday next, at ten o'clock.

Ayes and noes ordered,

Resulted — Ayes 6, noes 2, as follows :

Ayes — Messrs. Bramble, Cole, Deuel, McFetridge, Shober, and President.

Noes — Messrs. Boyle and Brookings.
Carried.

Mr. Bramble introduced

C. B. No. 74, a memorial to the honorable Secretary of the Treasury of the United States, praying that the direct tax for Dakota Territory may be taken out of the appropriation for legislative expenses for the year 1862 and 1863,

Read first time,
Rules suspended,
Read second and third time,
And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 8, noes none, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober, and the President.

Passed.

Title agreed to.

H. F. No. 31, a memorial to the Secretary of the Interior, and commissioner of Indian Affairs, asking for the appointment of a special agent to adjust the claims of citizens of Dakota Territory, who have sustained losses by Indian depredations.

Read first time.
Rules suspended,
Read second and third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 8, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, McFetridge, Shober and President.

Bill passed,

Title agreed to.

On motion of Mr. Bramble,

Council took a recess till two o'clock, P. M.

President resumed the chair.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
Jan. 6, 1863. }

MR. PRESIDENT :

The house has passed

C. B. No. 42, an act to dissolve the marriage contract between Matilda Irwin and John A. Irwin.

And I herewith return the same.

R. M. HAGAMAN,
Chief Clerk.

Mr. Shober, from committee on Enrolled bills reported :

MR. PRESIDENT :

Your committee on Engrossed and Enrolled bills, have examined

C. B. Nos. 70, 42 and 71, and report the same correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Boyle, from committee on incorporations, reported back C. B. No. 51, recommending its indefinite postponement.

Also, C. B. No. 73, without recommendation.

C. B. No. 51, a bill for an act to incorporate towns,

Report of committee adopted,

And the bill indefinitely postponed.

Mr. Shober introduced

C. B. No. 75; a bill for an act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota,

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 5, noes 1, as follows :

Ayes — Messrs. Bramble, Brookings, Deuel, Shober and President.

Noes — Mr. Boyle.

Bill passed.

Title agreed to.

C. B. No. 73, a bill for an act to provide for filling vacancies in office,

Taken up.

Mr. Shober moved to amend, by adding the following words to section one:

“ The provisions of this act shall have no application to the counties of Bon Homme and Cole, in the Territory of Dakota, and the Governor shall have no power to appoint officers in said counties of Cole and Bon Homme.”

Mr. Brookings moved to amend the amendment, by striking out the word “ Cole.”

Lost.

The question being taken on the amendment of Mr. Shober, The ayes and noes being ordered,

Resulted — Ayes 5, noes 1, as follows:

Ayes — Messrs. Boyle, Bramble, Deuel, Shober, and President.

Noes — Mr. Brookings.

Adopted.

The bill was then ordered engrossed for third reading.

On motion of Mr. Bramble,
Council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
 Wednesday, January 7, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names

Messrs. Boyle, Brookings, Cole, Deuel, McFetridge, Shober
 and the President.

Journal read and approved.

Mr. Shober reported

C. B. No. 73, correctly engrossed.

Rules were suspended,

C. B. No. 73, a bill for an act to provide for filling vacancies
 in office.

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 8, noes 0, as follows:

Ayes—Messrs. Boyle Bramble, Brookings, Cole, Deuel,
 McFetridge, Shober, and President.

Bill passed.

Title agreed to.

Mr. Brookings introduced

C. B. Nos. 76.

Mr. Bramble introduced

C. B. No. 77.

Mr. Shober, from committee on Judiciary, reported back

C. B. No. 69, recommending its passage.

Mr. Deuel, from committee on Territorial Affairs, reported C. B. No. 20, recommending its indefinite postponement.

Mr. Shober reported as follows :

MR. PRESIDENT :

Your committee on engrossed and enrolled bills, have examined H. F. Nos. 10, 45 and 46, and report the same as correctly enrolled.

J. H. SHOBER, Ch'n.

Mr. Shober, from select committee, reported H. F. No. 25, and recommend its passage.

C. B. No. 69, a bill for an act regulating the proceedings on writ of habeas corpus.

Taken up,
Read third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober and the President.

Bill passed,
Title agreed to.

C. B. No. 20, a bill for an act regulating weights and measures.

Taken up.
Report of committee adopted,
And the bill indefinitely postponed.

H. F. No. 25, a memorial to the Commissioner of Indian Affairs, &c.

Taken up.
Read third time,
And put upon its passage.

Ayes and noes ordered,

Resulted—Ayes 7, noes 0, as follows :

Ayes — Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober and President.

Bill passed,
Title agreed to.

C. B. No. 77, a bill for an act establishing the fees of certain officers and other persons.

Read first and second time,
And referred to committee on Finance.

C. B. No. 76.
Read first time,
Rules suspended,
Read second and third time,
And put upon its passage.

Ayes and noes ordered :

Resulted—Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Shober and the President.

Bill passed.
Title agreed to.

Council took a recess.

President resumed the chair.

On motion of Mr. Bramble,
H. F. No. 23, was taken from the table.

The council then resolved itself into committee of the Whole.

Mr. Brookings, in the chair,

To consider H. F. No. 23.

After spending some time therein,

The committee rose and through their chairman,
Reported the bill back to the house and recommended its passage.

Mr. Shober, moved the report of committee together with joint resolution, be laid upon the table.

Lost.

Mr. Boyle moved the adoption of the report.
Carried.

Mr. Shober moved to recommit to a select committee.

On motion of Mr. Brookings,
Mr. Shober's motion was tabled.

Mr. Shober moved to recommit to committee on Federal Relations.

Pending which,
The following message was received from the house:

HOUSE OF REPRESENTATIVES,
January 7, 1863. }

MR. PRESIDENT :

I am instructed to return to the council

C. B. No. 31, an act changing the time of holding U. S. district courts in the several judicial districts of the Territory of Dakota,

And say that the house are unable to comprehend the amendment offered by the council to the house amendments.

R. M. HAGAMAN,
Chief Clerk.

The question being taken on the motion of Mr. Shober, it was lost.

Mr. Bramble moved a call of the house.

Withdrawn.

Whereupon, on motion of Mr. Shober the joint resolution was recommitted to committee on Federal Relations.

On motion of Mr. Bramble, a committee of three, composed of Messrs. Bramble, Shober and Boyle, was appointed to explain to the house, the meaning of council amendments to house amendments to C. B. No. 31.

On motion of Mr. Cole,
The council adjourned.

ENOS STUTSMAN, *President.*

JAMES TUFTS, *Secretary.*

THIRTY-NINTH DAY.

COUNCIL CHAMBER,
Thursday, January 8, 1863. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory,
McFetridge, Shober, and President.

Journal read and approved.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
January 7, 1863.

MR. PRESIDENT :

I have to inform the council that the house has passed

H. F. No. 50, an act to amend an act entitled "an act to provide for the compensation of officers."

The concurrence of the council is respectfully requested.

The house has also passed

C. B. No. 76, an act concerning the right of appeal in certain cases.

And I herewith return the same.

I have also to inform you that the house has refused to concur in council amendments to house amendments to

C. B. No. 52, an act defining the council and representative districts in Dakota Territory, and apportioning the representation thereof.

And I herewith return the same.

R. M. HAGAMAN,
Chief Clerk.

Mr. Brookings, from committee on Federal Relations, reported

H. F. No. 23, and recommended its passage.

The following communication was received from the Governor :

EXECUTIVE OFFICE,
Yankton, January 7th, 1863, }

To the Honorable Council :

Gentlemen :—I have examined, approved and signed the following council bills, viz :

C. B. No. 64, a memorial and joint resolution to Congress praying that section fourteen of an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes, approved July 1st, 1862, may be amended.

Also, C. B. No. 70, a memorial to the Secretary of War on the subject of Indian affairs in Dakota Territory.

Very respectfully,

Your obedient servant,

W. JAYNE,

Governor.

H. F. No. 23, joint resolution and memorial to Congress asking for an increase of pay of the common soldier.

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 5, noes 4, as follows :

Ayes—Messrs. Boyle, Brookings, Deuel, Gregory, and President.

Noes—Messrs. Bramble, Cole, McFetridge, and Shober.

Bill passed.

Title agreed to.

H. F. No. 50, a bill for an act to amend an act entitled “an act to provide for the compensation of officers.

Read first and second time,

And referred to select committee composed of Messrs. Shober, Bramble, and McFetridge.

C. B. No. 31, on motion, laid on the table.

C. B. No. 52, on motion, laid on the table.

Mr. Brookings, from select committee, reported as follows :

MR. PRESIDENT :

A majority of your select committee to whom H. F. No. 26 was referred, report the same back and recommend its passage without amendment.

W. W. BROOKINGS,

J. DEUEL,

Committee.

H. F. No. 26, postponed until half-past ten, to-morrow.

C. B. No. 57, on motion, laid on the table.

C. B. No. 61, on motion, laid on the table.

Mr. Shober, from the committee on Judiciary, reported C. B. No. 29, without recommendation.

C. B. No. 29, a bill for an act relative to divorce.

Taken up.

Read third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 4, noes 5, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, and Gregory.

Noes—Messrs. Cole, Deuel, McFetridge, Shober and President.

So the bill was rejected.

Council took a recess.

President resumed the chair.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
 January 8, 1863. }

MR. PRESIDENT :

The house has passed

H. F. No. 51, an act concerning the judicial districts of the Territory, and fixing the time for holding the courts, and other purposes.

Also, H. F. No. 22, a bill dividing the Territory into council and representative districts, and apportioning the councilmen and representatives therein.

The concurrence of the council is respectfully requested.

R. M. HAGAMAN.

Chief Clerk.

H. F. No. 22, a bill for an act dividing the Territory into council and representative districts, and apportioning the council and representatives therein.

Taken up.

Read first time.

On motion of Mr. Boyle,
 The rules were suspended.
 Bill read second time.

Mr. Shober offered the following amendments :

Amend section 5 by striking out the word "two" where it occurs, and insert the word "three."

Second amendment :

Amend section 8 by striking out the word "two" where it occurs, and insert the word "three."

Mr. Shober moved the adoption of the amendment to section 5.

Mr. Brookings moved to table Mr. Shober's motion.
 Carried.

Mr. Shober moved the adoption of the amendment to section 8.

On motion of Mr. Boyle,
 Mr. Shober's motion was laid on the table.

Mr. Shober moved the bill be indefinitely postponed.

Lost.

Mr. Shober moved the bill be postponed till to-morrow, at ten o'clock.

Lost.

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

Ayes and noes ordered :

Resulted—Ayes 7, noes 2, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, and President.

Noes—Messrs. McFetridge and Shober.

Bill passed.

Title agreed to.

H. F. No. 51, a bill for an act defining the judicial districts of the Territory, and fixing the time of holding courts therein.

Taken up.

Read first time,

Rules suspended,

Read second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 9, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Cole, Deuel, Gregory, McFetridge, Shober and President.

Passed and

Title agreed to.

The following communication was received from the Governor :

EXECUTIVE OFFICE, }
Yankton, January 7th, 1863. }

To the honorable Council :

Gentlemen :—I have examined, approved and signed

C. B. No. 42, entitled an act to dissolve the marriage contract between Matilda Irwin and and John A. Irwin.
And herewith return the same.

W. JAYNE,
Governor.

On motion of Mr. Bramble,
The council adjourned.

ENOS STUTSMAN, *President.*
JAMES TUFTS, *Secretary.*

FORTIETH DAY.

COUNCIL CHAMBER, }
Friday, January 9, 1868. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names :

Messrs. Boyle, Bramble, Brookings, Deuel, Shober, and
the President.

Reading of the journal was dispensed with.

Mr. Deuel offered the following resolution :

Resolved, That during the balance of the present session the rules of the council be suspended, so far as they require the reading of bills on different days.

Mr. Bramble objected to the resolution.

Messrs. Bramble and Gregory demanded a call of the house.

On motion of Mr. Shober,
Mr. Cole was excused from attendance to-day.

The call was dispensed with.

The resolution of Mr. Deuel was then adopted.

Mr. Shober introduced

C. B. No. 78, a bill for an act dividing the Territory into council and representative districts, and apportioning the councilmen and representatives thereof, and for other purposes.

Mr. Bramble moved its rejection.

Lost.

Bill read first, second and third time,
And put upon its passage.

Ayes and noes ordered:

Resulted—ayes 5, noes 0, as follows:

Ayes—Messrs. Boyle, Brookings, Deuel, Shober and the President.

Bill passed.

Title agreed.

The following communication was received from his Excellency the Governor:

To the Council:

I have approved and signed bills of the following titles:

C. B. No. 1, an act to amend section six, of chapter twenty-three of the code.

C. B. No. 6, an act to encourage the erection of mill dams and mills.

C. B. No. 21, an act regulating the hours of manual labor.

C. B. No. 23, an act for the protection of the owners of saw logs in this Territory.

C. B. No. 38, an act to authorize and regulate the adoption of children.

C. B. No. 63, an act locating the county seat of Clay county.

C. B. No. 30, an act defining the courts and jurisdiction of justices of the peace.

W. JAYNE,
Governor.

Executive Office, Jan. 7, 1863.

The following message was received from the house :

HOUSE OF REPRESENTATIVES, }
January 8, 1863. }

MR. PRESIDENT :

I have to inform the council that the house has passed

H. F. No. 47, an act granting a ferry charter across the Dakota river to J. B. Greenway.

H. F. No. 34, an act relating to actions for the alleged illegal seizure of personal property under attachment or on execution.

C. B. No. 66, an act to amend section forty-nine, of chapter 33, of the code, with attached amendments.

In which the concurrence of the council is respectfully requested.

The house also passed

C. B. No. 74, a memorial to the Hon. Secretary of the Treasury of the United States, praying that the direct tax of Dakota Territory may be taken out of the appropriations for legislative expenses for the years 1862-3.

C. B. No. 73, an act to provide for filling vacancies in office. .

Also, C. B. No. 35, a bill for an act entitled an act for removals from office.

The house has also indefinitely postponed

C. B. No. 67, an act to dissolve the marriage contract heretofore existing between William Hammond and Marietta Hammond.

C. B. No. 65, an act providing for county roads.

C. B. No. 58, an act concerning amendments and jeofails.

C. B. No. 44, an act regulating the disposal of property stolen or embezzled.

And I herewith return the same.

The house has also passed

H. F. No. 48, a bill for an act to amend an act entitled "an act prescribing the manner of conducting elections, of the canvass and return of the same," approved May 15th, 1862.

The concurrence of the council is respectfully requested.

R. M. HAGAMAN,
Chief Clerk.

Mr. Shober reported as follows:

MR. PRESIDENT :

Your committee on Engrossed and Enrolled Bills have examined

H. F. Nos. 51, 38, 25, 23, 43, and 31, and report the same correctly enrolled.

J. H. SHOBER.

Mr. Boyle reported

C. B. No. 76, correctly enrolled.

Mr. Boyle introduced

C. B. No. 79, a bill for an act relative to divorces.

On motion of Mr. Brookings,

C. B. No. 79, was laid on the table.

H. F. No. 58,

Was then taken up,

And read first and second time,

And referred to a special committee, consisting of Messrs. Shober, Deuel, and Brookings.

C. B. No. 66, a bill for an act to amend section 49, of chapter 32, of the Code,

Was then taken up,

And the amendments of the house concurred in.

H. F. No. 34, a bill for an act relating to actions for alleged illegal seizure of personal property under attachment or upon execution,

Was taken up,

And on motion,

Was indefinitely postponed.

Mr. Shober reported back

H. F. No. 48, with the recommendation that it be laid on the table.

H. F. No. 47, a bill for an act granting a ferry charter across the Dakota river, to J. B. Greenway,

Read first and second time,

And referred to a special committee, consisting of Messrs. Bramble, Gregory and Cole.

On motion the council took a recess.

The President resumed the chair.

Mr. Bramble, from special committee, reported back H. F. No. 47, without recommendation.

H. F. No. 47,
Was taken up,
Read third time,
And put upon its passage.

Ayes and noes ordered,
Resulted—Ayes 1, noes 6, as follows:
Ayes — Mr. Brookings.

Noes—Messrs. Boyle, Bramble, Deuel, Gregory, Shober and President.

Lost.

The following message was received from the house:

HOUSE OF REPRESENTATIVES, }
January 9, 1863. }

MR. PRESIDENT:

I have to inform the council, that the house has passed

C. B. No. 72, an act providing a criminal code for the Territory of Dakota;

C. B. No. 75, an act appointing a commissioner to audit the military accounts against the Territory of Dakota;

C. B. No. 69, an act regulating the proceedings on habeas corpus,

And I herewith return the same.

The house has also passed,

H. F. No. 54, an act to legalize the acts of the board of county commissioners and register of deeds of Clay county, in the Territory of Dakota.

Also, H. F. No. 53, an act to locate and establish a Territorial road from Yankton to Fort Lookout.

The concurrence of the council is respectfully requested.

I have also to inform the council, that the house has passed the following resolution :

Resolved, That this house will (the council concurring herein) adjourn *sine die* this day at 4 o'clock P. M.

R. M. HAGAMAN.

Chief Clerk.

Mr. Shober introduced
C. B. No. 80.

The following communication was received from his excellency the Governor :

EXECUTIVE OFFICE,
Yankton, January 9th, 1863, }

To the Honorable Council :

I have approved and signed bills of the following titles :

C. B. No. 74, a memorial to the Secretary of the Treasury of the United States, praying that the direct tax of Dakota Territory may be taken out of the appropriations for legislature expenses for the years 1862 and 1863.

C. B. No. 76, an act concerning the right of appeal in certain cases.

W. JAYNE,

Governor.

Mr. Shober reported back
C. B. No. 75, correctly enrolled.

C. B. No. 80, a bill for an act supplementary to an act entitled an act dividing the Territory into council and representative districts, and apportioning the councilmen and representatives thereto, approved Jan. 9th, 1863.

Bill read first, second and third time,
And put upon its passage.

Ayes and noes ordered,

Resulted — Ayes 7, noes none, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel Gregory, Shober and the President.

Bill passed,
Title agreed to.

H. F. No. 53, an act to locate and establish a Territorial road from Yankton to Fort Lookout.

Taken up,
Read first, second and third time,
And put upon its passage.

Ayes and noes ordered:

Resulted — Ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Gregory, Shober, and President.

Bill passed,
And title agreed to.

H. F. No. 54,
Read first time,
And, on motion of Deuel, the bill was rejected.

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

Resolved, That the council will be ready to adjourn *sine die* at 10 o'clock, P. M., this day, the house concurring.

Mr. Shober reported
C. B. No. 72, correctly enrolled.

On motion of Mr. Brookings, all absentees during the session were excused.

Mr. Gregory introduced

C. B. No. 81, a bill for an act to annex that portion of the military reservation of Fort Randall lying on the west side of the Missouri river, to Todd county.

C. B. No. 81,
Was taken up,
Read first, second and third time,

And put upon its passage.

Ayes and noes ordered :

Resulted—ayes 7, noes 0, as follows :

Ayes—Messrs. Boyle, Bramble, Brookings, Deuel, Gregory, Shober, and the President.

Bill passed,
And the title agreed to.

Mr. Boyle moved that a committee of two be appointed by the council, to act with a like committee on the part of the house, to wait upon his excellency the Governor, and inquire if he has any further communication to make to the legislative assembly.

Motion prevailed,
And Messrs. Boyle and Bramble were appointed such committee.

The following communication was received from his excellency the Governor :

To THE COUNCIL :

Gentlemen : I have approved and signed

C. B. No. 73, entitled, an act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota.

W. JAYNE,
Governor.

Executive Office, January 9, 1863.

On motion of Mr. Deuel,

Messrs. Deuel and Shober were appointed a committee to wait upon his excellency the Governor, and inquire if he has any further communications to make to the council.

On motion of Mr. Brookings,

The Fireman was excused from further duty.

The following communication was received from his excellency the Governor :

TO THE COUNCIL :

Gentlemen : I have approved and signed
C. B. No. 72, entitled, an act providing a criminal code for
the Territory of Dakota.

W. JAYNE,
Governor.

Executive Office, Jan. 9, 1863.

On motion of Mr. Gregory,
The reading of the journal of the present day was dispensed
with.

Mr. Deuel, from select committee to wait upon the Governor,
reported that his excellency had farther communications to
make.

On Motion of Mr. Gregory,
The council went into executive session.

After spending some time therein,
Council resumed regular business.

Mr. Brookings offered the following resolution, which was
unanimously adopted :

Resolved, That the promptness, impartiality and ability with
which the officers of the council have discharged their duties
during the present session, merit our thanks ; while their uni-
form courtesy in their official and private intercourse, has se-
cured for them our personal regard.

On motion of Mr. Bramble,
The following resolution was adopted :

Resolved, That we hereby tender our thanks to Hon. Jno.
Hutchinson, for the courtesy with which he has treated the
council in his official relations with us.

The following communication was received from his excel-
lency the Governor :

TO THE COUNCIL :

I have approved and signed
C. B. No. 79, entitled, an act regulating the proceedings on
writs of habeas corpus.

W. JAYNE,
Governor.

Executive Office, Jan. 9, 1863.

The special committee to wait upon the Governor, reported that his excellency had no further communications to make.

On motion of Mr. Shober,
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ENOS STUTSMAN, *President*.

JAMES TUFTS, *Secretary*.

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