

1864. FOURTH ANNUAL SESSION. 1865.

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# HOUSE JOURNAL

OF THE

FOURTH SESSION

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF DAKOTA,

TO WHICH IS PREFIXED A LIST OF THE MEMBERS,  
WITH THEIR PLACE OF RESIDENCE AND  
POST OFFICE ADDRESS.

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PUBLISHED BY AUTHORITY.

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YANKTON, DAKOTA TERRITORY,  
G. W. KINGSBURY, PRINTER, UNION & DAKOTAIAN OFFICE  
1865.

**NAMES OF MEMBERS**

OF THE

**HOUSE OF REPRESENTATIVES**

OF THE

**TERRITORY OF DAKOTA.**

1864-5.

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<i>Name.</i>	<i>County.</i>	<i>Post-Office.</i>
W. W. BROOKINGS,*	Yankton.	Yankton.
W. BURGESS,	Clay,	Vermillion.
J. P. BURGMAN,	Clay,	Vermillion.
A. CHRISTY,	Union,	Willow.
B. W. COLLAR,	Clay,	Vermillion.
F. FALLAS,	Charles Mix,	Randall City.
J. R. HANSON,	Yankton,	Yankton.
PETER KEGAN,	Todd,	Ponca Agency.
G. W. KELLOGG,	Union,	Willow.
PETER LEMONGES,	Union,	Willow.
JOHN LAWRENCE,	Yankton,	Yankton.
M. M. MATTHIESEN,	Yankton,	Yankton.
HELGE MATTHEWS,	Union,	Brule Creek.
FRANCIS McCARTHY,	Todd,	Ponca Agency.
J. W. OWENS,	Bon Homme,	Bon Homme.
G. W. PRATT,	Clay,	Vermillion.
WASHINGTON REED,	Yankton,	Yankton.
JOHN ROUSE,	Bon Homme,	Bon Homme.
WILLIAM SHRINER,	Clay,	Vermillion.
GEO. STICKNEY,	Union,	Elk Point.
JOHN W. TURNER,	Clay,	Green Point.
E. W. WALL,	Charles Mix,	Greenwood.

\*Speaker.

# HOUSE JOURNAL.

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## FIRST DAY.

TERRITORY OF DAKOTA, HOUSE OF REPRESENTATIVES, }  
YANKTON, Monday, Dec. 5, 1864. }

The Fourth Session of the Legislative Assembly, of the Territory of Dakota, was begun and held in the town of Yankton, D. T., on Monday, the fifth day of December, A. D. 1864.

The members elect, of the House of Representatives, convened at the Capitol Building in Yankton, at 12 o'clock meridian.

The members so convened were called to order by Hon. John Hutchinson, Secretary of the Territory, who proceeded to call the roll of members, taken from the returns, as made to his office by the various counties.

The following gentlemen responded to their names, to wit:

*Clay County*:—William Shriner, G. W. Pratt, J. P. Burgman, B. W. Collar, John W. Turner, and Canude Weeks.

*Union County*:—Peter Lemouges, G. W. Kellogg, A. Christy, George Stickney, and Helge Matthews.

*Yankton County*:—W. W. Brookings, John Lawrence, Washington Reed, J. R. Hanson, and M. M. Matthiesen.

*Bon Homme County*:—John W. Owens, and John Rouse.

*Todd County*:—Francis McCarthy and Peter Kegan.

*Charles Mix County*:—E. W. Wall.

Absent—Felicia Fallis, of Charles Mix county.

The members then came forward and the oath of office was administered by his Excellency, the Governor.

The members then took their seats.

On motion of Mr. Brookings,

Hon. John Hutchinson, Secretary of the Territory, was selected to preside until an organization of the House should be effected.

Mr. Reed nominated W. W. Brookings, for Speaker.

Mr. Turner nominated J. P. Burgman, for Speaker.

Mr. Lawrence nominated J. R. Hanson, for Speaker.

Mr. Hanson declined the nomination.

The question being called for, and the vote being taken, the result stood as follows:

Those who voted for Mr. Brookings, were

Messrs. Collar, Hanson, Kegan, Matthews, Matthiesen, McCarthy, Owens, Rouse, Reed, Shriner and Wall—11.

Those who voted for Mr. Burgman, were

Messrs. Christy, Kellogg, Lemouges, Pratt, Stickney, Turner and Weeks—7.

Mr. Lawrence voted for Mr. Hanson.

Mr. Brookings having received a majority of all the votes, was declared elected permanent Speaker.

Mr. Brookings then took the chair, and briefly returned his thanks to the House for the honor conferred upon him.

Mr. Lawrence nominated Geo. I. Foster, for Chief Clerk.

Mr. Hanson nominated A. F. Hayward, for Chief Clerk.

The vote being taken, the result stood as follows:

Those who voted for Mr. Foster, were

Messrs. Burgman, Christy, Kegan, Kellogg, Lemouges, Lawrence, McCarthy, Owens, Pratt, Stickney, Turner and Weeks—12.

Those who voted for Mr. Hayward, were

Messrs. Collar, Hanson, Matthiesen, Matthews, Reed, Rouse, Shriner, Wall and Mr. Speaker.—9

Mr. Foster having received a majority of all the votes, was declared duly elected permanent Chief Clerk.

Mr. Foster then came forward and the oath of office was administered by the Speaker.

Mr. Reed nominated L. Congleton, for Assistant Clerk.

Mr. Wall nominated A. F. Hayward, for Assistant Clerk.

The vote being taken, the result stood as follows :

Those who voted for Mr. Congleton, were

Messrs. Burgman, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Christy, Weeks and Mr. Speaker—20.

Mr. Wall voted for A. F. Hayward.

Mr. Congleton having received a majority of all the votes, was declared duly elected permanent Assistant Clerk.

Mr. Lawrence nominated K. P. Renne, for Sergeant-at-Arms.

Mr. Burgman nominated L. D. Robinson, for Sergeant-at-Arms.

The vote being taken the result stood as follows :

Those who voted for Mr. Renne, were

Messrs. Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Reed, Rouse, Shriner, Stickney and Weeks—17.

Those who voted for Mr. Robinson, were

Messrs. Burgman, Pratt and Turner—3.

Mr. Renne having received a majority of all the votes, was declared duly elected permanent Sergeant-at-Arms.

Mr. Shriner nominated Erich Nelson for Messenger.

The vote being taken the result stood as follows :

Those who voted for Mr. Nelson, were

Messrs. Christy, Collar, Hanson, Kegan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall, Weeks, and Mr. Speaker—20.

Mr. Nelson, having received a majority of all the votes, was declared duly elected permanent Messenger.

Mr. Shriner nominated Peter Nelson, for Fireman.

The vote being taken, the result stood as follows :

Those who voted for Mr. Nelson, were

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kell-

ogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall, Weeks and Mr. Speaker—21.

Mr. Nelson having received a majority of all the votes, was declared duly elected permanent Fireman.

Mr. Lawrence nominated Rev. M. Hoyt, for Chaplain.

The vote being taken, the result stood as follows :

Those who voted for M. Hoyt, were

Messrs. Burgman, Christy, Hanson, Kogan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, McCarthy, Pratt, Shriner, Stickney, Turner, Wall and Weeks—16.

Mr. Hoyt, having received all the votes, was declared duly elected Chaplain.

Mr. Hanson moved the adoption of the following Resolution :

*Resolved*, That the Chief Clerk be instructed to inform the Council that the House is now permanently organized by the election of the following officers, to wit :

W. W. Brookings—*Speaker*.

Geo. I. Foster—*Chief Clerk*.

L. Congleton—*Assistant Clerk*.

Peter Nelson—*Fireman*.

Errick Nelson—*Messenger*.

K. P. Renne—*Sergeant-at-Arms*.

M. Hoyt—*Chaplain*.

Pending which resolution,

A committee of three from the Council made its appearance and announced that the Council was permanently organized, and ready to proceed to business.

Mr. Lawrence moved to adjourn until to-morrow morning at 10 o'clock,

Which motion prevailed.

W. W. BROOKINGS, *Speaker*.

GEO. I. FOSTER, *Chief Clerk*.

## SECOND DAY.

HOUSE OF REPRESENTATIVES, }  
 Tuesday, Dec. 6, 1864. }

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

Speaker in the chair.

The Chaplain elect came forward and the oath of office was administered to him by the Speaker.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, Owens, Pratt, Reed, Shriner, Stickney, Turner, Weeks and Mr. Speaker.

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

The following communication was received from the Hon. Secretary of the Territory:

*To the Honorable Speaker and Members of the House of Representatives:*

SECRETARY'S OFFICE, }  
 YANKTON, D. T., Dec. 6th, 1864. }

GENTLEMEN:—I have the honor to inform you that the postage on all mail matter (to be restricted to official use,) will be paid for the Members and Chief Clerk of the House, by me at the P. O., in Yankton, provided the amount used by no member shall exceed the sum of three dollars.

Each member will write the initial letters of his name, also the letters "M. H." on all letters, papers, &c., before depositing the same in the office.

I have also to state that I will furnish each member, weekly,

six copies of the Union and Dakotian, and three, weekly, to the officers of the House.

I am, Gentlemen,

Your obedient servant,

JOHN HUTCHINSON,

*Secretary.*

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 6th, 1864. }

MR. SPEAKER:—I am directed by the Council to inform your honorable body, that the Council have appointed Messrs. Gregory, Mathers and Kingsbury, a special committee to confer with a similar committee on the part of the House, to draft Joint Rules for the government of the two Houses.

GEO. N. PROPPER,

*Secretary of Council.*

The Speaker announced the first business before the House, to be the consideration of the resolution introduced by Mr. Hanson, yesterday, relative to informing the Council of the permanent organization of this body, the consideration of which resolution had been interrupted by an adjournment.

The resolution was then taken up, and

Adopted

Mr. Hanson moved, that a committee of three be appointed to confer with a like committee, on the part of the Council, to draft Joint Rules for the government of both Houses.

Which motion prevailed.

The Speaker appointed, as such committee,

Messrs. Hanson, Turner, and Kegan.

Mr. Matthiesen introduced the following resolution:

*Resolved*, That the rules of the last House be used for the government of this House until others are adopted.

The resolution was adopted.

Mr. Kegan moved that Mr. McCarthy be excused on account of sickness.

Which motion prevailed.

The Speaker announced that the standing committee on elections would consist of,

Messrs. Matthiesen, Shriner and Lemouges.

Mr. Shriner presented the petitions of Aaron Carpenter and Holiver Burgess, claiming seats in this House.

On motion of Mr. Lawrence, the petitions were Referred to the committee on elections.

Mr. Rouse moved that Mr. Wall be excused for non-attendance, on account of sickness.

Which motion prevailed.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 6th, 1864. }

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

Enos Stutsman—*President.*

Geo. N. Propper—*Secretary.*

James B. Gayton—*Assistant Secretary.*

Carlos Kingsley—*Sergeant-at-Arms.*

Mons Bothun—*Messenger.*

William H. Wordebaugh—*Fireman.*

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson introduced the following resolution:

*Resolved,* That the chief clerk be instructed to inquire of the Hon. Council, when they will be ready to meet the House in joint committee, to hear the Governors message.

The resolution was adopted.

Mr. Hanson moved to reconsider the vote, by which the resolution was adopted.

Which motion prevailed.

Mr. Turner moved that the motion be laid upon the table.

Which motion prevailed.

Mr. Lawrence moved that a committee of three be appointed to draft rules and regulations for the government of this House.

Which motion prevailed.

The Speaker appointed as such committee,  
Messrs. Lawrence, Hanson and Kellogg.

The following communication was received from the Council.

COUNCIL CHAMBER, }  
Dec. 6th, 1864. }

MR. SPEAKER:—I am instructed by the Council to inform the Hon. House, that the Council has appointed Messrs. Gregory, Taylor, J. O., and Taylor, F., a committee to act with a similar committee on the part of the House, to inform his Excellency the Governor of their permanent organization, and that they are ready to receive any communication he may have to make.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Turner offered the following resolution:

*Resolved,* That a committee of three be appointed, to meet a like committee of the Council, to wait on his Excellency the Governor and inform him that the House is now permanently organized, and ready to receive any communication his Excellency may please to make.

The resolution was adopted.

The Speaker appointed as such committee,  
Messrs. Turner, Stickney and Lawrence.

Mr. Lawrence moved that a committee of three be appointed by the chair, to inform the Council that the House will be ready to meet them in joint convention to-morrow at 2 o'clock P. M.

Which motion prevailed.

The Speaker appointed as such committee,  
Messrs. Lawrence, Collar and Rouse.

Mr. Hanson gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill providing

for the employment of an Emigrant agent in Chicago, also in the cities of the U. S.

The committee appointed to wait upon his Excellency the Governor, (in conjunction with a like committee on part of the Council,) and inform him that the House is now permanently organized, and ready to receive any communication his Excellency may have to make.

Reported through their chairman, that the committee had performed the duty assigned them, and that his Excellency the Governor, will communicate to the two Houses in joint convention to-morrow at 2 o'clock P. M.

On motion of Mr. Pratt,

The House adjourned until to-morrow at 10 o'clock A. M.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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### THIRD DAY.

HOUSE OF REPRESENTATIVES. }  
Wednesday, Dec. 7, 1864. }

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

Speaker in the Chair.

Prayer by the Chaplain.

Journal of the preceding day, read and approved.

Roll called

The following members answered to their names, to wit :

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Mathews, Stickney, Owens,

Pratt, Reed, Rouse, Shriner, Turner, Weeks and Mr Speaker.

Absent: Messrs Fallis, Mc Carthy, and Weeks.

Mr. Hanson, Chairman of the House Committee on joint rules, offered the following report:

MR SPEAKER: Your committee on joint rules, have had the same under consideration, and beg leave to report the joint rules of the last Session and recommend their passage with the following amendments:

In Section 2, third line, strike out the word "Doorkeeper" and insert Sergeant-at-Arms in lieu thereof.

In Section 4, second line, strike out the word Clerk, and insert Committee in lieu thereof.

In Sec. 13, strike out all but the following "When any bill or Resolution, shall be ordered printed by either House a sufficient number of copies shall be printed for the use of both Houses.

Strike out all of Sec. 14.

J. R. HANSON

*Chairman.*

Mr Lawrence Chairman of Committee appointed to draft rules and regulations for the Government of the House, offered the following report.

MR SPEAKER: Your committee appointed to draft rules and regulations for the Government of this House, beg leave to report the rules of the last Legislative Assembly, with the following amendments, and recommend their adoption:

Sec. 24, All bills, memorials or joint resolutions on their second reading shall be read at length, and the question taken upon their commitment, amendment, or engrossment, for a third reading.

Sec. 25. All bills, memorials or joint resolutions on their third reading shall be read by their title, and no amendment shall be in order, except by the unanimous consent of the house.

JOHN LAWRENCE.

*Chairman.*

## RULES OF THE HOUSE

1. The Speaker shall take the Chair at the time to which the House stands adjourned; and the House shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered upon the Journal of the House.

2. Upon the appearance of a quorum, the Journal of the preceding day shall be read by the Clerk, and any mistake therein may be corrected by the House.

3. The Speaker shall preserve order and decorum and shall decide questions of order subject to an appeal to the House.

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

5. When the House adjourns the members shall keep their seats until the Speaker announces the adjournment.

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

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

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

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

10. After a motion shall be stated by the Speaker, it shall

be deemed to be in possession of the House, but may be withdrawn at any time before amendment or decision ; but all motions, resolutions or amendments shall be entered on the Journal whether they are rejected or adopted.

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

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

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

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

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

16. Petitions, memorials and others papers addressed to the House shall be presented by the Speaker, or by a member in his place.

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

18. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the Chair.

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

20. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the Chair shall be submitted to. On appeal, no member shall speak more than once without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

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

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

23. All bills, memorials, or Joint Resolutions, shall be read the first time for information, and if opposition be made to it,

the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost the bill shall go to its second reading without a question.

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

25. All bills memorials or Joint Resolutions, on their third reading shall be read by their title and no amendment shall be in order except by unanimous consent of the House.

26. Every bill shall be read on three different days, unless in case of urgency two-thirds of the House shall deem it expedient to dispense with the rules; and no bill shall be passed unless it shall be read once at length.

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

28. In forming committee of the whole House, the Speaker shall appoint a Chairman to preside.

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

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

31. A similar mode of proceeding shall be observed with bills which have originated in and passed the Council, as with bills originating in the House, except that they shall be printed,

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

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

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

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

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

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

1. Ways and Means.
2. Judiciary.
3. Internal Improvements.
4. Public Lands.
5. Federal Relations.
6. Education.
7. Towns and Counties.
8. Military Affairs.
9. Incorporations,
10. Agriculture and Manufactures.
11. Elections.
12. Indian Affairs.
13. Mines and Minerals.
14. Engrossment and Enrollment.
15. Enrollment.

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

39. The Committee on Enrollment shall examine all House bills and joint resolutions, which have passed the two Houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the House and Council for their signatures, and when so signed, to the Governor for his approval; said committee may report at any time.

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

41. In all cases where a bill, order, resolution or motion, shall be entered upon the Journals of the House, the name of the member moving the same shall be entered on the Journal.

42. No person shall be admitted within the bar of the House but the Executive, members of the Council, Territorial Treasurer and Auditor, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress, of the Legislative Council, and such other persons as the House shall deem proper to admit.

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

44. On the meeting of the House, after reading of the Journal of the preceding day, the order of business for the day shall be as follows:

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

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

46. When the House have arrived at the general orders of the day, they shall go into Committee of the Whole upon such orders, or a particular order designated by a vote of the House and no other business shall be in order until the whole are considered or passed, or the committee rise; and, unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon or pass the general orders according to the order of their reference.

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

48. The rules of parliamentary practice embraced in Cushing's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the Joint Rules and orders of the council and House of Representatives.

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

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

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

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

53. 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, 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.

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

Mr. Reed moved, that the use of this Hall be tendered to the Historical Society, for holding their meetings and lectures &c.

Which motion prevailed.

Mr. Hanson in the chair.

Mr. Brookings offered the following resolution :

*Resolved*, That Messrs. Hanson and Stickney are hereby appointed a committee of two to wait upon Judge Ara Bartlett, and request his interpretation upon section 47, of the election law of Dakota Territory.

The resolution was adopted.

Mr. Lawrence moved that this House be tendered to the different religious denominations, for holding divine service.

Which motion prevailed.

The report of the committee on joint rules was then taken up and adopted.

### JOINT RULES.

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

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

8. All orders, joint resolutions, and memorials to Congress, after they shall have passed both Houses, shall be enrolled, signed by the Speaker of the House of Representatives, and the President of the Council, and after receiving the approval of the Governor, shall forthwith be transmitted by the Secretary or Chief Clerk of the House in which they originated, to the President of the Senate and the Speaker of the House of Representatives of Congress, 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 shall be ordered printed by either House, a sufficient number of copies shall be printed for the use of both Houses.

14. 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.

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The report of the chairman, of the committee, appointed to draft rules and regulations for the government of this House, was

Taken up, and adopted.

Mr. Hanson introduced the following resolution :

*Resolved*, That the Hon. Secretary of the Territory be requested to have a sufficient number of the rules, adopted for the government of this House, printed for the use of this body, together with the joint rules adopted for the government of the two Houses, also, the names and post office address of the members of the House.

The resolution was adopted.

The following communication was received from the Council :

COUNCIL CHAMBER, }  
Dec. 7th, 1864. }

MR. SPEAKER:—I am instructed by the Council to inform the Hon. House, that the Council will be ready to meet the Hon. House in joint convention, in the Representative Hall at 2 o'clock P. M. this day.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson introduced the following resolution :

*Resolved*, That a committee of two be appointed by the Speaker, to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency the Governor, and inform him that the two Houses will meet in joint convention this P. M. at 2 o'clock, to receive any communication he

may have to make, and that the Chief Clerk be instructed to notify the Council forthwith of the adoption of this resolution.

The Speaker appointed as such committee,  
Messrs. Hanson and Kellogg.

On motion of Mr. Reed,  
The House took a short recess.

A communication from the Council being announced,  
The House was called to order by the Speaker, and  
The following communication was received :

COUNCIL CHAMBER, }  
Dec. 7th, 1864. }

MR. SPEAKER:—I am instructed by the Council to inform the Honorable House that the Council have adopted the report of the committee on joint rules for the government of the two Houses.

Also, of the appointment of Messrs. Gregory and Taylor, J. O., to act with a similar committee on the part of the Hon. House to inform his Excellency, the Governor, that the two Houses will meet in joint convention this day at 2 o'clock P. M. to hear any communication he may have to make.

GEO. N. PROPPER,  
*Secretary of Council.*

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

MR. SPEAKER:—Your committee appointed to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency, the Governor, and inform him that the two Houses will meet in joint convention this P. M., at 2 o'clock, &c., have performed the duty assigned them, and beg leave to report that his Excellency, will communicate to the two Houses at the hour named.

J. R. HANSON  
*Chairman.*

On motion of Mr. Lawrence,  
The House adjourned to meet at half past one this afternoon.

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## AFTERNOON SESSION.

The House met pursuant to adjournment and was called to order by the  
Speaker in the chair.

Roll called.

The following members answered to their names, to wit:  
Messrs. Christy, Collar, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Pratt, Reed, Shriner, Turner, Weeks and Mr. Speaker.

Mr. Rouse offered the following resolution:

*Resolved*, That Hon. M. K. Armstrong, and L. H. Litchfield, be admitted to seats within the bar of this House.

The resolution was adopted.

Mr. Hanson moved that a committee of two be appointed to inform the Council that the House is now ready to meet them in joint convention, and that said committee escort the Council to this Hall.

Which motion prevailed.

The Speaker appointed as such committee,  
Messrs. Hanson and Stickney.

The committee then repaired to the Council Chamber, and after a brief absence, returned and  
Announced the Hon. Council.

The Speaker assigned the Council, seats on the East side of the Hall.

## IN JOINT CONVENTION.

The President of the Council assumed the chair, and  
Called the Joint Convention to order.

The roll having been called,

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

Mr. Kingsbury moved that a committee of two be appointed  
by the President, to wait upon his Excellency, the Governor,  
and inform him that the joint convention is now in session and  
ready to receive any communication he has to make.

Which motion prevailed.

The President appointed as such committee,

Mr. Kingsbury on the part of the Council, and Mr. Stickney  
on the part of the House.

The committee then retired, and after a brief absence re-  
turned, and reported as follows :

MR. CHAIRMAN:—Your committee appointed to wait upon  
his Excellency, Gov. Edmunds, and inform him that the joint  
convention of the Legislative Assembly is now in session, and  
ready to receive any communication he may have to make, have  
performed that duty and beg leave to report that his Excel-  
lency will communicate immediately through a messenger.

G. W. KINGSBURY,

*Chairman.*

The following communication was then received from his Ex-  
cellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
YANKTON, Dec. 7, 1864. }

SIR:—I have the honor to transmit herewith my annual  
message to the Hon. Legislative Assembly in joint convention,  
assembled.

I am, Sir,

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS.

HON. E. STUTSMAN,

*President of the Joint Convention.*

The Secretary of the Council then read the message, as follows :

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### GOVERNOR'S MESSAGE.

*To the Honorable Council and House of Representatives.*

GENTLEMEN : Since the assembling of the last Legislature, a year ago to-day, important events in our Country's history have been of almost daily occurrence; among the most noteworthy of which is the rapid progress which has been made toward the suppression of the most gigantic Rebellion which the world ever saw, and I think we may now confidently anticipate that the end will soon come.

Our first duty is to return thanks to the Great Ruler of the universe for the preservation of our lives and health; for the return of seed time and harvest in their due season; and especially should we thank Him for the signal victories which have been vouchsafed to our Army and Navy during the year last past; but above all, should we thank God for the patriotism with which He has inspired the *loyal people* of this country in all the sacrifices which they have been called upon to make in the struggle for National Existence which has been maintained with such admirable unanimity and earnestness by such numbers in all the loyal States, as to dishearten not only Rebels in arms, but as utterly to abash and defeat, I had almost said annihilate, traitors and rebel sympathizers in our midst. The re-election of Abraham Lincoln to preside over the destinies of this great nation for the next four years, whose first election in 1860 was made the pretext for the inauguration of hostilities, though prior to his entering upon the discharge of his duties seven States had declared themselves out of the Union and were, so far as any act of their own could take them, actually out of the Union may justly be looked upon in the light of a determination of the American people, not only to vindicate the right of Self Government, but say to all men, that they must submit, and abide by the wishes of the majority, as

expressed through the ballot box, and that the people will not allow political tricksters, usurpers and traitors, to subvert the government or interfere in their wishes.

The suppression of the present rebellion may justly be regarded as the vindication of the right of the people to self Government, and will so be regarded, by all the civilized governments of world. The American people constitute the court before which the momentous questions of this extraordinary crisis are being tried. Its jurisdiction extends over two millions of square miles, or more than three thousand millions of acres, and the character and condition of the one hundred millions of people, ere the year nineteen hundred, are to be spread over this vast domain, reaching from ocean to ocean, are involved in the issues now being tried before this august tribunal.

Sublime indeed is the present attitude of the loyal people of this country, who, in their Sovereignty over the destinies of a vast continent, and the fortunes and well being of such a large number of people, have now this immense stake before them. Fearful is the responsibility now resting upon us as a Nation, and terrible will be the judgment of history if we falter or bend beneath the immense weight which this age has rolled upon us. As all the great questions pertaining to human well being are now engaged in this issue, so are all the higher qualities and attributes of our nature addressed in the adjudication of them. Among the most important of these questions are the supremacy and authority of popular institutions; the integrity and inviolability of constitutional government; the capacity of the people for self government; the inalienable right of man; the question of peace or war now being tried before the American people, as affecting this and subsequent generations; and lastly, whether we shall improve the opportunity now offered for securing a quiet and *permanent* advance toward the unity of the human family, under the dominion of liberty to all, regardless of color, sex or condition.

That these questions are of infinite significance and paramount importance, no thinking man can deny. That we now have the privilege of crowding several ages into a few months of action will be readily conceded by all who recognize and

have faith in the laws of natural and social advancement. It is evident, therefore, that while we are addressed in this crisis by considerations of benevolence at the present time, we are at the same time, thoroughly impressed by every motive of selfishness and pride to stand erect under this immense responsibility and with unflinching heroism do the work thus committed to our manhood, virtue, intelligence and energies. He who is incapable, under the inspiration of the epoch in which we live, of appreciating the magnitude and importance of the great questions at stake in the contest now before the American people, would at once stand aside, and give place to such as appear fully to appreciate all these great questions, who have by their voices and efforts given an earnest of their desire to extend the area of freedom, under our beneficent constitution, with a view of securing to future generations all the blessings secured to us by our fathers in the formation of our present form of government.

What worth would be millions of wealth saved in shirking the great responsibility now resting upon our loyal people; when all the gold of the Rocky Mountains could not be sufficient to gild a coward temper or a craven spirit into decent respectability with patriotic men and women. Early in American history our forefathers vindicated their honor before the world. Starting with less than three million of people, but poorly furnished for self defense, they burst the bondage of colonial servility against the strongest power on earth—their sense of Justice and pride of character could not and would not brook submission to taxation without representation.

While the patriotism and manhood of our fathers demanded so much to save a single point of right, who are we, that we should tamely submit to the destruction of our whole constitution by traitors, against whom no right had ever been violated? While our ancestors appreciated the magnitude of the work of founding an Empire, what are we, their degenerate offspring, who could not even attempt the duty of maintaining the same? While they were contented to live in the shadow of the great principles of justice and liberty, what are we, who would not only deny the principles of justice and liberty, but would also deny the principles of justice and liberty to our fellow-citizens?

In less than three quarters of a century from the adoption of the immortal declaration of Independence, the American people waged a bloody war against an adjacent government for the sake of securing justice to a few citizens, in a matter of dollars and cents. In this the object sought was attained, and the richest gold fields of the globe were added to our domain, and covered by our flag. If to enforce a small pecuniary claim, the government made war, which resulted in the conquest of such a vast and rich territory, what shall be said of us now, if we refuse to hold that Territory; not only so, but consent to let traitors snatch from the flag one-half of all previous acquisitions, including six of the old sacred thirteen States—yea, more than this, consent to the destruction of the Republic itself.

So highly did the American people estimate the character, and prize the rights of the American Citizens, and so much confidence had they in the protecting influence of the American flag, that wherever they might please to travel, so long as they remained under the protecting fold of that sacred emblem of our country's greatness, within hail of our ships of war, backed by the whole power of the nation, they felt safe, and were respected by the governments of the world. And now from this elevation a large portion of our population would sink our enviable character as a nation to eternal infamy and contempt, at the mere bidding of unoffended traitors.

Every hour of progress in the war has taught us the impossibility of compromise between the contending elements. Time was when, perhaps, even a majority of thoroughly loyal and Union men supposed that the rebellion might be put down without materially disturbing the agencies which had produced it, and without our national system being subjected to any considerable or material change. They perhaps, did not see that the conflict was moral, as well as material and political. They failed to see that its causes sprang from a condition of derangement, brought about by the preparation of years, in which the systems of the afflicted members had become diseased, and consequently needed renovation. Time has rapidly corrected all

such ideas, as is evinced by the greatly diminished number who now believe that the Union can ever be restored upon the condition of things existing at the breaking out of the rebellion.— A vast majority have been forced to the conviction, in the prosecution of the war, that, when the Union is finally re-established, it must be upon a basis quite different from that upon which it rested when traitors rent it asunder, and if the issue proves to be the total eradication of the causes of the rebellion, who is there to say, that the end will not amply compensate for the afflictions which have been brought upon us in its prosecution. The interests of all true Union men demand that the war shall not cease until the permanency of the government is fully assured by the total eradication of all the causes which produced the conflict, which, if left in existence, would be liable to produce its renewal in the future. Clearly then it is both the interest and the duty of all Union men to insist upon the continued and vigorous prosecution of the war, until the root of the rebellion is not only torn up, but its seed banished from the land. This course is clearly indicated by the loyal people of this country as expressed through the ballot box on the eighth of November last, in the triumphant re-election of Abraham Lincoln to the Presidency, whose patriotism has been so thoroughly tested, and whose heart is so earnestly engaged in the good work.

Already has the leaven of loyalty and patriotism, which, in 1861, (with a few individual exceptions,) was only to be found north of Mason's and Dixon's line, penetrated the border Slave States, and thoroughly permeated the body politic in several of them, to such an extent as to cause them to engraft the principle of universal freedom in their State Constitutions. The State of Maryland, which, in 1861, could not tamely submit to have her soil pressed by the tread of loyal soldiers, leads the column in the advance towards universal freedom. It is to the loyal soldiers of Maryland, that not only she, but the whole country is indebted for one of the grandest victories of the war. They have lifted "the despot's heel" from her breast. The vote of her soldiers has redeemed the State from the curse of Slavery, and anchored it fast to the Union. This victory shows that her soldiers at least understand the meaning of

this war. Her soldiers know that the slaveholder is the direct rival of the free laborer who lives by his daily wages. They know, also, that while Slavery lasts, a permanent peace is impossible. Missouri, Arkansas, Tennessee, Louisiana, Texas, and I trust Kentucky, will soon follow in the wake of Maryland; and thus step by step, I hope to see the States array themselves on the side of truth, justice and universal freedom. In this is the saying again verified, that "A little leaven leaveneth the whole lump."

#### PROGRESS OF THE INDIAN WAR.

Since the breaking out of the Indian war in Minnesota, two years ago last August, but little progress has in my opinion, been made towards its extinguishment. I believe this fact to be owing to the extent of country over which these hostile Indians roam, rather than a want of appreciation on the part of the officers placed in charge of the various expeditions, of the magnitude and extent of the difficulties to be overcome in order to so punish the Indians as to bring about a speedy and permanent peace.

Of the three campaigns made against these hostile Indians, one, under Gen. Sibley, of Minnesota, in 1863, and two, under Gen Sully, starting from Sioux City, Iowa, one in 1863, and one in 1864, I am fully convinced that little, if anything, has been accomplished towards the subjugation of them.

These expeditions have been immensely expensive to the Government, and ought, in my opinion, to have brought about more decided results. I am not prepared to say why they were failures; I leave this subject to the War Department, where it properly belongs.

The effect of the continuance of this war upon the prosperity of this Territory has been most damaging and deleterious. It has retarded its settlement and development to an extent unprecedented in the history of the early settlement of any of our Northwestern Territories. It has confined our settlers to narrow limits bordering the Missouri river; and those of necessity have had to confine their operations, for mutual safety

ty and protection, to little towns, at intervals of a few miles, in order to retain possession of the country, it not being safe at any time for the past two years to reside at a distance from the towns by reason of the prevalence of roving bands of hostile Indians, who seem ever present and ready to steal the horses and stock of our settlers, and kill the owners in cases where resistance is made. Our various settlements can but be looked upon as a picket guard to hold this country until such time as peace can be restored between the Government and these Indians. I believe that a chain of small military posts, crossing the country from Lake Shetek, in the State of Minnesota, intersecting the Missouri river at or near the Crow Creek Agency, located at such convenient distances as to enable the country to be daily patrolled between these posts, will not only afford ample and perfect protection to our settlers, but is all that is required to bring about a speedy and permanent peace; provided, disloyal and unscrupulous men are barred from visiting these Indians, and carrying into their country, whisky, powder and lead, and all articles made contraband by the laws of Congress. Five hundred cavalry, properly distributed at the various posts indicated, under the command of officers who are desirous of protecting the settlements, I believe to be sufficient to afford perfect protection.

Should this course be adopted by the War Department, and be found to answer the purpose, the immense expense attending the sending of these large expeditions into the hostile country, may in the future be avoided. At any rate, there seems to me to be propriety in making a change of some kind, by which we may, if possible, avoid taxing the Government with another of these unwieldy and immensely expensive expeditions with no adequate results towards bringing about a peace, judging by the past. I would therefore recommend that you memorialize the Secretary of War, urging upon him the importance of the early establishment of the chain of military posts indicated.

#### ROUTE TO THE GOLD MINES.

In my last annual message, I took occasion to call the attention of the Legislature to the importance of securing a route

to the gold mines of Idaho, through the settled or southeastern portions of this Territory. The importance of opening such a route has not in any way diminished since that time. On the contrary, the organization of the new Territory of Montana, and the new discoveries of rich deposits of the precious metals in the vicinity of the eastern base of the Rocky Mountains, clearly indicate the importance and point to the necessity of the speedy opening of the route indicated. The last session of Congress, foreseeing the importance of this route, from a desire to promote and foster the early development of this section of the country, appropriated ten thousand dollars towards the opening of the route indicated, to be expended under the direction of the War Department. Unfortunately for the interests of this section of the country, the expenditure of this sum was committed to Major Maynadier, who, from some cause best known, doubtless, to himself, after entering upon the discharge of his important trust, and expending a portion of the appropriation—perhaps all of it—did not even get on to the ground, or commence the examination of the route. It is unfortunate that the War Department could not have better consulted the interests not only of our citizens, but also the citizens of Montana, in the selection of an officer to expend this appropriation who, either from motives of pride or a sense of duty, would at least have got on to the route and given the eastern portion of it for one hundred and fifty or two hundred miles at any rate—a personal examination, which could have been done without any risk to that officer, even though he had been entirely unattended by a personal guard—the contemplated route for this distance, passing through a section of country not having been infested by hostile Indians the past two years. The first two hundred miles of this route, contemplated by Congress, could have been pretty thoroughly examined and reported upon, at an expenditure of one thousand dollars and in my opinion, had a fair comparison have been made in the report between this route and the route known as the Captain Fisk route, which passes through Central Dakota, the result would have been the abandonment by Congress of the Central or Fisk route, and the placing of all future appropriations on the Southern Dakota, or Niobrara route. Indeed, it is not impossible that this

may be the case, upon the report of Brigadier General Sully, who was specially instructed by the War Department to report upon the practicability of the Central Dakota route, and who, I am informed, reports the route entirely impracticable.

The influence which the early opening of this route through Southern Dakota, to the gold fields of Montana, and Idaho, and the securing of the immense through travel (the large portion of which now passes up the Platte River, through our neighboring Territory of Nebraska) on it, by reason of the distance saved, and its proximity to abundance of good water and wood, towards securing the location of the Northern branch of the Pacific Railroad, cannot be over estimated by our people. Indeed I believe it to be the first, and most important step, to be taken in securing this very important branch road to our Territory.

I would therefore recommend that you early memorialize Congress on this subject, with a view to securing a liberal appropriation to aid in opening this important line of wagon road, via Niobrara or Fort Randall, and the foot of the Black Hills, to Montana and Idaho.

#### BLACK HILLS.

It is believed by persons familiar with the country in the vicinity of the Black Hills, that the country abounds not only with the precious metals (Gold and Silver) but that copper, iron, and coal exist to an unlimited extent. Indeed rich specimens of iron and copper have been brought into the settlements by friendly Indians, from this section of the country, and the bed of the Niobrara River abounds with specimens of stone coal.

It is believed that a thorough geological survey of that portion of our Territory will establish the existence of large and rich deposit of the minerals named above, and not only this; but that this section of country is capable of supplying for all time to come, not only our own settlers, but all Northwest Iowa with all the pine lumber needed for the future development and improvement of the country. This fact is abundantly established by explorations already made.

## APPROPRIATION FOR MILITARY ROAD.

Congress at its last session generously appropriated fifteen thousand dollars towards the opening of a Military Road from Sioux City, Iowa, to Fort Randall. It is believed that the sum if properly expended, at such points along the line of road as most need improvement will be sufficient to open a road which may be traveled at all times of year with facility, and will not only vastly aid the Government in its military operations, but will also be a permanent benefit to our citizens; and inasmuch as the appropriation is placed at the disposal of Capt. S. Bagg, Chief Quartermaster of this Military District, who is familiar with the country over which this road passes, I have thought it would not be improper for the Legislature to suggest to Capt. Bagg the improvement of such points along the line as may be deemed of most importance and likely to secure to the people a good thoroughfare at all seasons of the year.

## TERRITORIAL AFFAIRS.

The last Legislature passed a law "concerning Licences"—Chapter twenty three, laws of 1863 and 4—which, so far as I know, remains a dead letter upon our Statute Books. I call your attention to this law specially at this time, with a view of securing such action on your part as will cause it to become effectual. Since the organization of this Territory, no person residing within its limits, has been called upon to contribute either by tax license or otherwise, anything to the support of the general or Territorial government. Whatever their trade, business or profession, all have thus far been exempt from taxation, with the single exception of the tax levied and collected on the salaries of the federal officers of the Territory, which, since the passage of the income law by Congress, has been regularly paid by all these officers into the Treasury of the United States. The burthens of supporting the general and State governments since the breaking out of the rebellion have been cheerfully borne by the people of the loyal States, and there appears to me no good reason why we should participate in all the benefits derived from a liberal government, and not share the burthens, when, as is the case here, we have contrac-

ted some indebtedness, now long passed due, for services rendered the Territory, which should at once be liquidated, if we would be just.

On the 8th of May, 1863, four warrants were issued by the Territorial Auditor for services rendered during the first session of the Legislature in 1862, to the amount of four hundred and eighty dollars, and the salaries of Auditor and Treasurer remain due and unpaid, since these officers first, respectively, entered upon the discharge of their duties, amounting at the present time to four hundred and fifty six dollars and sixty six cents.

The Treasurers and Auditor's office need also to be supplied with some blank books, suitable for keeping their accounts; and stationary sufficient for the current business of their office. It will perhaps require one hundred dollars for this purpose. Total amount required at this time, to liquidate all claims against the Territory, and provide the Auditor's and Treasurer's office with books and stationary, is one thousand and twenty one dollars and sixty six cents.

In addition to this, the salaries to these two officers should be provided for in the future, so that they may be paid as they become due.

I would therefore recommend, that you take such steps as in your wisdom you shall deem best, to raise a sufficient sum to liquidate our present indebtedness, and provide for the fiscal year upon which we have just entered.

For a more detailed statement of the financial condition of the Territory, and the remedy to be applied. I refer you to the very able report of the Territorial Auditor, which will be submitted to you in accordance with the statute.

#### TAXES.

I wish especially to call your attention to the very lax manner in which, in many cases the various county officers in the Territory have discharged their public duties: The first Legislature passed a law creating certain county officers and defin-

ing their powers and duties, and it was undoubtedly the design of that Legislature that the persons appointed by the Governor, as well as those subsequently elected to fill these various offices, should faithfully discharge their duties during the time for which they were appointed or elected. This in very many instances has not been done, and our citizens have been subjected to great inconvenience on this account, and, in some instances, these officers have entirely neglected their duties.

I attribute much of this negligence to the fact that no means have as yet been provided by the different organized counties, to pay current expenses, and the feeling on the part of some of the officers that it would be so long before they would be paid for their services, that they would not devote the necessary time to discharge their public duties. The consequence has been that in many instances, the people have been unable to get these officers to act. I submit to you, whether it would be well, in view of the embarrassments which have heretofore been experienced on this account, to pass a law compelling not only the discharge of official duties, by all civil officers in the Territory, but also providing by law for the levy and collection of a sufficient tax to meet these necessary expenses, at the time they are incurred. The day cannot now be far distant when all the county officers, will not only be self sustaining, but will be sought for, with avidity, by our citizens for the emoluments there is in them.

It seems to me that the time has now arrived, when we should take steps to perfect, and put in running order, our internal machinery, even though to do so, we have to submit to be rightly taxed for that purpose.

The burthens of Government have thus far fallen lightly upon us as a people, and it appears to me, that we can now afford to come forward and assume our share of the necessary burthens, for the sake of the satisfaction of feeling that we are paying our way as we go.

I feel confident that our citizens are not only willing, but desirous, that all who labor for the public weal, should be remunerated for the time necessarily devoted to the discharge of

their public duties. I hope our present officers will at once enter upon the discharge of their duties, and levy and collect a sufficient amount in each organized county to discharge all existing obligations, and have a fund on hand to pay their current expenses. It needs but a light tax to accomplish this very desirable object.

During the year last past, important acquisitions have been made to the Territory, by the arrival and permanent settlement of an intelligent, industrious and hardy population from the Eastern and Middle States ; and the rapid improvement made in the settled portions of the Territory gives us a sure indication, that we have not only passed the crisis in our Territorial affairs, but that from now, on, our march will be onward and upward in the acquisition of population, wealth and improvement, until ere long we shall be knocking at the door of the Union, fully prepared to take our place in the line of loyal and free States so rapidly being formed under the auspices of our beneficent, liberal and enlightened General Government.

Should peace and confidence soon be re-established between the government and our red brethren, we may, I think, confidently anticipate such an influx of immigration at no distant day, as to forever set to rest all apprehensions of a renewal of hostilities on the part of our red neighbors—a result most ardently desired by all who are permanent settlers in Dakota.

#### PUBLIC LANDS.

The enlightened and liberal policy pursued by the General Government, in withholding the public domain from market in this Territory, thus keeping the lands in a position to be acquired by our actual settlers, on a compliance on their part of the conditions established by the laws of Congress on this subject, cannot be too highly appreciated by our people, and should the same policy be pursued in the future, until the rebellion is put down and peace restored on our borders, we may confidently anticipate that the day is not far distant when the Missouri, Big Sioux, and Dakota River Valleys will be swarming with as dense, industrious, intelligent and active a population as is now to be found in the valleys of the Connecticut and Ohio.

## REVISION OF LAWS.

Experience has developed the fact that discrepancies exist in some of the provisions of our Statutes. This want of harmony has doubtless inadvertently crept into the laws for want of time to duly consider their provisions, in the hurry which usually prevails at or near the close of each session of the Legislative Assembly.

Your attention is called to the subject at this time, from the fact, that it is believed that little new legislation is needed to perfect our internal machinery, and that it will be much better to amend our existing laws with a view to securing harmony in their provisions, than to go largely into the enactment of new statutes. I would by no means, however, at this time recommend a general revision of existing Statutes. It would appear from examination of the laws passed at first Session of the Legislature, Chap. 9, Sec. 164—that that Legislature contemplated calling to its assistance the Judges of the Supreme and District Courts of the Territory, for the purpose of securing their aid in harmonizing disagreeing provisions of the Statutes.

I believe this to be not only a good but a very wise provision, though the Judges heretofore have not seen fit to present their views to the Legislature on this very important subject. I have no doubt that, should you desire it, the services of the only Judge we have in the Territory can be secured to aid in perfecting and harmonizing existing laws.

## EDUCATION.

The last Legislature enacted a school law, which is believed to be ample in its provisions to put into operation in every neighborhood in our Territory a good common school, if its provisions are complied with in every particular by the people. Within the past year many new schools have been opened, and there is every indication that the subject of Education is receiving that attention from our citizens that is deemed necessary from its primary importance.

The services of a very able Superintendent of Public Instruction have been secured, in the person of James S. Foster who

has had much experience in teaching in Central New York, and it is hoped that our various County Superintendents will heartily co-operate with him in perfecting and putting into operation our common school system.

#### CONCLUSION.

I have endeavored as is my duty to call your attention to the consideration of such matters as are deemed of the first importance, with a view of aiding you so far as is in my power, in the discharge of your public duties. I deem it to be my duty to urge upon your consideration the importance of exercising the most rigid economy in the expenditure of public funds over which you have control, believing it to be a duty we all owe, as good and loyal citizens, to the general government, when we call to mind the struggle in which it has been engaged for the past four years against traitors for its overthrow, to economize in every possible manner, that it may be the better able to maintain itself against the insane efforts of these traitors.

And finally, I trust that your deliberations may be marked by that courtesy and cordial good feeling, so commendable under all circumstances in our intercourse with each other, and that at the close of your labors you may return to your constituency with the pleasing reflection resting upon your minds that you have discharged your whole duty with an eye single to the best interests of all.

I assure you I shall at all times take pleasure in furnishing you all the information within my reach, that will in any way aid you in the discharge of your onerous and laborious duties.

NEWTON EDMUNDS.

On motion of Mr. Lawrence,  
The joint Convention dissolved.

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

Mr. Stickney offered the following resolution :

*Resolved*, That two thousand copies of the Governor's message be printed for the use of this House ; seventy-five copies being for the use of each member.

The resolution was adopted.

Mr. Hanson, Territorial Auditor, presented his Annual Report, which,

Upon motion of Mr. Stickney,

Was laid upon the table until the appointment of the standing committees.

On motion of Mr. Reed,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

#### FOURTH DAY.

HOUSE OF REPRESENTATIVES. }  
Thursday, Dec. 8, 1864. }

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

Speaker in the Chair.

Prayer by the Chaplain.

Roll called

The following members answered to their names, to wit :

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Weeks and Mr. Speaker.

Absent, Messrs. Fallas, McCarthy and Wall.

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

The following communication was received from the Council.

COUNCIL CHAMBER, }  
Dec. 8th, 1864. }

MR. SPEAKER:—I am instructed to inform the Hon. House that the Council has on this day adopted the following resolution :

WHEREAS, the present criminal Code of this Territory is deemed insufficient, in many respects, to meet the requirements of justice, thereby impeding and confusing the prosecution of causes arising under it. It is therefore,

*Resolved*, That a committee of one be appointed to act with a like committee on the part of the House, whose duty it shall be to confer with the Hon. Ara Bartlett, Associate Justice of Dakota, and invite him to co-operate with them in preparing a Penal Code, and submit the same, at as early a day as possible to this Legislative Assembly, in printed form, and that the Honorable House of Representatives are requested to take like action in the premises.

The Council has appointed the President of the Council to act as such committee on the part of the Council.

GEO. N. PROPPER,  
*Secretary of Council.*

The following communication was also received from the Council :

COUNCIL CHAMBER, }  
Dec. 8th, 1864. }

MR. SPEAKER:—I have the honor to inform the Honorable House, that the Hon. President of the Council has appointed the following

#### STANDING COMMITTEES.

*Judiciary.*—Messrs. Gregory, Taylor, J. and Kingsbury

*Education.*—Messrs. Mathews, Bothun and Bradford.

*Military Affairs.*—Messrs. Gregory, Stone and Rich.

*Incorporations.*—Messrs. Bothun, Thompson and Taylor, F.

*Finance.*—Messrs. Taylor, J. O., Compton, and Bradford.

*Elections.*—Messrs. Bothun, Stone, and Gregory.

*Public Buildings.*—Messrs. Rich, Compton and Thompson.

*Highways, Bridges and Ferries.*—Messrs. Stone, Bradford and Taylor F.

*Counties.*—Messrs. Thompson, Compton and Mathews.

*Territorial Affairs.*—Messrs. Taylor, J. O., Kingsbury, and Gregory.

*Public Printing.*—Messrs. Stone, Gregory and Mathers.

*Agriculture.*—Messrs. Bradford, Rich and Taylor, F.

*Expenditures.*—Messrs. Compton, Rich and Bothun.

*Federal Relations.*—Messrs. Kingsbury, Taylor, J. O., and Thompson.

*Engrossed and Enrolled Bills.*—Messrs. Kingsbury, Gregory and Taylor F.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Stickney presented the petition of E. M. Bond, claiming a seat in this House.

Which petition was,

On motion of Mr. Turner,

Referred to the Committee on Elections.

Mr. Shriner moved that the House resolve itself into Committee of the Whole on Saturday next, at 11 o'clock A. M., to consider the Governor's message.

Which motion prevailed.

Mr. Turner offered the following resolution :

*Resolved* That the Committee on Elections be and they are hereby empowered, through their chairman, to issue subpoenas and send for persons and papers whenever shown by the affidavit or oath of either the parties litigant, or their attorneys, that such person or papers are material in any matter or investigation referred by this House to said committee.

The resolution was adopted.

Mr. Turner introduced the following resolution :

*Resolved*, That the committee appointed by the Speaker of this House, to request the opinion of the Hon. Ara Bartlett, on the 47th section of the Election Law, are further instructed to request the opinion of the said Bartlett upon the 49th section of said law.

The resolution was adopted.

The communication from the Council relative to preparing a Penal Code,

Was then taken up.

Mr. Lawrence moved that the House concur in the resolution of the Council.

Mr. Turner desiring to move its commitment to its appropriate committee,

Which committee had not yet been appointed by the Speaker.

The Speaker therefore announced, that the standing committee on Judiciary would consist of

Messrs. Hanson, Stickney and Shriner.

Mr. Turner then moved that the communication be committed to the committee on Judiciary.

Which motion prevailed.

Mr. Pratt moved that the hour of the daily meeting of the House, be at 11 o'clock in the morning.

A division being called for,

The motion was lost.

On motion of Mr. Shriner,

The House adjourned until to-morrow at 10 o'clock A. M.

W. W. BROOKINGS, *Speaker*.

GEO. I. FOSTER, *Chief Clerk*.

### FIFTH DAY.

HOUSE OF REPRESENTATIVES. }  
Friday, Dec. 9, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Mathews, Pratt, Reed, Shriner, Stickney, Turner, Weeks and Mr. Speaker.

Absent—Messrs. Fallas, McCarthy, Owens, Rouse and Wall.

Journal of preceding day read and approved.

Mr. Hanson, chairman of the committee on Judiciary, submitted the following report:

MR SPEAKER:—Your committee on Judiciary, to whom was referred the communication of the Honorable Council, relative to a revision of the Territorial Penal Code, have had the same under consideration, and beg leave to report the communication back to the House, and recommend the adoption of the following resolution:

*Resolved,* That the Hon. Speaker of the House be constitu-

ted a committee of one, on the part of the House, to act with the committee on the part of the Council, in the manner contemplated in the communication.

J. R. HANSON, Ch'n.,  
GEO. STICKNEY,  
WM. SHRINER.

Which report was adopted.

Mr. Matthiesen, chairman of the committee on elections, submitted the following reports :

MR. SPEAKER :—Your committee on elections, beg leave to report as follows : In the matter of Aaron Carpenter *vs.* J. W. Turner, That in accordance with the decision of Judge Ara Bartlett, and the testimony submitted to them, find that J. W. Turner, incumbent has the legal majority of votes over Aaron Carpenter, contestant ; therefore, *Resolved*, That J. W. Turner, incumbent, is legally entitled to the seat in this House, now occupied by him, as Representative from the Second Representative District.

M. M. MATTHIESEN,  
WM. SHRINER,  
P. M. LEMOUGES.

MR. SPEAKER :—Your committee on elections, would beg leave to make the following report in the matter of Holiver Burgess *vs.* Knute Weeks : Your committee find that in accordance with the decision of Judge Ara Bartlett, and the testimony submitted to them, that said Holiver Burgess has a legal majority of the votes of said Second Representative District, over Knute Weeks incumbent ; Therefore,

*Resolved*, That Knute Weeks is not entitled to a seat in this House, as a Representative from the Second Representative District ; Further,

*Resolved*, That Holiver Burgess is entitled to a seat in this House, as a Representative from the Second Representative District.

M. M. MATTHIESEN,  
WM. SHRINER,  
P. M. LEMOUGES.

Which reports were adopted.

Mr. Burgess then came forward and the oath of office was administered to him by the Speaker.

Mr. Hanson, chairman of special committee, appointed to wait upon Judge Ara Bartlett, for the purpose of obtaining his legal interpretation of Section 47 of Chapter 19 of the Laws of 1863-4, submitted the following report:

MR. SPEAKER :—Your special committee appointed to wait upon Judge Ara Bartlett, for the purpose of obtaining his legal interpretation of Sec. 47 of Chapter 19 of the Laws of 1863-4, beg leave to report that we have attended to the special duty assigned us, and that the Judge in reference to the request of the House, presented the committee with the following opinion upon said Section.

J. R. HANSON,  
GEO. STICKNEY.

To MESSRS. HANSON AND STICKNEY, *Gentlemen* :—I have the honor to receive from you, a copy of the resolution of the House of Representatives, passed Dec. 7th, 1864, and also, your request in accordance therewith for my opinion upon Section 47 of the Election Law of Dakota.

The Act (See Section 47, Page 32,) provides that the Register and persons called to his assistance, shall constitute a board, a majority of whom shall decide all matters of disagreement, and shall disregard technicalities in all matters there be all brought before them. This refers to the writing or printing required by law to be upon the ballot, as well as to the name of the person thereon to be voted for.

Form is not material under this act. The substance and meaning only of the ballot is to be sought for. Misspelling the name or any part of the words required to be written upon the ballot does not vitiate the vote. Nor will an abbreviation of the name of the candidate voted for vitiate it. If the name of the person voted for is shortened, contracted or brought into a smaller compass by abbreviation, or initial letters, the vote is not therefore necessarily bad.

The beginning or initial letters of the name, by this section may be used, but perhaps the initials *alone* of the name would not be sufficient.

In the absence of all fraud, if enough of the name of the person voted for shall appear written, or printed upon the ballot however misspelled or abbreviated to satisfy the board or tribunal having jurisdiction in such case, beyond a reasonable doubt as to the *real* person for whom the ballot was cast or intended, the ballot in my opinion by virtue of this section of the act, ought to be counted in favor of the person so found to have been voted for.

The committee put this question—in substance:

Ought the board to count a ballot having the sur-name *only* of the candidate upon it? (Other requisites, if any are required by law, not to be considered.)

In accordance with my views above set forth, my opinion is, the ballot should be counted if said ballot satisfies the board as to whom the elector intended to vote, and if that can be ascertained from such ballot, beyond a reasonable doubt, the ballot ought in my opinion be counted in favor of the person so found to be voted for.

All of which is most respectfully submitted,

ARA BARTLETT.

December 8th, 1864.

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The report of the committee was adopted.

Mr. Lemouges gave notice that he would on to-morrow or some future day, introduce a bill to provide for An act to locate a Territorial road from Yankton to the Big Sioux River.

Mr. Reed gave notice that on to-morrow or some future day of the session, he would ask leave to introduce a bill to legalize the acts of the county officers of Yankton county.

Mr. Hanson gave notice that he would on to-morrow or some subsequent day of this session, introduce An act to amend the election law of Dakota.

Mr. Kellogg, gave notice that he would on to-morrow or some future day introduce a bill to provide for An act divid-

ing the Territory of Dakota into Council and Representative Districts, and apportioning the Councilmen and Representatives therein.

Mr. Lawrence moved to amend rule 50 of the Standing Rules of this House, by inserting 11, instead of 10 o'clock.

Which motion prevailed.

On motion of Mr. Lawrence,

The House took a recess of half an hour.

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At the expiration of one half hour,  
The Speaker called the House to order.

Lawrence offered the following resolution :

*Resolved*, That 100 copies of the Auditor's Report be printed in pamphlet form for the use of the members of this House.

The resolution was adopted.

The Speaker announced the following

#### STANDING COMMITTEES.

*Ways and Means*.—Messrs. Collar, Hanson and Kellogg.

*Judiciary*.—Messrs, Hanson, Stickney and Shriner.

*Internal Improvements*—Messrs. Rouse, Reed and Turner.

*Public Lands*.—Messrs. Christy, Burgess and Lawrence.

*Federal Relations*.—Messrs. Kellogg, Shriner and Owens.

*Education*.—Messrs, Stickney, Turner and Pratt.

*Towns and Counties*—Messrs. Kegan, Mathers and Wall.

*Military Affairs*.—Messrs. Burgman, Lamouges, and McCarthy.

*Incorporations*.—Messrs. Turner, Fallas and Collar.

*Agriculture and Manufactures*—Messrs. Reed, Matthews, and McCarthy.

*Elections.*—Messrs. Matthiesen, Shriner and Lemouges.

*Indian Affairs.*—Messrs. Shriner, Wall and Owens.

*Mines and Minerals.*—Messrs. Burgess, Lawrence, and Kegan.

*Engrossment.*—Messrs. Lawrence, Matthiesen and Stickney.

*Enrollment.*—Messrs. Hanson, Kellogg and Pratt.

The following communication was received from the Council :

COUNCIL CHAMBER, }  
Dec. 9th, 1864. }

MR. SPEAKER:—I have the honor to inform the Hon. House that the Council have amended the standing rules of the Council, by creating a new standing committee, to wit: "Indian Affairs," after the the committee of "Military Affairs," and the Hon. President has appointed Messrs. Kingsbury, Thompson and Taylor, J. O., as such committee.

GEO. N. PROPPER,  
*Secretary of Council.*

On motion of Mr. Kellogg,  
The House took a short recess.

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The Speaker called the House to order.

On motion of Mr. Lawrence,  
The House adjourned until to-morrow at 11 o'clock A. M.

W. W. BROOKINGS,  
*Speaker.*

## SIXTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Saturday, Dec. 10, 1864. }

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

Speaker in the chair.

Roll called.

The following members answered to their names, to wit:

Messrs Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, McCarthy, Owens, Rouse, Shriner, Stickney, Turner, and Mr Speaker.

Absent, Messrs Fallas, Matthews, Pratt, Reed, Wall and Burgess.

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

Mr Shriner gave notice that he would at some future day of the session introduce a bill prescribing the manner of contesting the election of County offices.

Also a Bill concerning vacancies and Special Elections.

Mr Stickney gave notice that he would on to-morrow or some future day introduce a bill to provide for an act changing the time and place of holding the United States District Court in the first Judicial District.

Mr Lawrence gave notice that he would on Monday next or some future day, introduce a bill for an act to authorize Sheriffs to serve and return processes issued by Probate Judges and Justices of the Peace.

Mr. Hanson introduced House File No. 1, An act to prevent Nuisances.

Read first time.

On motion of Mr Lawrence,

The House resolved itself into committee of the whole on the Governor's Message.

Mr Kellogg in the chair.

After some time spent therein the committee arose and through their chairman made the following report.

MR. SPEAKER: The committee of the whole have had under consideration the Governor's Message and have gone through and directed their chairman to report to the House as follows, and ask leave to sit again :

That all that portion of the Governor's Message comprised between the beginning and the first sub-head (Progress of the Indian war) be referred to committee on Federal relations.

That all that portion of the Governor's Message comprised under the head of "Progress of the Indian war" be referred to committee on Indian affairs.

That all that portion under the head of "Route to the Gold mines" except that relative to Rail Roads be referred to committee on Ways and Means.

That all that portion under the head of "Black Hills" be referred to committee on Mines and Minerals.

That all that portion under the head of "Appropriation for Military Roads" be referred to committee on Military Affairs.

That all that portion relative to "Rail Roads" be referred to committee on Incorporations.

That all that portion relative to "Licenses" be referred to committee on Judiciary.

That all that portion under the head of "Taxes" except that relative to Emigration and County affairs be referred to committee on Ways and Means.

That all that portion under the head of "Public Lands" be referred to committee on Public Lands.

That all that portion relative to "Unpaid Salaries of Auditor and Treasurer" be referred to committee on Ways and Means.

That all that portion under the head of "Revision of Laws" be referred to committee on Judiciary.

That all that portion under the head of "Education" be referred to committee on Education.

That all that portion relative to "Emigration" be referred to committee on Agriculture and Manufactures.

That all that portion relative to "County affairs" be referred to committee on Towns and Counties.

G. W. KELLLOGG,  
*Chairman.*

Mr Lawrence moved that the report of the committee be adopted.

Which motion prevailed.

On motion of Mr Lawrence.

The House adjourned to meet Monday morning at 11 o'clock.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER. *Chief Clerk*

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EIGHTH DAY.

HOUSE OF REPRESENTATIVES. }  
Monday, Dec. 12, 1864. }

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

Speaker in the Chair.

Prayer by the Chaplain.

Roll called

The following members answered to their names, to wit :

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Lawrence, Lemouges, Matthiessen, Matthews, McCarthy, Ow-

ens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr. Speaker.

Absent, Messrs. Fallas, Kellogg and Wall.

Journal of preceding day read and approved.

Mr. Lawrence gave notice that he would on to-morrow or some subsequent day, introduce a bill to repeal chapter 16, of the laws of 1863 and 4.

Mr. Reed introduced House File No. 2, An act legalizing the acts of certain county officers of Yankton county.

Read first time.

Mr. Hanson introduced House File No. 3, An act concerning money of account and fixing a rate of interest of money.

Read first time.

Mr. Lawrence introduced House File No. 4, An act to authorize sheriff's to serve and return processes issued by Probate Judges and Justices of the Peace.

Read first time.

Mr. Stickney moved that Mr. Kellogg be excused for non-attendance on account of sickness.

Which motion prevailed.

Mr. Burgess moved that Mr. Matthews be excused for non-attendance on the 10th inst.

Which motion prevailed.

Mr. Burgess moved that Mr. Reed be excused for non-attendance on the 10th inst.

Which motion prevailed.

Mr. Matthews moved that Mr. Burgess be excused for non-attendance on the 10th inst.

Which motion prevailed.

Mr. Turner moved that Mr. Pratt be excused for non-attendance on the 10th inst., on account of the inclemency of the weather.

Which motion prevailed.

Mr. Lawrence gave notice that he would on to-morrow or some future day of the session, ask leave to introduce a Memorial to Congress, asking for an appropriation to build a Government wagon road from Fort-Randall, D. T., to the Capitol of Montana Territory.

Mr. Matthews gave notice that he would on to-morrow or some future day of the session, ask leave to introduce a Memorial to Congress, asking for a grant of land for the Minnesota and Dakota Railroad.

H. F. No. 1, An act to prevent nuisances, was  
Taken up,  
Read second time.

Stickney moved that the bill be referred to committee on Towns and Counties.

Mr. Lawrence moved to amend the motion, by referring it to the committee on Incorporations.

The question being taken on the amendment, it  
Prevailed.

The question then being taken on the motion as amended, it  
Prevailed.

On motion of Mr. Burgess,  
The House adjourned until to-morrow at 10 o'clock A.

W. W. BROOKINGS, *Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
Tuesday, Dec. 13, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs Burgess, Burgman, Christy, Collar, Hanson, Kegan, Lemouges, Lawrence Matthieson, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner and Mr Speaker.

Absent, Messrs Fallas, Kellogg, and Wall.

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

Mr Turner, chairman of the committee on Incorporations' submitted the following report :

The committee on Incorporations to whom was referred a bill to prevent Nuisances would respectfully report that they have had the same under consideration, and would recommend its passage with the following amendments.

J. W. TURNER.

*Chairman.*

Sec. 1, 3d line, strike out the approbation of and insert a permit from.

Sec. 1, 6th line, strike out approbation, and insert permit

Sec. 2, 2d line, strike out approbation and insert in lieu thereof, permit.

Sec. 2, 4th line, strike out approbation and or.

Sec. 3, 4th line, strike out dead and insert putrid, and after the word animal, the word, or.

Mr Reed gave notice that he would on to-morrow or some future day introduce a bill regulating the location of county seats by a vote of the people.

Mr Hanson gave notice that he would on to-morrow or on some subsequent day of the session introduce a bill for an act to encourage the cultivation of timber on prairie farms in this Territory.

Mr Lawrence gave notice that he would on to-morrow or some subsequent day ask leave to introduce a bill changing the time of holding the District Court in the first and second Judicial Districts.

Mr Lawrence introduced House File No. 5, An act to repeal chapter 16 of the general laws of 1863-4.

Read first time.

Mr Rouse introduced House File No. 6, An act amendatory of an act granting to Chas. E. Rowley a Ferry Charter across the Missouri River,

Read first time.

Mr Shriner moved that the chair appoint a select committee of three, whose duty it shall be to draft a law in relation to roads and highways, and report the same to this House.

The motion prevailed, and

The Speaker appointed Messrs. Shriner, Turner, and Lemouges, such committee.

House File No 2, An act legalizing the acts of certain county officers of Yankton county, was then

Taken up,

Read second time, and

Referred to committee on Towns and Counties.

House File No 3, An act concerning money of account and fixing a rate of interest of money, was then

Taken up,

Read second time, and

Referred to committee on Judiciary.

House File No. 4, An act to authorize sheriffs to serve and return processes issued by Probate Judges and Justices of the Peace, was then

Taken up.

Read second time, and

Referred to committee on Judiciary.

House File No. 1, Reported back by the committee on Incorporations, was then,

Taken up for consideration.

On motion of Mr Stickney,

The House resolved itself into committee of the Whole on the bill.

Mr Stickney in the chair.

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

MR SPEAKER :—The House in committee of the Whole, have had under consideration a bill, entitled An act to prevent nuisances. They have made some progress therein, but not having gone through, have directed their chairman to report the same to the House, and ask leave sit again.

GEO. STICKNEY.

*Chairman.*

On motion,

The bill was then recommitted to committee on Incorporations.

The following communication was received from the Council.

COUNCIL CHAMBER, }  
Dec. 13th, 1864. }

MR. SPEAKER :—I have the honor of informing your Honorable body that the Council have passed C. B. No. 1, "An act to repeal chapter 43 of the private laws of 1862-3, and respectfully request your concurrence therein.

GEO. N. PROPPER,

*Secretary of Council.*

On motion of Mr Shriner,

The House adjourned to meet to-morrow morning at 11 o'clock.

W. W. BROOKINGS.

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## TENTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Wednesday, Dec. 14, 1864. }

The House met pursuant to adjournment and was called to order by the Speaker in the chair.

Roll called.

Absent—Messrs. Fallas, Rouse and Wall.

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

Mr. Kellogg gave notice, that on to-morrow or some future day he would introduce a bill to provide for An act granting to Christopher Maloney, a ferry charter across the Missouri River.

Mr. McCarthy gave notice, that he would on to-morrow or some subsequent day, introduce a bill to provide for An act to locate a Territorial road from the mouth of the Running Water, to Fort Randall via. the mouth of Ponca Creek.

Mr. Reed gave notice, that on to-morrow or some future day, he would ask leave to introduce a Memorial to Congress, asking an appropriation for a Geological survey of the Territory.

Mr. Rouse gave notice, that he would on to-morrow or some future day, introduce a bill providing for the recording of town plats.

Mr. Burgess gave notice, that on to-morrow or some future day of the session, he would introduce a bill for a fence law, and to create the office of fence viewer.

Mr. Christy introduced House File No. 7, An act to provide for the location of the county seat of Union county.

Read first time.

Mr. Hanson introduced House File No. 8, An act regulating

the weight of grain, &c.

Read first time.

Mr. Shriner introduced House File No. 9, An act prescribing the manner of contesting the election of county officers.

Read first time.

Mr. Matthews introduced House File No. 10, a Memorial for a land grant to Dakota for railroad purposes.

Read first time, and

On motion of Mr. Hanson,

The rules were suspended, and the memorial

Read second time.

Mr. Hanson moved that the memorial be referred to committee of the Whole to-morrow.

Which motion prevailed.

On motion of Mr. Turner,

Mr. Hoyt was excused for non-attendance on the 10th inst.

Mr. Hanson moved that rule number 52, of the Standing Rules of the House be so amended as to read as follows:

Sec. 52. All House bills of a general nature shall after their first reading be printed without a special order from the House.

H. F. No. 5, was then

Taken up, and

Read second time, and

On motion of Mr. Shriner,

Laid on the table.

H. F. No. 6, was then

Taken up, and

On motion of Mr. Hanson,

Referred to committee on Internal Improvements.

On motion of Mr. Hanson,

The House took a short recess.

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A message from the Council being announced,

The Speaker called the House to order, and the following communication was read :

COUNCIL CHAMBER, }  
Dec. 14th, 1864. }

MR. SPEAKER:—I am instructed to inform the Hon. House that the Council solicits an interchange of service by the Chaplain's of the respective Houses.

GEO. N. PROPPER,  
*Secretary of Council.*

The consideration of the communication being before the House,

Mr. Stickney moved that it be laid on the table.

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

Yeas 4, nays 12, as follows :

Those who voted in the affirmative were

Messrs. Kellogg, Lemouges, Stickney and Turner.

Those who voted in the negative were

Messrs. Burgess, Collar, Hanson, Kegan, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Reed, Rouse and Shriner.

So the motion did not prevail.

Mr. Turner moved that the communication be referred to committee on Federal relations.

Which motion did not prevail.

Mr. Shriner moved to concur in the communication.

Mr. Lawrence moved that the communication be referred to special committee.

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

Yeas 7, nays 9, as follows :

Those who voted in the affirmative were

Messrs. Kellogg, Lemouges, Lawrence, McCarthy, Rouse Stickney and Turner.

Those who voted in the negative were

Messrs. Burgess, Collar, Hanson, Matthiesen, Matthews, Owens, Reed, Shriner, and Mr. Speaker.

So the motion did not prevail.

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

W. W. BROOKINGS,  
*Speaker*

GEO. I. FOSTER, *Chief Clerk.*

### ELEVENTH DAY.

HOUSE OF REPRESENTATIVES, }  
Thursday. Dec. 15, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent, to wit:  
Messrs. Burgman, Fallas and Wall.

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

Mr. Hanson, chairman of the committee on Judiciary submitted the following report :

MR SPEAKER :—Your committee on Judiciary to whom was referred H. F. No. 4, An act to authorize sheriff's to serve and return process issued by Probate Judges and Justices of the Peace, beg leave to report that they have had the same under consideration, and report the bill back to the House, and recommend that it lay upon the table until the adoption of a Penal Code.

J. R. HANSON  
*Chairman*

Mr. Rouse, chairman of the committee on Internal Improve-

ments, submitted the following report :

MR. SPEAKER :—The committee on Internal Improvements to whom was referred House Bill No. 6, would respectfully report that they have had the same under consideration, and ask leave to report it back with the recommendation that it pass.

J. H. ROUSE.

Mr. Kegan, chairman of the committee on Towns and Counties, submitted the following report :

MR. SPEAKER :—Your committee on Towns and Counties has had House File No. 2 under consideration and ask leave to report the same back and recommend its passage.

PETER KEGAN,  
*Chairman.*

Mr. Christy gave notice that on to-morrow or some future day, he will introduce a bill to provide for An act granting to Mathias Mitchell a ferry charter across the Big Sioux River.

Mr. Reed introduced House File No. 11, a Memorial to Congress for a geological survey of the Territory of Dakota.

Read first time.

Mr. Lawrence introduced House File No. 12, An act changing the time of holding the district court in the second judicial district.

Read first time.

Mr. Kellogg introduced H. F. No. 13, a bill to grant to Christopher Maloney a ferry across the Missouri river, in the county of Union

Read first time.

Mr. Shriner introduced H. F. No. 14, An act concerning vacancies and special elections.

Read first time.

Mr. Rouse introduced H. F. No. 15, An act providing for the recording of town plats.

Read first time.

Mr. McCarthy introduced H. F. No. 16, An act for the do-

cation of a Territorial road from the mouth of the Running Water to Fort Randall via. the mouth of Ponca Creek.

Read first time.

Mr Shriner offered the following resolution :

*Resolved*, That the thanks of this House be most respectfully tendered to the Hon. Judge Bartlett, for the prompt and impartial decision rendered on the 47th section of the election law passed at the third session of the Legislative Assembly of the Territory of Dakota.

The resolution was adopted.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 15th, 1864. }

MR. SPEAKER:—I have the honor to inform the Hon. House that the Council has passed Council bill No. 4, An act conferring the rights of citizenship upon David Le Clare and Charles Le Clare, which is herewith transmitted and your concurrence respectfully solicited.

GEO. N. PROPPER,  
*Secretary of Council.*

Council Bill No. 2, was then :

Taken up, and

Read second time, and

Referred to committee on Incorporations.

H. F. No. 7, was then

Taken up, and

Read second time, and

The rules were suspended, and

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

The yeas and nays being ordered the vote stood,

Yeas 18, nays none, as follows :

Those who voted in the affirmative, were

Messrs Burgess, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney and Turner.

So the bill passed and its

Title was agreed to.

H. F. No. 8, was then

Taken up, and

Read second time and

On motion of Mr. Lawrence,

Referred to a special committee of three.

The speaker appointed Messrs. Lawrence, Owens and Pratt,  
as such committee.

H. F. No. 9, was then

Taken up,

Read second time, and

On motion of Mr. Lawrence,

Laid on the table.

H. F. No. 4, reported back by the committee on Judiciary,  
was then

Taken up, and

Read third time, and

On motion of Mr. Shriner,

Laid on the table.

H. F. No. 2, reported back by the committee on Towns and  
Counties, was then

Taken up, and

Read third time, and put upon its passage.

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

Yeas 17, nays 1, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Christy, Collar, Hanson, Kegan, Kellogg,  
Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Ow-  
ens, Pratt, Reed, Rouse, Shriner and Stickney.

Mr. Turner, voted in the negative.

So the bill passed, and its

Title was agreed to.

H. F. No. 6, reported back by the committee on Internal  
Improvements, was then

Taken up, and

Read third time, and put upon its passage.

The yeas and nays being ordered the vote stood:

Yeas 18, nays none, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney and Turner.

So the bill passed, and its

Title was agreed to.

The consideration of general orders being before the House,

On motion of Mr. Hanson,

The consideration was dispensed with, and the unfinished business taken up.

The speaker announced the unfinished business to be the motion of Mr. Shriner, made yesterday to concur in the communication from the Council, relative to the interchange of Chaplains, which motion had been interrupted by an adjournment.

Mr. Reed in the chair

Mr. Brookings offered the following as a substitute for Mr. Shriners motion.

That the Clerk be instructed to inform the Council that any exchange of service the Chaplains may see fit to make will meet the approbation of the House.

Which motion prevailed,

The Speaker resumed the chair.

On motion of Mr. McCarthy,

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

W. W. BROOKINGS, *Speaker.*

GEO. L. FOSTER, *Chief Clerk.*

## TWELFTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Friday, Dec. 16, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent to wit:  
 Messrs. Burgman, Fallas, Lemoyges, and Wall.

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

Mr Turner chairman of the committee on Incorporations submitted the following report:

MR SPEAKER:—Your committee on Incorporations to whom was referred C. B. No. 2, An act to repeal chapter forty three of the private laws of 1862-3, have had the same under consideration and beg leave to report the same back and recommend its passage.

J. W. TURNER.

*Chairman.*

Mr Lawrence, chairman of special committee to whom was referred H. F. No. 8, submitted the following report:

MR SPEAKER:—Your special committee to whom was referred House File No. 8, have had the same under consideration and report the same back with the following amendment, and recommend its passage: Strike out thirty wherever it occurs and insert thirty two.

JOHN LAWRENCE.

Mr Reed gave notice that on to-morrow or some future day of the session he will ask leave to introduce a bill relating to the foreclosure of mortgages.

Mr Kegan gave notice that he will on to-morrow or some fu-

future day introduce a bill for an act to regulate and license the keeping of dogs.

Mr Collar gave notice that on to-morrow or some future day he will introduce a bill regulating the traffic in spirituous liquors.

Mr McCarthy introduced H. F. No 17, An act respecting the obstruction of highways, encroachments thereon and penalties

Read first time.

Mr Hanson moved that the Chaplain of the House be granted a leave of absence until Thursday next

Which motion prevailed

Mr Lawrence offered the following resolution :

*Resolved*, That the board of Education be requested to make a report of the official doings and of the state and condition of the schools of this Territory, at the earliest convenience; also that the chief clerk be instructed to present a copy of this resolution to the chairman of the Board of Education.

JOHN LAWRENCE

The resolution was adopted.

C. B. No. 4, An act conferring the rights of citizenship upon David LeClare and Charles LeClare, was then,

Taken up, and

Read a first time.

C. B. No. 2, reported by committee on Incorporations, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas nineteen, nays none, as follows :

Those who voted in the affirmative were

Messrs Burgess, Collar, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Mathews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr Speaker.

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

H. F. No. 11, was then  
Taken up, and  
Read second time, and  
Referred to committee on Federal Relations.

H. F. No. 12, was then  
Taken up, and  
Read second time.  
Referred to committee on Judiciary.

H. F. No. 13, was then  
Taken up, and  
Read a second time, and  
On motion of Mr. Stickney,  
The rules were suspended and  
The bill was read a third time and put upon its passage.  
The yeas and nays being ordered, the vote stood  
Yeas 18, nays none, as follows :  
Those who voted in the affirmative were  
Messrs. Burgess, Christy, Collar, Hanson, Kegan, Kellogg,  
Lemouges, Lawrence, Matthieson, Mathews, McCarthy, Owens,  
Pratt, Rouse, Reed, Stickney, Shriner and Turner.

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

H. F. No. 14, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Elections.

The following communication was received from the Council :

COUNCIL CHAMBER. }  
Dec. 16, 1864. }

MR. SPEAKER:—I have the honor herewith to transmit Council bill No. 5, to your Honorable House, which has been pass-

ed by the Council, and respectfully request your concurrence therein.

GEO. N. PROPPER,  
*Secretary of Council.*

H. F. No. 15, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Towns and Counties.

H. F. No. 16, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Internal Improvements.

H. F. No. 8, reported back by special committee, with amendments, was then

Taken up for consideration.

On motion of Mr Turner,

The amendments as reported by the committee were adopted.

On motion of Mr Turner,

The bill was farther amended by striking out "forty six" in the 2d line of printed bill and inserting forty in lieu thereof.

Mr. Kellogg moved to insert three hundred and forty three cubic feet in lieu of two thousand pounds.

Mr. Lawrence moved to amend the amendment by inserting four hundred and twenty two cubic feet in lieu of three hundred and forty three cubic feet.

Mr. Shriner moved that the bill be recommitted to the same committee.

Which motion, taking precedence of the motion to amend, Prevailed.

On motion of Hanson,

The House resolved itself into committee of the Whole to take into consideration H. F. No. 10.

Mr. Hanson in the chair.

After some time spent therein the committee arose and

through their chairman submitted the following report :

MR. SPEAKER:—The committee of the Whole having had under consideration a memorial to Congress asking an appropriation of lands for Rail-Road purposes, have instructed their chairman to report the same back to the House and ask leave to sit again.

J. R. HANSON

*Chairman.*

Mr Stickney moved to refer the memorial to a special committee of five.

Which motion prevailed.

The Speaker appointed Messrs Stickney, Turner, Hanson, Rouse, and Mc Carthy, such committee.

On motion of Mr. Lawrence,

H. F. No. 9, was

Taken from the table.

Mr. Lawrence moved to refer the bill to committee on "Incorporations."

Mr. Turner moved to amend the motion by referring it to committee on "Judiciary"

The question being taken on the amendment, it was

Adopted.

On motion of Mr. Rouse,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES }  
 Saturday, Dec. 17, 1864. }

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

Speaker in the Chair.

Prayer by the Chaplain.

Roll called

The following named members were absent, to wit :

Messrs. Burgman, Fallas and Owens.

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

Mr. Hanson, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—The committee on Judiciary to whom was referred H. F. No. 12 “An act changing the time of holding the District Court in the second Judicial District,” and H. F. No. 9 “An act prescribing the manner of contesting the election of county officers,” have given the same a partial consideration but deeming the bills of a very important nature, beg leave to report the same back to the House and recommend that they be considered by a committee of the whole House to day.

J. R. HANSON.

*Chairman.*

Mr. Lawrence, chairman of the special committee to whom was referred H. F. No. 8, submitted the following report :

MR. SPEAKER:—Your special committee to whom was referred House File No. 8, have had the same under consideration and report the same back with the following amendments, strike out forty six in section two, and insert forty two; in same section thirty and insert thirty-two; in same section after the word weight, insert or by measurment three hundred and

forty three cubic feet; in same line before the word "of" insert "or measurement."

LAWRENCE.

*Chairman.*

Mr. Reed gave notice that on to-morrow or on some future day of the session he will ask leave to introduce a Bill relating to damages by unruly stock.

Mr Lawrence gave notice that he will on a subsequent day of the session introduce a Bill providing for marking and branding of horses, cattle &c., and for recording of the same.

Mr. Matthiesen gave notice that on to-morrow or some subsequent day of the session he will ask leave to introduce a Bill for an act prohibiting laying out strychnine or any other poison on any Town site or within one half mile of any dwelling house.

Mr. Hanson gave notice that he will on to-morrow or some subsequent day, introduce a Bill prescribing the duties of Coroners.

Mr. Collar introduced H. F. No. 18, An act to regulate the traffic in spirituous liquors.

Read a first time.

Mr. Kegan moved that Mr. Owens be excused for non-attendance, this day, on account of sickness.

Which motion prevailed.

C. B. No. 5, An act to encourage the cultivation of fruit and forest trees and grape vines was then.

Taken up, and

Read a first time.

C. B. No. 4, was then.

Taken up, and

Read second time and

Referred to committee on Towns and counties.

H. F. No. 17, was then.

Taken up, and

Read a second time, and  
Referred to committee on Judiciary.

On motion of Mr. Lawrence,

The House resolved itself into committee of the whole to take into consideration H. F's No. 8, 9 and 12.

Mr. Turner in the chair.

After some time spent therein the committee arose and through their chairman reported as follows :

MR. SPEAKER :—The committee of the whole have had under consideration H. F. No. 8, An act regulating the weight of grain &c., and the amendments thereto, reported by the special committee. They have made the following amendment to the amendments :

“Strike out seven cubic feet” and insert “three hundred and forty three cubic feet.

And have instructed their chairman to report the Bill back to the House and ask to be discharged from its further consideration.

The committee have also had under consideration H. F. No. 9, An act prescribing the manner of contesting the election of county officers, but have not come to any conclusion thereon.

The committee have also had under consideration H. F. No. 12, An act changing the time of holding the District Court in the second Judicial District.

They have gone through with the same and ask to be discharged from its further consideration.

On motion of Mr Turner

The amendment to the amendments to H. F. No. 8 was adopted.

Mr. Turner moved that the amendments as amended be adopted.

Which motion prevailed.

The Bill was then ordered engrossed for a third reading.

Mr. Turner moved that H. F. No. 9 be laid upon the table.

Which motion did not prevail.

On motion of Mr. Hanson,

The report of the chairman of the committee of the whole

was adopted.

H. F. No. 12 was then

Taken up. and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 14, nays 5 as follows:

Those who voted in the affirmative were

Messrs. Burgess, Christy, Kegan, Kellogg, Lemouges, Lawrence, Matthews, McCarthy, Pratt, Reed, Rouse, Stickney, Turner and Wall,

Those who voted in the negative were

Messrs. Collar, Hanson, Matthiesen, Shriner and Mr. Speaker.

So the Bill passed, and its

Titlo was agreed to.

Mr. Stickney moved that when the House adjourn it adjourn until Monday next at halfpast 10 o'clock A. M.

Which motion prevailed.

On motion of Mr. Stickney,

The House adjourned.

W. W. BROOKINGS.

*Speaker.*

GEO. I. FOSTER. *Chief Clerk*

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FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
Monday, Dec. 19, 1864. }

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

Speaker in the chair.

Prayer by Rev. Mr. Golliday.

Roll called.

The following named members were absent, to wit :

Messrs. Burgman, Christy, Fallas and Owens.

The journal of the 17th was then read and approved.

Mr. Rouse, chairman of the committee on Internal improvements, submitted the following report:

MR. SPEAKER :—Your committee on Internal Improvements to whom was referred House File No. 16, have had the same under consideration and report the same back, and recommend that it be engrossed, for third reading.

JOHN ROUSE,  
*Chairman.*

Mr. Kegan, chairman of committee on Towns and Counties, submitted the following report :

MR. SPEAKER :—Your committee on Towns and Counties, have had under consideration Council Bill No. 4, and report the same back without amendment and recommend its passage.

PETER KEGAN,  
*Chairman.*

Mr. Kegan chairman of the committee on Towns and Counties, submitted the following report :

MR. SPEAKER :—Your committee on Towns and Counties, have had House File No. 15 under consideration, and report the same without amendment, and recommend its passage.

PETER KEGAN,  
*Chairman.*

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

MR. SPEAKER :—Your committee on elections, to whom was referred House File No. 14, An act concerning vacancies and special elections, have had the same under consideration and

beg leave to report the same back and recommend its passage.

M. M. MATTHIESEN,  
*Chairman.*

Mr. Lawrence chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred House File No. 8, have examined the same, and report the same back as correctly engrossed.

JOHN LAWRENCE.  
*Chairman.*

The following communication was received from the Council.

COUNCIL CHAMBER, }  
Dec. 19th, 1864. }

MR. SPEAKER:—I have the honor to inform the House that the Council has concurred in and passed H. F. No. 6.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. McCarthy gave notice that he will on to-morrow or some subsequent day of this session, introduce a Memorial to Congress praying for the establishment of a mail route from Bon Homme to the Ponca Agency via the mouth of Ponca Creek.

Mr. Hanson gave notice, that he will on to-morrow or some subsequent day of the session, introduce a Memorial to the President of the United States, praying that the public lands of the Territory be withheld from market.

Mr. Lawrence introduced H. F. No. 19, An act in relation to summoning grand and petit jurors.

Read first time.

Mr. Kegan introduced H. F. No. 20, An act to regulate and license the keeping of dogs.

Read first time.

Mr. Burgess introduced H. F. No. 21, An act regulating

the height of fences and creating a board of fence viewers, and their duties.

Read first time.

Mr. Turner moved that Mr. Burgman be excused for non-attendance on account of sickness.

Which motion prevailed.

Mr. Stickney moved that Mr. Christy be excused for non-attendance this day.

Which motion prevailed.

C. B. No. 5, was then

Taken up, and

Referred to committee on Internal Improvements.

C. B. No. 4, reported back by the committee on Towns and Counties, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood :

Yeas 16, nays 2, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Collar, Hanson, Kegan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, McCarthy, Reed, Rouse, Stickney, Turner, Wall and Mr. Speaker.

Those who voted in the negative were

Messrs. Pratt and Shriner.

So the bill passed, and its

Title was agreed to.

H. F. No. 18, was then

Taken up, and

Read a second time, and

Referred to committee on Education.

H. F. No. 8, reported back by the committee on Engrossment, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 18, nays none, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Collar, Hanson, Kegan, Kellogg, Lawrence, Lemouges, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 16, reported back by the committee on Internal Improvements, was then

Taken up, and

Referred to committee on Engrossment.

H. F. No. 14, reported back by the committee on Elections, was then

Taken up, and

On motion of Mr. Stickney,

The consideration of the bill was dispensed with for the present.

H. F. No. 15, reported back by the committee on Towns and Counties, was then

Taken up, and

On motion of Mr. Turner,

The consideration of the bill was dispensed with for the present.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 19th, 1864. }

MR SPEAKER:—I have the honor to inform the House that the Council have passed C. B. No. 6, entitled An act authorizing the Governor to appoint and commission a County Superintendent of Public Instruction in and for the county of Yankton, and respectfully ask the concurrence of the House therein.

GEO. N. PROPPER,  
*Secretary of Council.*

On motion of Mr. Hanson,

The House resolved itself into committee of the Whole on H. F. No. 9.

Mr. Hanson in the chair.

After some time spent therein, the Speaker resumed the chair, and

Mr. Hanson reported that the committee having according to order, had under consideration H. F. No. 9, An act prescribing the manner of contesting the election of county officers, had directed him to report the same with sundry amendments.

On motion of Mr. Stickney,

The bill and report of the committee of the whole House were postponed until to-morrow.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 19th, 1864. }

MR. SPEAKER:—I have the honor to inform the House that the Council have passed C. B. No. 9, entitled a Memorial to the Quartermaster of the First Military District, Department of the North West, and respectfully ask the concurrence of the House therein.

GEO. N. PROPPER,  
*Secretary of Council.*

On motion of Mr. Turner,

C. B. No. 9, a Memorial to Quartermaster of the First Military District of the North West, was then

Taken up, and

Read first time, and

On motion of Mr. Turner,

The rules were suspended, and the Memorial

Read second time.

Mr. McCarthy moved to strike out "Snatch Creek," and insert something more appropriate.

Mr. Turner moved to lay the Memorial on the table.

The yeas and nays being call for and ordered the vote stood,

Yeas 10, nays 6, as follows:

Those who voted in the affirmative were

Messrs. Collar, Hanson, Kegan, Kellogg, Lemouges, Matthiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Stickney, and Turner.

Those who voted in the negative were

Messrs. Burgess, Lawrence, Pratt, Wall and Mr. Speaker.  
So the motion prevailed.

On motion of Mr Lawrence.

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

W. W. BROOKINGS,  
*Speaker*

GEO. I. FOSTER, *Chief Clerk.*

### SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
Tuesday, Dec. 20, 1864. }

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

Speaker in the chair.

Prayer by the Rev. Mr. Golliday.

Roll called:

The following named members were absent to wit:

Messrs Burgman, Christy, Fallas and Owens.

The Speaker then announced that he had received information believed to be reliable, that Gen. Sherman is in possession of Savannah; whereupon

Mr. Hanson introduced the following preamble and resolutions:

WHEREAS, It having been formally announced to this House

by the Speaker, that information of an authentic nature had reached him, imparting the joyful intelligence of the fall of Savannah, Georgia, and its occupation by the Federal forces under Gen. Sherman, therefore, be it

*Resolved*, That we recognize in this astonishing march of Gen. Sherman's through the very center of Rebellom, the genius of a great commander guided by wisdom from God.

*Resolved*, That before the tramp of that great army of freemen, armed and equipped as the laws of man and God provide, with the sword of freedom and in the habiliments of justice—dastard treason, cringing like a cur before its master, has felt the power of the still strong arm of the U. S. Government, beheld its swift approaching doom, and heard in the boom of the cannon the voice of Abraham calling upon his lost children to return to the Union and enjoy the blessings of a free, just and enlightened government.

*Resolved*, That we have unfaltering faith that the dark abodes of treason and slavery thus lighted up by the burnished bayonets of Unionists, will shine brighter and brighter with the light of liberty, until beacon fires of loyalty and peace are kindled upon every mountain top, and shine o'er each valley, by which their people will re-read our constitution with more enlightened minds and compose songs in honor of our country until every breeze from the south comes to northern shores freighted with rich music to our Union's praise and perpetuity.

The resolution was adopted.

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

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 20th, 1864. }

MR SPEAKER:—I am instructed to inform the House that the Council have passed C. B. No. 10, entitled "An act qualifying section fifty one of chapter nineteen general laws of 1863-4, and respectfully request the concurrence of the House therein.

GEO. N. PROPPER.

*Secretary of Council.*

Mr Pratt, presented the petition of E M Bond claiming a seat

in the House.

Mr Turner moved to refer the petition to the committee on Elections.

Mr Hanson moved to postpone its consideration until the fifth day of January next, and demanded the previous question.

The yeas and nays being called for and ordered the vote stood.

Yeas 12, nays 6 as follows :

Those who voted in the affirmative were

Messrs. Burgess, Collar, Hanson, Kegan, Matthiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Wall and Mr. Speaker

Those who voted in the negative were

Messrs. Kellogg, Lamouges, Lawrence, Pratt, Stickney and Turner.

So the main question was put,

The yeas and nays being called for and ordered the vote stood.

Yeas 11, nays 7, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Collar, Hanson, Kegan, Matthiesen, Matthews, Reed, Rouse, Shriner, Wall and Mr. Speaker.

Those who voted in the negative, were

Messrs. Kellogg, Lemouges, Lawrence, Pratt, Stickney, Turner and McCarthy.

Mr. Hanson moved that the vote last taken be reconsidered and also that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Hanson, chairman of the committee on Judiciary, submitted the following report :

Mr. SPEAKER :—Your committee on Judiciary to whom was referred H. F. No. 17, " An act respecting the obstructions of Highways, Encroachments thereon and Penalties." have had the same under consideration, and beg leave to report the bill back to the House and recommend that it do lay upon the table until the adoption of a Penal Code.

J. B. HANSON

*Chairman.*

Mr. Rouse, chairman of the committee on Internal Improve

ments, submitted the following report :

MR. SPEAKER :—The committee on Internal Improvements have had under consideration council bill No. 5, and would respectfully ask leave to report the same back without amendments and recommend the concurrence of the House.

J. H. ROUSE.

*Chairman.*

Mr. Lawrence chairman of the committee on Engrossment, submitted the following report :

MR. SPEAKER :—Your committee on Engrossment have examined H. F. No. 16, and report the same as correctly engrossed.

JOHN LAWRENCE.

*Chairman.*

Mr. Matthews gave notice that on to-morrow or some future day he will ask leave to introduce a memorial for proper Military protection.

Mr. Kellogg gave notice that he will on to-morrow or some future day introduce a bill to provide for an act to locate a Territorial road from Big Sioux Point by way of Brule Creek to the north boundary of Union county.

Mr Lawrence introduced H. F. No 22, "Memorial to Congress asking the construction of a Government wagon road from Ft. Randall in Dakota to Virginia City in Montana Territory.

Read first time.

C. B. No. 6, "An act authorizing the Governor to appoint and commission a County Superintendent of Public Instruction in and for the county of Yankton," was then

Taken up, and

Read a first time.

C. B. No. 10, An act qualifying section fifty one of chapter nineteen, general laws of 1863-64, was then

Taken up, and

Read a first time.

On motion of Mr Kellogg,

C. B. No. 9 was taken from the table.

Mr. McCarthy withdrew his motion of yesterday, to amend-

Mr. Stickney moved the adoption of the following amendments : In line 7 strike out the words "the said" and insert the words "Big Sioux River," also the words "a like' bridge across the Vermillion River," In line eighteen insert after the word "bridging" the word "Ponca."

The yeas and nays being ordered, the vote stood

Yeas 9, nays 9, as follows :

Those who voted in the affirmative were

Messrs, Kegan, Kellogg, Lemouges, Matthews, McCarthy, Rouse, Reed, Stickney, and Wall

Those who voted in the negative, were

Messrs. Burgess, Collar, Hanson, Lawrence, Matthieson, Pratt, Shriner, Turner, and Mr Speaker.

So the motion did not prevail.

Mr. McCarthy moved the adoption of the following amendment : Insert the words "and Ponca" after the word "Choteau" and before the word "Creeks;" also strike out the word "and" before the word "Choteau."

Mr. Stickney moved the adoption of the following amendment to the amendment : after the word "Choteau" insert also the words "the dry Choteau"

The question being upon the adoption of the amendment to the amendments.

It did not prevail.

The question then recurring upon Mr McCarthy's motion,

It prevailed.

The memorial was then

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 13 nays 4 as follows :

Those who voted in the affirmative were

Messrs Burgess, Collar, Hanson, Kegan, Lawrence, Matthieson, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney and Wall.

Those who voted in the negative, were

Messrs. Kellogg, Lemouges, Matthews, and Turner.

So the memorial passed, and its

Title was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER. }  
Dec. 20, 1864. }

MR. SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 7, entitled "An act requiring compensation for causing death by wrongful act, neglect or default," and respectfully request the concurrence of the House therein.

GEO. N. PROPPER

*Secretary of Council.*

H. F. No. 19, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Judiciary.

H. F. No. 20, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Indian Affairs.

H. F. No. 21, was then  
Taken up, and  
Read a second time, and  
Referred to committee on Agriculture.

The following communication was received from the Council:

COUNCIL CHAMBER }  
Dec. 20, 1864. }

MR. SPEAKER:—I am instructed to inform the House, that the Council have passed H. F. No. 2, An act legalizing the acts of certain County officers of Yankton county, which is herewith transmitted.

GEO. N. PROPPER.

*Secretary of Council*

H. F. No. 16, reported back by the committee on Engrossment, was then  
Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood:

Yeas 18, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Mathews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr Speaker.

So the bill passed, and its

Title was agreed to

H. F. No. 17, reported back by the committee on Judiciary was then

Taken up, for consideration.

Mr. Lawrence moved to postpone the consideration of the bill.

Which motion did not prevail

Mr. Turner moved its postponement until the 5th of January next.

Which motion did not prevail.

Mr. Hanson moved that the bill be laid upon the table.

Which motion prevailed.

C. B. No. No. 5, reported back by the committee on Internal Improvements, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood.

Yeas 17, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Burgess, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Mathews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner and Wall.

So the bill passed and its

Title was agreed to

Mr Turner moved that we now adjourn.

Which motion did not prevail.

H. F. No. 9. was then

Taken up for consideration

Mr. Hanson moved to concur in the amendment made in

committee of the Whole House on the 19th. instant,

Which motion prevailed.

Mr. Shriner moved to strike out the words "County Clerk" wherever they occur in the bill and insert "Register of Deeds" in lieu thereof.

Which motion prevailed.

The bill was then ordered engrossed for a third reading.

H. F. No. 14, reported back by the committee on Elections, was then

Taken up for consideration.

Mr. Turner moved to lay the bill upon the table.

Which motion did not prevail.

The bill was then

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood:

Yeas, 14, noes 4, as follows;

Those who voted in the affirmative were

Messrs. Burgess, Collar, Hanson, Kegan, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Shriner, Stickney, Wall and Mr. Speaker.

Those who voted in the negative were

Messrs. Kellogg, Pratt, Rouse and Turner.

So the bill passed, and its

Title was agreed to.

Mr. Rouse moved to adjourn until to morrow at 10 o'clock  
A. M.

Which motion did not prevail.

H. F. No. 15, reported back by the committee on Towns and Counties, was then

Taken up, and

Read a third time,

Mr. Shriner moved to adjourn until to morrow at 11 o'clock  
A. M.

Which motion did not prevail.

The bill was then put upon its passage.

Mr. Hanson moved a call of the House.

Which being ordered, the following members answered to their names :

Messrs. Burgess, Collar, Hanson, Kegan, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

Mr. Turner moved that the Sergeant at Arms be ordered to bring in the absentees.

Which motion did not prevail.

Mr. Turner moved to adjourn until to morrow morning at half past 10 o'clock.

Which motion did not prevail.

Mr. Hanson called for the question, and.

The Speaker ordered the yeas and nays upon the passage of the bill.

The result stood :

Yeas 15, nays 2, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Collar, Hanson, Kegan, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney and Wall.

Those who voted in the negative were

Mr. Turner and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

On motion of Mr. McCarthy,

The House adjourned until to morrow at 10 o'clock A. M.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES }  
 Wednesday, Dec. 21, 1864. }

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

Speaker in the Chair.

Prayer by the Chaplain.

Roll called

The following named members were absent, to wit :

Messrs Burgman, Fallas, Owens and Reed.

The Journal of the 20th, inst. was then read and approved.

Mr. Hanson chairman of the committee on Judiciary submitted the following report :

MR. SPEAKER :—A majority of your committee on Judiciary to whom was referred H. F. No. 3, " An act concerning money of account, and fixing a rate of Interest of money," have had the same under consideration and beg leave to report the bill back to the House with the following amendments and recommend that it do pass, to wit :

Strike out all between sections two and six and insert the following :

Section 3. Any rate of interest agreed upon by parties in contract, specifying the same in writing shall be legal and valid.

Sec. 4. When no rate of interest agreed upon, or specified in a note, or other contract, six per centum per annum, shall be the legal rate.

Sec. 5. All Judgments that may be hereafter recovered in any court of this Territory shall, from and after the rendition of the same, draw interest at the rate of ten per cent. per annum.

J. R. HANSON, *Chairman:*

W. S. SPENCER:

Mr. Lawrence chairman of the committee on Engrossment submitted the following report:

MR. SPEAKER:—Your committee on Engrossment have examined H. F. No. 9, and report the same back as correctly Engrossed.

JOHN LAWRENCE.

*Chairman.*

Mr. Turner offered the following preamble and resolution:

WHEREAS, A petition was presented on the 20th inst. to this House, signed by the Hon. E. M. Bond, claiming a seat as Representative from Clay county, and averring in said petition that he was prepared by proof to substantiate such claim, and prayed the House of Representatives to take such action thereon as would give him a hearing, and whereas the House did by their acts refuse said petitioner, the opportunity of a hearing in the averments set forth in said petition; now therefore

*Resolved,* That rule first in the order of business be stricken from the same, and the call for presentation of petitions, suspended in the order of business.

On motion of Mr. Turner.

The resolution was laid upon the table until the 5th of January next.

C. B. No. 7, "An act regulating compensation for causing death by wrongful act, neglect or default," was then.

Taken up, and

Read a first time, and

The rules were suspended, and

The bill read a second time, and

On motion of Mr. Turner,

The bill was laid on the table until after the report of the committee on the Penal Code.

C. B. No. 6, was then,

Taken up, and

Read a second time, and

Referred to the committee on Education.

H. F. No. 23, was then

Taken up, and  
 On motion of Mr. Stickney,  
 Referred to select committee of five.  
 The Speaker appointed Messrs. Stickney, Collar, Lawrence,  
 Wall and McCarthy such committee.

H. F. No. 9, reported back by the committee on Enrollment  
 was then

Taken up, and  
 Read a third time and put upon its passage.  
 The yeas and nays being ordered the vote stood,  
 Yeas 16, nays 1, as follows :  
 Those who voted in the affirmative were :  
 Messrs. Burgess, Christy, Collar, Hanson, Kegan, Kellogg,  
 Lemouges, Lawrence, Matthiesen, Mathews, McCarthy, Rouse,  
 Shriner, Stickney, Wall and Mr. Speaker.

Mr. Turner voted in the negative.

So the bill passed and its

Title was agreed to.

On motion of Mr. Turner,

The House resolved itself into the committee of the whole  
 House on H. F. No. 3, and

After some time spent therein, the  
 Speaker resumed the chair, and

Mr. Kellogg, reported that the committee having, according  
 to orders, had H. F. No. 3, under consideration, had directed  
 him to report the same with sundry amendments.

The House having proceeded to the consideration of the said  
 bill,

Mr. Turner moved to concur in the amendments as reported  
 by the committee of the whole House.

Which motion prevailed.

On motion of Mr. Turner,

The bill was ordered engrossed for a third reading to-mor-  
 row.

The following communication was received from the Coun-  
 cil :

COUNCIL CHAMBER, }  
Dec. 21st, 1864. }

MR. SPEAKER:—I am instructed to inform the Hon. House that the Council has passed C. B. No. 11, entitled "An act locating a Territorial road from the Big Sioux river to Yankton," which is herewith transmitted, and the concurrence of the House respectfully solicited therein.

GEO. N. PROPPER,  
*Secretary of Council.*

COUNCIL CHAMBER, }  
Dec. 21st, 1864. }

MR. SPEAKER:—I am instructed to inform the Hon. House that the Council has passed H. F. No. 18, "An act granting o Christopher Maloley a ferry charter across the Missouri triver," and transmit the same herewith.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Turner moved that when the House adjourn, it [adjourn until to-morrow at 10 o'clock A. M.

Which motion prevailed.

On motion of Mr. Turner,  
The House adjourned.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Thursday, Dec. 22, 1864. }

House met pursuant to adjournment, and was called to order  
by the  
Speaker in the chair.

Prayer by the Chaplain of the Council.

Roll called.

The following named members were absent, to wit:  
Messrs. Burgman, Collar, Fallas, Owens, Pratt and Shriners.

The journal of the 21st inst. was then read and approved.

Mr. Stickney, chairman of the committee on Education, submitted the following report:

MR. SPEAKER:—Your committee on Education to whom was referred C. B. No. 6, have had the same under consideration, and report the same back and recommend its passage.

GEO. STICKNEY,  
*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment, have examined H. F. No. 3, and report the same as correctly Engrossed.

JOHN LAWRENCE  
*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that they have examined, H. F's. No's. 2 and 6, and find the same correctly Enrolled.

J. R. HANSON,  
*Chairman.*

Mr. Stickney, chairman of the Special committee to whom

was referred H. F. No. 22, a Memorial to Congress asking for the construction of a Government wagon road from Fort Randall, in Dakota, to Virginia City, in Montana Territory, submitted the following report:

MR. SPEAKER:—Your Special committee, to whom was referred H. F. No. 22, have had the same under consideration, and beg leave to report the same back with attached amendments, and recommend its passage.

GEO. STICKNEY,  
*Chairman.*

Mr. Reed introduced H. F. No. 23, An act for foreclosing mortgages.

Read a first time, and  
On motion of Mr. Burgess,  
The rules were suspended, and  
The bill read a second time, and  
Referred to committee on Judiciary.

Mr. Hanson introduced H. F. No. 24, Joint Resolution relating to the employment of an Enrolling Clerk for the Council and House of Representatives."

Read first time, and  
On motion of Mr. Hanson,  
The rules were suspended, and  
The bill read a second time, and  
On motion of Mr. Wall,  
The rules were suspended, and  
The bill read a third time and put upon its passage:  
The yeas and nays being ordered the vote stood,  
Yeas 15, nays none, as follows:

Those who voted in the affirmative were  
Messrs. Burgess, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Turner, Wall and Mr. Speaker.

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

Mr. McCarthy, introduced H. F. No. 25, a Memorial and Joint Resolution, praying for the establishment of a mail route

from Bon Homme to Ponca Agency, D. T.

Read first time, and

On motion of Mr. McCarthy,

The rules were suspended, and the bill

Read a second time, and

Referred to committee on Federal Relations..

Mr. Turner moved that Mr. Bratt be excused until next Wednesday, on account of sickness in his family..

Which motion was agreed to.

Mr. Hanson moved that Mr. Shriner be excused until next Tuesday, on account of sickness in his family..

Which motion was agreed to.

Mr. Lawrence moved that Mr. Reed be excused for non-attendance on the 21st inst.

Which motion was agreed to.

Mr. Turner moved that Mr. Burgman be excused for non-attendance, on account of the severe illness of one of his colleagues..

Which motion was agreed to..

C. B. No. 11, An act locating a Territorial road from the Big Sioux River to Yankton, was then

Taken up, and

Read first time..

C. B. No. 10, was then

Taken up, and

Read second time and,

Referred to committee on Judiciary..

H. F. No. 3, reported back by the committee on Engrossment, was then

Taken up, and

Read third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 14, nays 2, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Hanson, Kegan, Kellogg, Lemouges, Law-

rence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Turner, Wall and Mr. Speaker.

Those who voted in the negative were,  
Meesrs. Christy and Stickney.  
So the bill passed, and its  
Title was agreed to.

The following communication was received from the Chairman of the Board of Education :

TERRITORY OF DAKOTA,  
OFFICE BOARD OF EDUCATION,  
YANKTON, Dec. 22, 1864. }

SIR :—Please find herewith enclosed Report of the Board of Education, together with the Report of the Superintendent of Public Instruction, in compliance with a resolution adopted by your Honorable body on the 16th instant.

I am, Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS,

*Chairman Board Education.*

TO HON. W. W. BROOKINGS,

*Speaker House Representatives.*

## REPORT OF BOARD OF EDUCATION AND SCHOOL SUPERINTENDENT.

TERRITORY OF DAKOTA, }  
OFFICE BOARD OF EDUCATION,  
YANKTON, December 22, 1864. }

*To the Legislature of the Territory of Dakota :*

The Board of Education, in compliance with the resolution of the honorable House of Representatives of the 16th day of December, 1864, requesting them to make a report of their official doings, and of the condition of the Schools of the Territory, report ;

That measures have been taken to put the machinery of our school system in working order. And although we have now

no organized schools, it is hoped that early in the summer of 1865, school districts will be formed in every county, and that at the close of another school year full and complete returns will be made to the Territorial Superintendent, as required by law.

In August last a Territorial Superintendent of Schools was appointed, and at the elections held last fall, the lower counties elected County Superintendents. The first Annual Report of the Superintendent of Schools to the Board of Education is transmitted herewith, and forms a part of this Report.

The Board wishes particularly to call the attention of the Legislature to the recommendation of the Superintendent in regard to alterations of the present School Law, and to new enactments, if any are necessary, to ensure the assessment and collection of the per capita tax authorized by section fifty-two of School Law for the support of Common Schools.

The Board further recommend the passage of an act amending section three of the School Law, by making it the duty of the Territorial Superintendent to examine and license teachers, whenever circumstances shall make it necessary, or when County Superintendents refuse or neglect to serve.

It may not be improper for the Board to make a few suggestions to you, and through you to your constituents, on the necessity of early and prompt action in the matter of organizing school districts in every county, and erecting a suitable school house therein. The materials for a school house may be collected during the present winter, so that early in the spring a comfortable building can be erected with a trifling expense to each patron of the school.

In selecting a site for a school house, all personal feeling and selfish interest should be laid aside, and a pleasant spot selected, which shall be easy of access and convenient for all, the grounds enclosed with a substantial fence, and ornamented with shade trees.

Any assistance needed in the formation of new districts, or in advancing the interest of schools in any community will doubtless be cheerfully given by the county Superintendents.

Upon these officers will devolve most of the labor of organizing the schools, and upon their efficiency and faithfulness depends in a great measure their ultimate success. It is to be hoped therefore, that all school officers to whom is committed one of the dearest interests we have—the education of our children, will be vigilant in the discharge of every duty. Hopeful amid all discouragements, patient under all trials, earnest at all times, and faithful in all things pertaining to their official relations, which will require at times the use of the highest faculties of mind and call for the untiring devotion of the noblest energy of soul. It is to be hoped that every citizen of the Territory will feel called upon to do all in his power to aid in placing our schools at once on a level with those of our sister Territories. All of which is respectfully submitted.

N. EDMUNDS,	} Board of Education for Dakota Territory.
JOHN HUTCHINSON,	
J. O. TAYLOR,	

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### SUPERINTENDENT'S REPORT.

YANKTON, D. T., Dec. 13th, 1864.

*To the Board of Education for the Territory of Dakota :*

In compliance with the requirements of Sec. 3, of the School Law of this Territory, the Superintendent of Schools would respectfully submit his Annual Report :

Sec. 3 of the School Law, passed at the last session of the Legislature, make it the duty of the Superintendent of Public Instruction "to make a report of his official doings for the preceding year, to the Board of Education at their annual meeting, to give a statement of the condition of the common schools of the Territory, of the expenditures of school moneys therein, and such suggestions for improving their organization and modes of instruction, together with such other information in regard to systems of schools in other states and countries, as he shall deem proper."

Since my appointment as clerk of the Board of Education in August last, nothing has been attempted to be done in the way of organizing the public schools of the Territory.

I have therefore no "official doings" to report.

I have to offer as an excuse for my seeming want of interest in the cause of Education, that I had no official assistants, and deemed it proper to wait until the office of county Superintendent in the several counties was filled, which it was hoped would be done at the general election to be held on the 11th of October.

At that election the following counties elected Superintendent of Schools, viz :

Union County; Sidney Goucher, of Brule Creek.

Clay County; J. W. Boyle, of Vermillion.

Yankton County; E. Stutsman, of Yankton.

Bon Homme County; James Dickey, of Bon Homme.

These officers were elected for the school year commencing Nov. 1st, 1864 and ending Oct. 31st, 1865. I have received no reports from county Superintendents for the reason, I presume that there are no organized school districts in the Territory. I have no statistics therefore to show the number of children in the Territory between the ages of 4 and 21. But on careful inquiry I am confident that there is over 600 children claiming the privileges of school at this time, and it is but reasonable to expect this number to be greatly increased by immigration during the coming spring.

Although there are no organized school districts in the Territory, there have been numerous private schools in successful operation.

In Union, Clay, Yankton, Bon Homme and Todd counties, these schools have been quite liberally patronized, showing that the people of the Territory are willing to make whatever sacrifice is necessary that they may educate their children. About 300 pupils have attended these schools within the last school year.

Owing to the fact that most of the children of the Territory have been kept a long time from school in consequence of liv-

ing on the frontier, our schools are rather backward and the teaching required is mostly primary.

But it is encouraging to see the eagerness of the pupils to overcome all difficulties and make the best of their opportunities for acquiring an education.

There has been no appropriation for the support of schools as yet, consequently I have no "expenditures of school moneys" to report.

It is important that the initiatory steps be taken by the school officers as early as practicable to secure to each county a school fund.

There is no enterprise connected with the interests of this Territory that would pay so large a dividend on the capital invested as an assessment for school purposes.

Without taxation we can have no successful school system. The general government generously pays all the expenses of the Territorial Government in order that the people may be relieved from the heavy burden of taxes which such expenses would necessarily impose upon the settlers of sparsely settled Territories. But since the General Government relieves us from a heavy burden of taxation, shall we refuse or neglect to raise a light tax for the support of so vital an interest as that of common schools. Without schools we shall make but very slow progress in all that pertains to the improvement of society, and the attainment of that social and political importance which, with a good school system, we have a right reasonably to expect. Without schools, the valuable homesteads in our healthy and fertile valley, would have no value in comparison with the rugged farms among the hills and rocks of New England, where schools abound.

The hardy New Englander gives many an unrequited day of toil in cultivating his rugged fields for the support of his family, but he has the pleasing consciousness of knowing that his children are acquiring, day by day, an education that will prepare them to fill almost any station in life they may be called to occupy, with credit to themselves and honor to their parents.

But the heart of the honest pioneer of the West, often,

sickens within him, when he realizes that his children are growing up to to man's and woman's estate without even the rudiments of an education; and yet, strange as it may appear, some people discountenance taxation even for school purposes. Can nothing be done to break the spell which binds the people of this Territory, and makes them cry out against all taxation.

It is remarked that we have an ample school fund in prospective, which we are happy to admit is true, but it avails us nothing *now*. We want schools for the education of *our* children, and we want them *now*. If we wish for an enterprising and intelligent people to come to this Territory and settle among us, to bring their families with them, and make this their home, we must provide them with the means of giving their children at least a good common school education.

If the existing laws of the Territory were enforced we should be provided with a considerable sum yearly for the use of schools.

I can see no good reason why the \$1,00 per capita tax authorized by Sec. 52 of the school law of the session of 1863-64 should not be enforced. This tax could easily be collected and would form the basis of a school fund. An act passed by the Legislature of the session of 1863-64—To prevent the sale of spiritous and vinous liquors to miners and for other purposes, places all fines for the violation of the same to the credit of the school fund, and there may be other laws, the forfeit money for the violation of which accrues to the school fund, but for the want of any prosecuting officer these laws when violated are never prosecuted.

I would recommend that the Board of Education communicate with the Legislature now in session and ask for the enactment of a law making it obligatory upon county assessors to levy and collect the per capita tax authorized for the support of schools, and also to pass a law requiring county attorneys to prosecute for violations of all laws by which a revenue will accrue to the school fund.

Also to amend Sec. 11, of the school law by making it the duty of the county Superintendents of schools to divide the

county into school districts in the same manner as is now requires of the board of commissioners.

It seems to be the legitimate duty of the county Superintendent to do this work and certainly it would greatly facilitate the formation of new districts.

I would also recommend that the board ask for a law appropriating all moneys received from licenses to the support of schools. These sums would create a school fund which would materially aid the common schools of this Territory, and which would gradually increase from year to year.

Uniformity in text books is essential to the success of public schools in any state or Territory. From the best information I can obtain from the teachers engaged in the private schools, I conclude that there is the usual variety of text books in use in the schools of this Territory. This multiplicity of school books, perplexes the teacher, retards the advancement of the school, and is continually a source of annoyance and expense to the patrons and should never be allowed. There will never be a better time to take the steps necessary to avoid these difficulties than the present.

Sec. 7 of the school law makes it binding upon the board of Education to select a list of text books for the use of public schools, which list they shall cause to be published in all the newspapers of the Territory, and after such publication no other text books shall be used in the public schools of this Territory.

Full one-half the school books now in use are those published by Barnes and Burr and known as the National School Series, and kept on sale by our townsman Mr. A. F. Hayward.— During the last summer, these books have been extensively, and in some counties almost universally introduced into the schools.

Having been for a long time acquainted with the national series and knowing their merits, I therefore recommend that this board select the series of school books published by A. S. Barnes and Burr, and known as the "National school series," as the list of text books to be used in the public schools of this Territory.

This series is justly popular and has been adopted by a majority of the State Boards of Education.

Sec. 8. of the school law requires the superintendent of public Instruction to furnish copies of his annual report to the members of the Board of Education and the members of the Legislature.

From the performance of this task I must respectfully ask to be excused, unless there is some means of printing the same, in which case I would cheerfully comply with the requirements of the statute

One great hinderance in the work of organizing the public school of this Territory is the non-performance of the duties of school officers.

This is in part owing to the fact that all school officers get no remuneration for the time spent in the performance of their official duties. School officers should be willing to devote the necessary time required to promote the interests of school in the Territory without pay, but if Territorial and county orders should be promptly issued in payment for their services, I think it would have a tendency to insure greater promptness on the part of school officers than will be likely to exist otherwise.

I have farther to ask that this board take such measures as it shall deem proper to provide the necessary books, papers, stamps, and stationery for conducting the official business of the "office of the board of education."

In conclusion let me express the hope that ere another year has passed away, the machinery of our school system will be harmoniously at work and that every neighborhood in this valley will have a public school in which to instruct their children and prepare them for future usefulness.

JAMES S. FOSTER.

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On motion of Mr. Turner.

The report was laid upon the table and ordered printed.

C. B. No. 6, reported back by the committee on Education, was then

Taken up, and  
On motion of Mr. Turner  
Laid on the table.

On motion of Mr. Turner,  
The House resolved itself into the committee of the whole  
House, on H. F. No. 22, and after some time spent therein, the  
Speaker resumed the chair, and

Mr. Turner reported that the committee having, according  
to order, had H. F. No. 22, under consideration, had directed  
him to report the same with sundry amendments.

The House having proceeded to the consideration of the said  
bill.

Mr. Lawrence moved to concur in the amendments.

Which motion was agreed to, and

The bill was ordered engrossed for a third reading to-mor-  
row.

The following communication was received from the Coun-  
cil:

COUNCIL CHAMBER, }  
Dec. 22nd, 1864. }

MR. SPEAKER:—I am instructed to inform the House that the  
Council has passed H. F. No. 24, entitled “Joint Resolution  
relative to the employment of an Enrolling Clerk for the Coun-  
cil and House of Representatives,” and transmit the same here  
with.

GEO. N. PROPPER.

*Secretary of Council.*

Mr. Wall, from the committee on Indian Affairs, submitted  
the following report:

MR. SPEAKER:—Your committee on Indian Affairs, have  
had under consideration H. F. No. 20, “An act to regulate  
and license the keeping of dogs,” and report the same back and  
recommend its indefinite postponement.

E. W. WALL.

*Chairman.*

On motion of Mr. McCarthy,  
The House resolved itself into the committee of the whole

House on the bill; and after some time spent therein,

The Speaker resumed the chair, and

Mr. Lawrence reported that the committee having, according to order, had H. F. No. 20, under consideration, had directed him to report the bill to the House.

The House having proceeded to the consideration of the said bill.

Mr. Hanson moved to lay it upon the table, until after the passage of the bill prohibiting the laying out of strychnine &c.

Mr. Kellogg moved to amend the motion by striking out "until after the passage of the bill prohibiting the laying out of strychnine &c.," insert in lieu thereof "until the fifth of January next."

The question recurring upon the amendment,

It was agreed to.

The question then recurring upon the motion as amended.

It was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 22nd, 1864. }

MR SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 1, "An act establishing Probate Courts, defining the Jurisdiction thereof, and prescribing the proceedings therein," which is herewith transmitted and the concurrence of the House is respectfully solicited.

GEO. N. PROPPER,

*Secretary of Council.*

Mr. Wall moved to adjourn.

Mr. Rouse moved that when the House do adjourn, it adjourn to meet at half past ten to-morrow morning,

Which motion, taking precedence of the motion to adjourn, was put and

Agreed to.

On motion of Mr. Wall.

The House adjourned.

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## NINETEENTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Friday, Dec. 23, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent to wit :

Messrs Collar, Fallas, Owens, Pratt, and Shriner.

The Journal of the 22d inst. was then read and approved.

The following communication was received from the Council:

COUNCIL CHAMBER }  
 Dec. 23, 1864. }

MR. SPEAKER :—I am instructed to inform the House that  
 the Council has passed C. B. No. 13, An act incorporating the  
 town of Spring Lake in Todd county, and herewith transmit  
 the same and respectfully request the concurrence of the House  
 therein.

GEO. N. PROPPER

*Secretary of Council.*

Mr. Hanson, chairman of the committee on Judiciary, sub-  
 mitted the following report :

MR. SPEAKER:—Your committee on Judiciary, to whom was  
 referred C. B. No. 10, An act qualifying section fifteen of chap-  
 ter nineteen general laws of 1863-4, beg leave to report the  
 same back to the House and recommend that it do pass.

J. R. HANSON.

*Chairman.*

Mr. Kellogg, chairman of the committee on Federal Rela-  
 tions, submitted the following report :

**MR. SPEAKER:**—Your committee on Federal Relations, to whom was referred H. F. No. 25, A memorial to Congress praying for the establishment of a Mail route from Bon Homme to Ponca Agency, would respectfully report, that they have examined the same and directed their chairman to report it back to the House and recommend its passage.

**G. W. KELLOGG.**

*Chairman.*

Mr. Stickney, chairman of the committee on Education, submitted the following report:

**MR. SPEAKER:**—Your committee on Education to whom was referred H. F. No. 18, have had the same under consideration, and have instructed their chairman to report the same back to the House with amendment, and recommend its passage.

**GEO. STICKNEY.**

*Chairman.*

Mr. Reed, chairman of the committee on Agriculture, submitted the following report:

**MR. SPEAKER:**—Your committee on Agriculture to whom was referred H. F. No. 21, have had the same under consideration and beg leave to report the same back to the House, with amendment, and recommend its passage.

**W. REED.**

*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment, submitted the following report:

**MR. SPEAKER:**—Your committee on Engrossment have examined H. F. No. 22, and report the same as correctly Engrossed.

**JOHN LAWRENCE.**

*Chairman.*

Mr. Christy introduced H. F. No. 26, An act granting to Matthias Mitchell a Ferry charter across the Big Sioux River.

Read a first time.

Mr. Kegan moved that Mr. Collar be excused on account of sickness in his family.

Which motion was agreed to.

Mr. Reed moved that all absentees to the present time be excused.

Which motion was agreed to.

C. B. No. 1, An act establishing Probate Courts, defining the jurisdiction thereof, and prescribing the proceeding therein, was then

Taken up, and

Read a first time, and

On motion of Mr Turner

The rules were suspended, and the bill

Read a second time,

Mr. Stickney moved that the bill be laid upon the table and made a special order for the 28th inst.

Which motion was agreed to.

C. B. No. 13, An act incorporating the town of Spring Lake in Todd county, was then

Taken up, and

Read a first time, and

On motion of Mr. McCarthy

The rules were suspended, and the bill

Read a second time, and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 13, nays 2, as follows :

Those who voted in the affirmative were

Messrs Burgess, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthieson, Matthews, McCarthy, Rouse, Stickney, and Wall.

Those who voted in the negative, were

Messrs. Reed and Turner.

So the bill passed, and its

Title was agreed to.

C. B. No. 11, was then,

Taken up, and

Read a second time, and

On motion of Mr. Stickney.

Indefinitely postponed.

H. F. No. 22, A memorial to Congress asking for the construction of a Government wagon road from Fort Randall in Dakota, to Virginia City in Montana, reported back by the committee on Engrossment, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy Reed, Rouse, Stickney, Turner, Wall and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

C. B. No. 10, reported back by the committee on Judiciary was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood :

Yeas 15, nays 1, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthews, Matthiesen, McCarthy, Reed, Stickney, Turner, and Wall.

Mr. Rouse voted in the negative.

So the bill passed and its

Title was agreed to

H. F. No. 25, reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood.

Yeas 16, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Burgess, Burgman, Christy, Hanson, Kegan, Kellogg Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Stickney, Turner and Wall.

So the bill passed, and its

Title was agreed to.

H. F. No. 18, reported back by the committee on Education, with amendment, was then.

Taken up, for consideration.

Mr. Lawrence, moved to lay the bill upon the table.

Which motion was disagreed to.

Mr. Stickney, moved that the House resolve itself into committee of the Whole House on the bill.

Which motion was disagreed to.

Mr Turner moved to make the bill the special order, in committee of the Whole House, at 11 o'clock A. M. to-morrow.

Mr. Lawrence, moved to amend the motion by striking out the word "to-morrow" and insert the words "on Thursday Dec. 29th," in lieu thereof.

Mr. Stickney moved to amend the amendment by striking out the words "Dec. 29th, and inserting the words "Jan. 5th," in lieu thereof.

The question being upon the adoption of the amendment to the amendment.

Mr. Stickney withdrew his motion.

The question then being upon the adoption of the amendment,

It was agreed to.

H. F. No. 21, reported back by the committee on Agriculture, with amendment, was then.

Taken up, for consideration

On motion of Mr. Turner,

The House resolved itself into the committee of the Whole House on the bill, and

After some time spent therein, the

Speaker resumed the chair, and

Mr. Stickney reported that the committee having, according to order, had H. F. No. 21, with amendment reported by the committee on Agriculture, under consideration, had directed him to report the same to the House.

The House then proceeded to the consideration of the said bill.

The question recurring upon the amendment reported by the

committee on Agriculture,

Mr. Wall moved that the report be adopted.

Which motion was disagreed to.

On motion of Mr. Rouse,

The bill was indefinitely postponed.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR. SPEAKER :—Your committee on Enrollment have to report that they have examined C. Bs. Nos. 2, 4, 9 and 8, and find the same correctly enrolled.

J. R. HANSON

*Chairman.*

Mr Turner moved, that when the House adjourn, it be until to-morrow at 10 o'clock A. M.

Which motion was agreed to.

On motion of Mr. Rouse,

The House adjourned.

W. W. BROOKINGS;

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
Saturday, Dec. 24, 1864. }

The House met pursuant to adjournment and was called to order by the Clerk.

There being no quorum present:

The House was adjourned to its regular hour of meeting on Monday, Dec. 26th.

W. W. BROOKINGS.

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES }  
 Monday, Dec. 26, 1864. }

House met pursuant to adjournment and was  
 Called to order by the Clerk.

There being no quorum present,  
 The House was adjourned to the regular hour of meeting  
 to-morrow.

W. W. BROOKINGS,  
*Speaker.*

Geo. I. Foster, *Chief Clerk.*

## TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES }  
 Tuesday, Dec. 27, 1864. }

The House met pursuant to adjournment and was called to  
 order by the  
 Speaker in the Chair.

Prayer by the Chaplain of the Council.

Roll called

The following named members were absent, to wit:  
 Messrs. Collar, Fallas, Owens, Pratt, Rouse, Shriner and  
 Wall.

The Journals of the 23d, 24th and 26th inst., were then read  
 and approved.

Mr. Hanson, chairman of the committee on Enrollment, sub-

mitted the following report :

**MR. SPEAKER** :—Your committee on Enrollment have to report that at 8½ o'clock A. M. on the 24th inst., we handed to his Excellency for his approval the following bills: H. F. No. 6, "An act amendatory of an act granting Charles E. Rowley a Ferry Charter across the Missouri river" and H. F. No. 2, "An act legalizing the acts of certain County officers of Yankton County.

J. R. HANSON.

*Chairman.*

The following communication was received from His Excellency the Governor.

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
YANKTON, Dec. 24th, 1864. }

**SIR** :—I have the honor herewith to enclose H. F. No. 2, "An act legalizing the acts of certain County officers of Yankton County," also "House file No. 6, An act amendatory of an act granting Charles E. Rowley a Ferry charter across the Missouri river," which I have this day approved and signed.

I am, Sir,

Very Respectfully,

Your obedient Servant,

NEWTON EDMUNDS.

*Governor.*

HON. W. W. BROOKINGS,

*Speaker House Representatives.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

**MR. SPEAKER** :—Your committee on Enrollment have to report that they have examined H. F. No. 24, "Joint Resolution relative to the employment of an Enrolling clerk for the Council and House of Representatives," and find the same correctly Enrolled.

J. R. HANSON.

*Chairman.*

Mr. Turner introduced the following resolution, and moved its adoption :

*Resolved*, That on and after Wednesday the 28th inst., this House do meet for the dispatch of business, daily, at 10 o'clock A. M. until otherwise ordered by the House.

The resolution was adopted.

H. F. No. 26, was then  
Taken up, and  
Read a second time.

Mr Stickney by unanimous consent, introduced H. F. No. 27, "An act to repeal section 5, of chapter 46, Laws of Dakota, 1862-63.

Read first time.

On motion of Mr Stickney

C. B. No. 6, was taken from the table, and  
Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 13, nays 2, as follows :

Those who voted in the affirmative were Messrs. Burgess, Burgman, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Mattheisen, Mathews, McCarthy, Stickney and Turner.

Those who voted in the negative, were

Mr. Beed and Mr. Speaker.

So the bill passed and its

Title was agreed to.

Mr. Hanson, chairman of the committee on Judiciary, by unanimous consent, submitted the following report :

MR. SPEAKER :—Your committee on Judiciary, to whom was Referred H. F. No. 19, "An act relative to summoning Grand and Petit Jurors," beg leave to report that they have had the same under consideration, and report it back to the House without amendment.

J. R. HANSON.

*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR. SPEAKER :—Your committee on Enrollment have to report that at 11½ o'clock A. M. this day, we handed to his Excellency, the Governor for his approval, H. F. No. 24, "An act

to provide for the employment of an enrolling clerk for the Council and House of Representatives."

J. R. HANSON.

*Chairman.*

H. F. No. 19, reported back by the committee on Judiciary, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 12, nays 2, as follows :

Those who voted in the affirmative were :

Messrs. Burgman, Christy, Hanson, Kegan, Kellogg, Lemo-  
ges, Lawrence, Matthiesen, Mathews, McCarthy, Stickney and  
Turner.

Those who voted in the negative were,

Messrs. Burgess and Reed.

So the bill passed and its

Title was agreed to.

On motion of Mr. Kegan,

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

W. W. BROOKINGS.

*Speaker.*

GEORGE I FOSTER, *Chief Clerk.*

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TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }  
Wednesday, Dec. 28, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent to wit :

Messrs Collar, Fallas, Owens, Pratt, Rouse, Shriner, and Wall.

The Journal of the 27th instant was then read and approved.

Mr. Turner offered the following resolution :

*Resolved*, That the committee on Federal Relations is hereby requested to make a report on that portion of the Governor's message relating to the Rebellion, on Saturday, Dec. 31, 1864.

The resolution was adopted.

H. F. No. 27 was then

Taken up, and

Read a second time,

The following communication was received from the Council:

COUNCIL CHAMBER }  
Dec. 28, 1864. }

MR. SPEAKER :—I am instructed by the Council to inform you that James B. Gayton, Assistant Secretary of the Council, having resigned his office, the Council has elected Charles F. Rossteuscher, Assistant Secretary.

GEO. N. PROPPER

*Secretary of Council.*

I am also instructed to inform you that the Council have passed H. F. No. 14, An act concerning vacancies and special elections, and H. F. No. 25, A memorial and joint resolution, praying for the establishment of a mail route from Bon Home to Ponce Agency, D. T.

Which are herewith transmitted.

GEO. N. PROPPER,

*Secretary of Council.*

H. F. No. 26 was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 15, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Stickney, Turner, and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Stickney,

The House resolved itself into the committee of the whole House, on the general order of the day, and

After some time spent therein, the

Speaker resumed the chair, and

Mr. Turner reported that the committee having, according to order, had C. B. No. 1, under consideration, had directed him to report the same with the following amendment :

In section six, line two, strike out the words "on the first Monday in each month" and insert the words "on the first Monday of March, June, September, and December, in each year.

The House having proceeded to the consideration of the said bill,

Mr. Christy moved the adoption of the amendment reported by the committee of the whole House,

Which motion was disagreed to.

On motion of Mr Turner

The further consideration of the bill was postponed until tomorrow.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on Enrollment beg leave to report that they have examined H. F. No. 18, An act granting to Christopher Malony a Ferry charter across the Missouri river and find the same correctly enrolled.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that at twelve and three quarters o'clock A. M. this day we handed to his Excellency the Governor, for his approval, H. F. No. 13, An act granting Christopher Malony a Ferry charter across the Missouri river.

J. R. HANSON,  
*Chairman.*

Mr. Hansen presented the Annual report of the Territorial Treasurer.

Which was laid upon the table and ordered printed.

On motion of Mr. Turner.

The House adjourned until to-morrow at 10 o'clock A. M.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }  
Thursday, Dec. 29, 1864. }

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

Speaker in the chair.

Prayer by the Chaplain of the Council.

Roll called.

The following named members were absent, to wit:  
Messrs. Fallas, Kegan, Owens, and Wall.

The journal of the 28th inst. was then read and approved.

The following communications were received from his Ex-

agency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
YANKTON, Dec. 28, 1864. }

HON. W. W. BROOKINGS,

*Speaker of the House of Representatives :*

SIR:—I have the honor herewith of returning with my approval "House File No. 24, Joint Resolution relative to the employment of an Enrolling Clerk for the Council and House of Representatives."

I am, Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS,

*Governor.*

TERRITORY OF DAKOTA, EXECUTIVE OFFICE. }  
YANKTON, December 29, 1864. }

To HON. W. W. BROOKINGS,

*Speaker of the House of Representatives.*

SIR:—I have the honor herewith to return to the House of Representatives, without my approval, "House file number thirteen, An act granting to Christopher Malony a Ferry charter across the Missouri river. In returning this bill to the House in which it originated, it becomes my duty, in compliance with a law of Congress, approved March 2d 1863, (U.S. Statutes at large, chapter 70 section two) to state my objections. I wish however, to state, before doing so, that I exercise the power vested in me, on this subject, with very great reluctance, and that it is my earnest desire that the Legislature should so thoroughly scan every section of each bill, as to leave no ground for the exercise of this power on my part: and here I would say that I deem it of primary importance that the Legislature in granting special privileges to individuals for a term of years should be particular in guarding and protecting the public from imposition.

In many cases, though this matter may at the present time be of little or no importance, a few years may so change the as-

pect of things as to make the subject of vast and vital importance to a large number of our citizens.

Section three of the bill under consideration, fixing the rate of toll, it appears to me is not sufficiently explicit, the rate being stated in figures unaccompanied by words defining what these figures mean. I am clearly of the opinion that in the enactment of laws it would be much better in all cases to state the amount in writing. While you who have passed the bill clearly understand what certain figures stand for and mean in this section, at some future day the question may be raised before some civil officer who may not be as clear on this subject, and who may construe them to mean an entirely different amount.

Section 4, allows the party for whose benefit this charter is granted, fifteen months to file a bond for the protection of the public or persons using the ferry, thus in this case granting to this party the right to run his ferry for a period of fifteen months without making him liable or responsible for any damage which may occur to persons or property using the ferry for that period. There certainly can be no hardship in requiring parties asking for special privileges of this character to require that, before they shall be allowed to avail themselves of those privileges, they shall not only give a bond but that said bond shall have been approved.

The latter portion of section 4, is in these words, "but any other person or persons who shall comply with the conditions of this charter within three months thereafter shall be entitled to all the benefits of this act."

It would be better in my opinion to limit the privileges granted in that portion of section four quoted above, to our own citizens or to persons residing within the limits of our own Territory. Though this may not now be very important the day may come within the time specified in the section under consideration, for a full compliance with its provisions viz: Eighteen months, when it might be an object for others not residents of this Territory to comply with its provisions and thus become entitled to its privileges.

I am, Sir,  
 Very Respectfully,  
 Your ob't servant,  
 NEWTON EDMUNDS,  
 Governor.

On motion of Mr. Turner,  
H. F. No. 13, returned by his Excellency the Governor without his approval, was

Laid on the table, and

The communication of the Governor, having reference to the said bill, was ordered printed.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR. SPEAKER :—Your committee on Enrollment beg leave to report that they have examined C. B. No. 6, An act authorizing the Governor to appoint a county superintendent of public instruction in and for the county of Yankton.

Also C. B. No. 10, An act qualifying section 51 of chapter 19 general laws of 1863-4, and report the same correctly enrolled.

J. R. HANSON,  
*Chairman.*

Mr. Matthiesen, introduced H. F. No. 28, An act to prohibit laying out strychnine and other poisons.

Read a first time.

Mr. Kellogg introduced H. F. No. 29, An act granting to Christopher Maloney a Ferry charter across the Missouri River.

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and

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

The yeas and nays being ordered the vote stood,

Yeas 17, nays 1, as follows :

Those who voted in the affirmative were

Messrs Burgess, Burgman, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthieson, Matthews, McCarthy, Pratt, Rouse, Shriner, Stickney, Turner and Mr. Speaker.

Mr. Reed voted in the negative.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy moved that Mr. Kegan be excused for the present, on account of sickness

Which motion was agreed to.

Mr. Rouse moved that all the absentees, to the present time, be excused.

Which motion was agreed to.

Mr. Hanson offered the following resolution;

*Resolved*, That the use of this House be tendered to the teachers of Yankton, on Saturday evening next, for the purpose of a school exhibition.

The resolution was adopted.

H. F. No. 27, was then

Taken up, and

Read third time, and put upon its passage.

The yeas and nays being ordered, the vote stood;

Yeas 16, nays 1, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Shriner, Stickney and Turner.

Mr. Rouse voted in the negative.

So the bill passed, and its

Title was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 29th, 1864. }

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. F. No. 16, An act for the location of a Territorial road from the mouth of the Running Water, via Bonka Creek, to Fort Randall.

Which bill is herewith returned.

The Council has also passed C. B. No. 3, An act prescribing the manner of contesting the election of county officers.

Which bill is herewith transmitted, respectfully asking your

concurrence therein.

GEO. N. PROPPER.

*Secretary of Council.*

C. B. No. 1 was then taken up for consideration.

Mr. Hanson in the chair.

Mr. Brookings offered the following amendments to the bill ;

After the word "Mondays" in the sixth section, strike out the words, "of each month," and insert the words, "of January, March, May, July, September and November."

Strike out sections 213, 214, 215, 216, 217, and 218, and change the numbers of sections 219, 220, and 221, to 213, 214, and 215.

The amendments were agreed to.

The Speaker resumed the chair, and

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

The yeas and nays being ordered, the vote stood,

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Turner

The House resolved itself into committee of the whole House on the general order of the day, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Hanson reported that the committee having, according to order, had H. E. No. 18, with amendments, reported by the committee on Education, under consideration, had directed him to report the same to the House.

The House having proceeded to the consideration of the said bill.

Mr. Turner moved that the bill and amendment be referred.

to a special committee of six.

Which motion was agreed to.

The Speaker appointed Messrs. Turner, Stickney, Mathhisen, Rouse, McCarthy and Collar such committee.

C. B. No. 8, An act prescribing the manner of contesting the election of County Officers, was then

Taken up, by unanimous consent, and

Read first time, and

On motion of Mr. Turner,

The rules were suspended, and the bill

Read a second time, and

Referred to committee on Elections.

Mr. Lawrence moved to adjourn.

Mr. Rouse moved that when the House do adjourn, it adjourn to meet at half past ten to-morrow morning,

Which motion, taking precedence of the motion to adjourn, was put and

Disagreed to.

The question then being upon the motion to adjourn,

It was agreed to.

W. W. BROOKINGS,

*Speaker.*

Geo. I. Foster, *Chief Clerk.*

## TWENTY SIXTH DAY.

HOUSE OF REPRESENTATIVES }  
 Friday, Dec. 30, 1864. }

House met pursuant to adjournment and was called to order by the,  
 Speaker in the chair.

Prayer by the Chaplain.

Rolled called.

The following named members were absent, to wit :

Messrs. Fallas, Kegan, Owens and Wall.

The Journal of the 29th instant was then read and approved.

Mr. Matthiesen, chairman of the committee on Elections, submitted the following report :

MR SPEAKER:—Your committee on Election to whom was referred C. B. No. 3 An act prescribing the manner of contesting the Election of County officers, have had the same under consideration and respectfully recommend its passage with the following amendment: In section 24, strike out the word "nominated" and insert after the word "Judges" the words "and clerk," in lieu thereof.

M. M. MATTHIESEN,  
*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR SPEAKER:—Your committee on Enrollment have to report that they have examined H. F. No. 25, A memorial to Congress asking for the establishment of a mail route from Bon Homme thence to Spring Lake and Ponca Agency in Todd county and find the same correctly enrolled.

J. R. HANSON.  
*Chairman.*

Mr. Turner, chairman of the special committee to whom was referred H. F. No. 18, An act to regulate the traffic in Spirituous Liquors, with the substitute reported by the committee on Education, submitted the following report :

MR. SPEAKER :—The select committee to whom was referred a bill, entitled An act to regulate the traffic in Spirituous Liquors with the substitute reported by the committee on Education, beg leave respectfully to report that they have examined the same, and directed their chairman to report to the House, recommending the adoption of the substitute with the amendments accompanying the same.

J. W. TURNER,  
*Chairman.*

Mr. Matthiesen, from the special committee to whom was referred H. F. No. 18, An act to regulate the traffic in Spirituous Liquors, with the substitute reported by the committee on Education, submitted the following minority report :

MR. SPEAKER :—A minority of your committee to whom was referred H. F. No. 18, would beg leave to submit the following, that the substitute of H. F. No. 18, is a mere repetition of former laws, and the passage of the same would have a tendency to render confusion more confounded, and are of the opinion that the whole subject should be postponed.

M. M. MATTHIESEN.

Mr Reed, offered the following resolution :

*Resolved,* That the use of this Hall be tendered the "Yank-ton Cotillion Club," on Monday evening next.

The resolution was adopted.

C. B. No. 3, reported by the committee on Elections, with amendment, was then

Taken up for consideration

Mr. Stickney moved the adoption of the amendment, reported by the committee.

Mr. Stickney in the chair.

After some time spent in debate,

The Speaker resumed the chair, and

The question being put  
 The amendment was adopted, and  
 The bill read a third time and put upon its passage,  
 The yeas and nays being ordered the vote stood  
 Yeas 17, nays one, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthieson, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney and Mr Speaker.

Mr. Turner voted in the negative,

So the bill passed, and its

Title was agreed to.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
 Dec. 30, 1864. }

MR. SPEAKER:—I am instructed by the Council to inform you that the Council has passed H. F. No. 29, An act granting to Christopher Malony a Ferry charter across the Missouri river, which is herewith transmitted; they have also passed H. F. No. 26, An act granting to Mathias Mitchel a Ferry charter across the big Sioux river, H. F. No. 12, An act changing the time of holding the District Court in the second Judicial District, and H. F. No. 3, An act concerning money of account and fixing a rate of interest of money, with attached amendments, which bills are herewith returned; They have also concurred in House amendments to C. B. No. 1, An act establishing Probate courts, defining the Jurisdiction thereof and prescribing the proceedings therein.

GEO. N. PROPPER,  
*Secretary of Council.*

H. F. No. 18, with the substitute reported by the committee on Education, and the amendment to the substitute reported by the special committee to whom the bill was referred on the 29th inst., was then

Taken up, for consideration

Mr. Burgess moved to indefinitely postpone the consideration,

Which motion was disagreed to.

Mr. Turner in the chair.

After some time spent in debate,

The Speaker resumed the chair, and

On motion of Mr. Turner,

The bill, with amendments, was recommitted to a special committee of six.

The Speaker appointed Messrs. Turner, Stickney, Hanson, Collar, Rouse, and McCarthy, such committee.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on Enrollment have to report that they have examined H. F. No. 14, An act concerning vacancies and special Elections, and H. F. No. 16, An act to locate and establish a Territorial road from the mouth of the Running Water via the mouth of Ponca creek to Fort Randall, D. T. and find the same correctly enrolled.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that they have examined C. B. No. 1, An act establishing Probate Courts, defining the jurisdiction thereof and prescribing the proceedings therein, and find the same correctly enrolled.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment beg leave to report that at 11½ o'clock A. M. this day, we handed to his Excellency, the Governor, for his approval, the following H. Fs. to wit: H. F. No. 14, An act concerning vacancies and special Elections, H. F. No. 16, An act to locate and establish a Territorial Road from the mouth of the Running Water via the mouth of Ponca Creek to Fort Randall, and H. F. No. 25, A memorial to Congress asking for the establishment of a mail route from Bon Homme, thence to Spring Lake and Ponca Agency in Todd county.

J. R. HANSON.

*Chairman.*

H. F. No. 3, returned from the Council with attached amendment, was then, by unanimous consent,

Taken up for consideration, and

On motion of Mr Hanson,

The House concurred in the amendments made in the Council.

H. F. No. 26, returned from the Council with attached amendments, was then, by unanimous consent,

Taken up for consideration, and

On motion of Mr. Turner,

The House concurred in the amendment made in the Council.

H. F. No. 28, was then

Taken up by unanimous consent, and

Read a second time,

Mr. Rouse moved that the rules be suspended, and

The bill read a third time,

Which motion was disagreed to.

Mr. Shriner moved to refer the bill to the appropriate committee.

Which motion was disagreed to.

Mr. Hanson, moved to refer the bill to a special committee of three.

Which motion was agreed to.

The Speaker appointed Messrs. Hanson, Turner, and Stickney, such committee.

H. F. No. 12, returned from the Council with attached amendments, was then by unanimous consent,

Taken up for consideration, and

On motion of Mr. Turner,

Its consideration was postponed until to-morrow,

The following communication was received from the Council:

COUNCIL CHAMBER }  
Dec. 30, 1864. }

MR SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 15, An act increasing the fees of certain County officers, which bill is herewith transmitted res-

pectfully asking your concurrence therein.—I have also to inform the House that the Council has concurred in House amendment to C. B. No. 3, An act prescribing the manner of contesting the Election of County officers.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson, by unanimous consent, offered the following resolution:

*Resolved*, That the House go into the committee of the Whole House, on the state of the Union, on Tuesday next at 11 o'clock A. M.

The resolution was adopted.

On motion of Mr. Burgess,

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

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, Dec. 31, 1864. }

House met pursuant to adjournment, and was called to order by the Speaker in the chair.

Prayer by the Chaplain

Roll called.

The following named members were absent, to wit:  
Messrs. Burgman, Fallas, Kegan, Owens and Wall.

The Journal of the 30th inst., was then read and approved.

Mr. Turner, chairman of the special committee to whom was referred H. F. No. 18, with substitute, and proposed amendments thereto, on the 30th inst., submitted the following report:

MR. SPEAKER:—The special committee to whom was referred a bill entitled “An act to regulate the traffic in spirituous liquors,” beg leave respectfully to report that they have examined said bill and substitute proposed by the committee on Education with the amendments thereto, and have directed their chairman to report them back to the House with an amendment to the substitute, and recommend its passage.

J. W. TURNER.

*Chairman.*

Mr. Hanson, chairman of the special committee to whom was referred H. F. No. 28 An act to prohibit laying out strychnine or any other poisons, submitted the following report:

MR. SPEAKER:—Your special committee to whom was referred H. F. No. 28, “An act to prohibit laying out Strychnine or any other poisons,” have to report that they have had the same under consideration, and beg leave to report the same back to the House with the following amendments, and recommend its passage, to wit: In section 1, third line strike out the words “half of a.” In fourth line same section after the words “dwelling house,” insert “or within one quarter of a mile of any public Highway.

J. R. HANSON.

*Chairman.*

Mr. Hanson, chairman of the committee on Judiciary, submitted the following report:

MR. SPEAKER:—Your committee on Judiciary to whom was referred H. F. No. 23, “An act concerning the foreclosure of Mortgages, beg leave to report the same back to the House without amendment, and recommend that it do pass.

J. R. HANSON,

*Chairman.*

The Speaker, from the Joint committee, on the part of the

House, appointed by Resolution, to assist in preparing a Penal Code submitted the following report :

*Gentlemen of the House of Representatives :*

The joint committee appointed by resolution of the Council, and of the House of Representatives with special instructions to co-operate with the Hon. Ara Bartlett, associate justice for the Territory of Dakota, in preparing a Penal Code for this Territory, and to report the result of their joint conclusions at this session of the Legislative Assembly, by printed bill, did immediately upon their appointment, enter upon the responsible duties assigned them, and having concluded their labors, they are now prepared and do herewith report the result thereof.

After frequent consultations with the Hon. Gentleman named above, and a careful examination, the committee unanimously agreed to adopt the draft of a Penal Code compiled and prepared for the State of New York, by the Hon. David Dudley Field, the Hon. Wm. Curtis Noyes, and the Hon. Alexander W. Bradford, with such alterations and modifications deemed, by the committee, necessary, in order to adapt it to the wants and condition of this Territory.

In arranging and adopting the Code, the committee acknowledge themselves greatly indebted to Judge Bartlett, for his active co-operation and reliable suggestions.

In the compilation of the Penal Code, the following have been among the leading objects of the commissioners named above : 1. To bring within the compass of a single enactment the whole body of the law of crimes and punishments ; to define all the crimes for which persons can be punished, and the punishment for the same; altogether to dispense with the necessity of reference to the common law to determine what are the elements which constitute the offence. As long as the criminality of acts is left to depend upon the uncertain definitions or conflicting authorities of the common law, uncertainty must prevade all criminal jurisprudence. 2. To supply deficiencies and correct errors in existing definitions of crimes. 3. To harmonize provisions of punishment.

The progress of society creates new opportunities and new

temptations to crimes, which require to be met by new provisions of law. It is to be borne in mind, that the subjects of procedure and evidence in criminal cases, are excluded from the scope of the Penal Code: those topics being embraced in the criminal code, now in force, and which are retained, so far as applicable, by a provision of the Penal Code.

The Penal Code relates chiefly to the enumeration and definition of crimes, and the designation of the kind and measure of punishment to be inflicted for each.

The first two titles of the Code, embody some general provisions relative to Criminal responsibility, which are independent of the distinctions between officers.

The fifteen titles which follow, and which constitute the bulk of the work, are occupied with provisions relative to the various crimes, seperately considered.

The eighteenth title contains some general provisions concerning the interpretation and application of the preceding portion of the code.

The foregoing explanation, when considered in connection with the well established fact, that the existing criminal code is defective, vague, and contradictory in its provisions, is a sufficient argument, in the judgement of the committee, for the adoption of the Penal Code.

As a matter of convenience, the Penal Code will be introduced in the Council, and the committee cordially unite in a joint recommendation to their respective Houses, that said act do pass.

All of which is respectfully submitted.

ENOS STUTSMAN.

*Committee on the part of the Council*

W. W. BROOKINGS,

*Committee on the part of the House.*

On motion of Mr. Turner.

The report was laid upon the table and ordered printed.

Mr. McCarthy gave notice that he will, on to-morrow or some subsequent day of the session, introduce a bill for the location of a Territorial road from the mouth of Emanuel Creek to Spring Lakes and Ponca Agency.

Mr. Reed introduced H. F. No. 30 An act relating to damages by unruly stock.

Read a first time.

Mr. Burgess moved that the rules be suspended, and the bill read a second and third time.

Which motion was disagreed to.

C. B. No. 15, An act increasing the fees of certain county officers, was then

Taken up, and

Read first time.

H. F. No. 23, reported back by the committee on Judiciary was then

Taken up, and

Read third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr. Speaker.

So the bill passed, and its

Title was amended, and agreed to.

H. F. No. 28 reported back with amendments, by the special committee to whom it was referred on the 30th inst., was then

Taken up, and

The report of the committee adopted, and

The bill ordered engrossed for a third reading on the 2d of January.

H. F. No. 13, and substitute with amendments thereto, reported by the special committee to whom it was referred on the 29th and 30th inst, was then

Taken up for consideration.

Mr. Shriner offered the following amendment to the amendment :

That any person applying for license to sell spirituous liquors, shall file with the Clerk of the Board of County Com-

missioners a bond, with two or more sureties, to be approved by the Board of County commissioners, in the penal sum of three hundred dollars, conditioned in all cases that said person or persons licensed will sell or otherwise dispose of spirituous and intoxicating liquors at any place other than the building or town for said person or persons may have been licensed, nor on the Sabbath; and that he or they will keep a quiet and orderly house, and not permit gambling with cards or any other device for money, or the representative of money, in the house or place of business of each person or persons so licensed.

On motion of Mr. Lawrence,

The amendment was laid upon the table.

The question then being upon the adoption of the amendment reported by the special committee to whom the bill was referred Dec. 30th.

It was agreed to.

The question then being upon the adoption of the amendments reported Dec. 30th.

They were disagreed to.

Mr. Rouse moved to lay the bill, with substitute and amendments upon the table.

Which motion was disagreed to.

Mr. Stickney moved to recommit to a special committee of one, from each county represented in this House.

Which motion was agreed to.

The Speaker appointed Messrs. Matthiesen, Shriners, Christy Rouse, McCarthy and Wall as such committee.

On motion of Mr. Turner,

H. F. No. 13, returned to this House Dec. 29th, by his Excellency, the Governor, without his approval, and his Excellency's message relating thereto, was

Taken from the table.

The question being "shall we pass the bill over the Governor's veto?"

It was disagreed to by the following vote:

Yeas none, nays 16, as follows:

Those who voted in the negative were

Messrs. Burgess, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Turner and Mr. Speaker.

So the bill was not passed over the Governor's veto.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Dec. 31st, 1864. }

MR. SPEAKER:—I am instructed to inform you that the Council have passed H. F. No. 22, a Memorial to Congress asking for the construction of a Government wagon road from Yankton, in Dakota Territory, to Virginia City, Montana Territory, which is herewith returned.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on Enrollment have to report that in connection with the committee of the Council on Engrossed and Enrolled bills, they have examined C. B. No. 3, An act prescribing the manner of contesting the election of county officers, and H. F. No. 29, An act granting to Christopher Maloney a ferry charter across the Missouri River, and find the same correctly enrolled.

J. R. HANSON,  
*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that they handed to his Excellency, the Governor for his approval, at a quarter past 11 o'clock A. M. to-day, H. F. No. 29, An act granting to Christopher Maloney a ferry charter across the Missouri River.

J. R. HANSON,  
*Chairman.*

On motion of Mr. Rouse,

The House adjourned until to-morrow at 10 o'clock A. M.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
Monday, January 2, 1865. }

House met pursuant to adjournment and was called to order  
by the  
Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent to wit :  
Messrs. Fallas, Kegan, Owens, and Wall.

The Journal of the 31st December was then read and  
approved.

The following communication was received from the Council:

COUNCIL CHAMBER. }  
Jan. 2d, 1865. }

MR. SPEAKER:—I am instructed by the Council to inform  
you that the Council have passed House File No. 7, An act to  
provide for the location of the county state of Union county ;  
which is herewith returned.

They have also passed Council bill No. 18, An act to estab-  
lish a Penal Code; which is herewith transmitted, and the  
concurrence of the House respectfully solicited therein.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Matthews introduced H. F. No. 81, A memorial to Congress for the establishment of a military post on the Big Sioux river.

Read a first time, and  
 On motion of Mr. Turner,  
 The rules were suspended, and the  
 Memorial read a second time, and  
 Referred to committee on Federal Relations.

Mr. Kellogg, chairman of the committee on Federal Relations, by unanimous consent, submitted the following report:

MR. SPEAKER:—Your committee, to whom that part of the Governor's message relating to the Rebellion was referred, beg leave to report that they have had the same under consideration, and find that portion of the message of much importance, and would recommend that this portion be made a special order, in committee of the whole House, for the third day of January next.

G. W. KELLOGG,  
*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment, by unanimous consent, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment have examined H. F. No. 28, An act to prohibit the laying out of strychnine or any other poisons—and beg leave to report the same as correctly engrossed.

JOHN LAWRENCE,  
*Chairman.*

C. B. No. 18, An act to establish a Penal Code, was then  
 Taken up and  
 Read a first time, and  
 On motion of Mr. Turner  
 The rules were suspended, and the bill  
 Read a second time, and  
 Referred to committee on Judiciary

C. B. No. 15, An act increasing the fees of certain County officers, was then

Taken up, and  
 Read a second time, and  
 Referred to committee on Ways and Means.

H. F. No. 28, reported back by the committee on Engrossment, was then

Taken up, and  
 Read a third time and put upon its passage.  
 The yeas and nays being ordered, the vote stood  
 Yeas 15, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Christy, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Pratt, Reed, Rouse, Shriner, Stickney, and Turner,

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

H. F. No. 12, returned from the Council December 30th with attached amendments, was then

Taken up, for consideration

Mr. Hanson moved to concur in the amendment made by the Council.

Mr. Reed moved to lay the bill, with the amendments made by the Council, on the table.

Which motion, taking precedence of the motion to concur, was put and

It was agreed to.

H. F. No. 30, was then

Taken up, and

Read a second time, and

On motion of Mr. Turner.

Referred to committee on Agriculture.

The following communication was received from his Excellency the Governor.

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
 YANKTON, Jan. 2, 1865. }

HON. W. W. BROOKINGS,

*Speaker of the House of Representatives :*

SIR, I have the honor herewith to return with my approval

H. F. No. 29, An act granting to Christopher Malony a Ferry charter across the Missouri river.

I am, Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS,

*Governor.*

TERRITORY OF DAKOTA, EXECUTIVE OFFICE. }  
YANKTON, December 31, 1864. }

To HON. W. W. BROOKINGS,

*Speaker of the House of Representatives.*

SIR:—I have the honor herewith to return H. F. No. 14, An act concerning vacancies and special elections also H. F. No. 16, An act to locate and establish a Territorial road, from the mouth of the Running Water via the mouth of Ponca creek to Fort Randall D. T. and H. F. No. 25, A memorial to Congress asking for the establishment of a mail route from Bon Homme thence to Spring Lakes and Ponca Agency in Todd county, which I have this day examined, approved and signed.

I am, Sir,

Very Respectfully,

Your ob't servant,

NEWTON EDMUNDS

*Governor.*

On motion of Mr. Kellogg,

The House adjourned to meet at 10 A. M. to-morrow.

W. W. BROOKINGS.

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
 Tuesday, Jan. 3, 1865. }

The House met pursuant to adjournment and was called to order by the Speaker in the Chair.

Prayer by the Chaplain of the Council.

Roll called

The following named members were absent, to wit :  
 Messrs. Fallas, Kegan and Wall.

On motion of Mr. Hanson,

The reading of yesterday's journal was dispensed with.

Mr. Reed, chairman of the committee on Agriculture, submitted the following report :

MR. SPEAKER :—Your committee on Agriculture to whom was referred H. F. No. 30, have had the same under consideration, and beg leave to report the bill back to the House without amendment and recommend its passage.

W. REED,  
*Chairman.*

H. F. No. 30, reported back by the committee on Agriculture, was then

Taken up, and

Ordered Engrossed for a third reading.

On motion of Mr. Stickney,

H. F. No. 12, was taken from the table.

The question being upon the agreement to Mr. Hanson's motion of yesterday to concur in the amendments made in the Council,

The House concurred therein.

On motion of Mr. Burgess,

The House took a recess of twenty-five minutes.

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The time having expired,  
The House was called to order by the Speaker.

On motion of Mr. Hanson,  
The House resolved itself into the committee of the Whole-  
House on the State of the Union; and  
After some time spent therein:  
The Speaker resumed the chair, and  
Mr. Rouse reported that the committee having, according to  
order, had the State of the Union generally, under consideration,  
and particularly the Governor's Message, had come to no  
resolution thereon.

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

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }  
Wednesday, Jan. 4, 1865. }

House met pursuant to adjournment, and was called to order  
by the  
Speaker in the chair.

Prayer by the Chaplain

Roll called.

The following named members were absent, to wit:

Messrs. Burgman, Fallas, Hanson, Kegan, and Wall.

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

Mr. Collar, chairman of the committee on Ways and Means submitted the following report:

MR. SPEAKER:—Your committee on Ways and Means, to whom was referred C. B. No. 15, An act increasing the fees of certain officers, have had the bill under consideration, and beg leave to report the same back to the House and recommend its passage.

B. W. COLLAR,  
*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment, to whom was referred H. F. No. 30, have examined the same, and report the bill as correctly engrossed.

JOHN LAWRENCE,  
*Chairman.*

Mr. Christy introduced H. F. No. 32, An act to locate a Territorial road from the North line of Union county to the Big Sioux River.

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and the bill

Read a second time, and

Referred to committee on Public Lands.

Mr. McCarthy moved that Mr. Hanson be excused for non-attendance this day.

Which motion was agreed to.

Mr. Matthews offered the following resolution:

*Resolved*, That the use of this Hall be tendered to the people of Dakota, generally, next Saturday evening, for the purpose of holding a meeting to organize a company to explore the Black Hills.

The resolution was adopted.

H. F. No. 80, reported back by the committee on Engrossment, was then

Taken up, and

On motion of Mr. Stickney,

Referred to Special committee of five.

The Speaker appointed Messrs. Stickney, Owens, McCarthy, Reed and Wall, such committee.

C. B. No. 15, reported back by the committee on Ways and Means, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 15, nays 1, as follows :

Those who voted in the affirmative were

Messrs Burgess, Collar, Christy, Kellogg, Lemouges, Lawrence, Matthieson, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner and Stickney.

Mr. Turner voted in the negative.

So the bill passed, and its

Title was agreed to.

Mr. Kellogg, chairman of the committee on Federal Relations, by unanimous consent, submitted the following report :

MR. SPEAKER:—Your committee on Federal Relations to whom was referred H. F. No. 11, a Memorial to Congress for a geological survey of the Territory of Dakota, have had the same under consideration, and beg leave to report the memorial back to the House, and recommend that it be indefinitely postponed.

G. W. KELLOGG,

*Chairman.*

On motion of Mr. Matthiesen,

The House resolved itself into the committee of the Whole

House on the memorial, and  
After some time spent therein,

The Speaker resumed the chair, and

Mr. Shriner reported that the committee having, according to order, had H. F. No. 11 under consideration, have directed him to report the same to the House and recommend that it do pass.

The House having proceeded to the consideration of the said memorial, it was

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 14, nays one, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Collar, Christy, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney, and Turner,

Mr. Kellogg voted in the negative.

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

On motion of Mr. Rouse,

The House adjourned until to-morrow at 10 o'clock A. M.

W. W. BROOKINGS,  
*Speaker*

GEO. I. FOSTER, *Chief Clerk.*

## 'THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }  
 Thursday, January 5, 1865. }

House met pursuant to adjournment and was called to order  
 by the  
 Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent to wit:  
 Messrs. Fallas, Kegan, Owens and Wall.

The journal of the 4th inst. was then read and approved.

The following communication was received from Hon. John  
 Hutchinson, Secretary, D. T.

DAKOTA TERRITORY, SECRETARY'S OFFICE, }  
 YANKTON, Jan. 4th, 1865. }

*To the Hon. Speaker House Representatives.*

SIR:—I herewith send you for the information of the House,  
 the following instructions which must govern the pay of the  
 members for their attendance upon this session of the Legisla-  
 tive Assembly: "The per diem of a member dates from the day  
 he is sworn in as such, so if a member does not appear to take  
 his seat until after the first day of the session, he can only be  
 paid from the day he so appears. No deduction will be made  
 where after that day, he is unable to attend this session in con-  
 sequence of sickness. But, when a member shall be absent  
 from this session for several days, or for the remainder of this  
 session, except for this cause, or such other as shall hereafter  
 be specified, whether it be with leave or not, his pay for the  
 time he shall be so absent will be deducted, and the presiding  
 officer, in the certificate he shall make to you relative to the  
 member's attendance, will so specify it.

Very truly,

Your obedient Serv't.,  
 JOHN HUTCHINSON.

*Secretary, D. T.*

Mr. Christy, chairman of the committee on Public Lands, submitted the following report :

MR. SPEAKER :—Your committee to whom was referred H. F. No. 32, “ An act to locate a Territorial Road from the North line of Union County to the Big Sioux River,” have had the same under consideration and beg leave to report the same back to the House and recommend its passage.

A. CHRISTY.

*Chairman*

Mr. Matthiesen, chairman of the special committee to whom was referred H. F. No. 18, submitted the following report :

MR. SPEAKER :—Your special committee to whom was referred H. F. No. 18, “ An act to regulate the traffic in spirituous Liquors,” have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

M. M. MATTHIESEN.

*Chairman*

Mr. Collar introduced H. F. No. 33, “ An act locating a Territorial road from Yankton to the Big Sioux River.”

Read a first time.

Mr. Shriner moved that the rules be suspended, and the bill read a second and third time.

Which motion was agreed to, and the bill

Read a second time.

Mr. Turner then moved to refer the bill to its appropriate committee.

Which motion was agreed to.

Mr. McCarthy moved to re-consider the vote last taken.

Which motion was disagreed to.

The bill was then

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 16, nays one, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Pratt, Reed, Rouse, Shriner and Stickney.

Mr. Turner voted in the negative.  
So the bill passed, and its  
Title was agreed to.

Mr. Stickney introduced H. F. No. 34, An act providing for  
a term of the District court in the County of Union.

Read a first time, and  
On motion of Mr. Kellogg  
The rules were suspended, and  
The bill read a second time, and  
Referred to committee on Judiciary.

Mr. Lemouges introduced H. F. No. 35, An act granting to  
Jefferson Cleveland a ferry charter across the Missouri river.

Read a first time, and  
On motion of Mr. Kellogg,  
The rules were suspended, and  
The bill read a second time, and  
Referred to the committee on Federal Relations.

Mr. Shriner introduced H. F. No. 36, An act requiring  
the county commissioners to meet on the first Monday of Jan-  
uary each year, and fixing the time for Territorial, county and  
Precinct officers to qualify.

Read a first time.

Mr. Hanson, chairman of the committee on Enrollment, sub-  
mitted the following report :

MR. SPEAKER:—Your committee on Enrollment have to re-  
port, that in connection with the committee on Engrossed and  
Enrolled Bills of the Council, they have examined the following  
bills, and find them correctly enrolled, to wit:

C. B. No. 15. An act increasing the fees of certain county  
officers.

H. F. No. 7, An act to provide for the location of the county  
seat of Union county.

H. F. No. 3, An act concerning money of account and fixing  
a rate of interest of money.

H. F. No. 12, An act changing the time of holding the Dis-  
trict court in the second Judicial District.

J. R. HANSON,  
*Chairman.*

The petition of E. M. Bond, claiming a seat on the floor of this House, was then

Taken up for consideration, and

On motion of Mr Turner,

Referred to the committee on Elections.

H. F. No. 82, reported back by the committee on Public Lands, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 17, nays none, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Mathews, McCarthy, Pratt, Reed, Rouse, Shriner, Stickney and Turner.

So the bill passed, and its

Title was agreed to.

H. F. No. 18, with substitute, reported back by the special committee to whom it was referred on the 31st of December, was then

Taken up, and

On motion of Mr. Turner,

The bill was laid on the table and the substitute ordered printed.

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Jan. 5th, 1865. }

MR. SPEAKER:—I am instructed by the Council to inform you that they have passed C. B. No. 21, Joint Resolution relative to the contest by J. B. S. Todd of the seat of Walter A. Burleigh in the 39th Congress of the United States as Delegate from Dakota, which is herewith transmitted, and the concurrence of the House respectfully solicited therein.

GEO. N. PROPPER,  
*Secretary of Council.*

The message from the Council was then

Taken up for consideration, and

C. B. No. 21, Joint Resolution relative to the contest by J. B. S. Todd of the seat of Walter A. Burlcigh in the 39th Congress of the United States as Delegate from Dakota, transmitted therewith was

Read a third time, and

On motion of Mr. McCarthy,

The rules were suspended, and

The bill read a second time, and

Made a special order for January 6th, at 11 o'clock A. M.

*Ordered*, That the bill be printed.

On motion of Mr. Hanson,

The House resolved itself into the committee of the whole House, on H. F. No. 20, An act to regulate and license the keeping of dogs, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Hanson reported that the committee having, according to order, had H. F. No. 20, under consideration, had directed him to report the bill to the House and recommended its indefinite postponement.

The report of the committee was adopted.

On motion of Mr. Lawrence,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES }  
 Friday, January 6, 1865. }

House met pursuant to adjournment and was called to order  
 by the  
 Speaker in the chair.

Prayer by the Chaplain.

Rolled called.

The following named members were absent, to wit:  
 Messrs. Fallas, Kegan, and Wall.

The Journal of the 5th instant was then read and approved.

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

MR. SPEAKER:— Your committee on Federal Relations, to whom was referred H. F. No. 31, A memorial to Congress for the establishment of a military post on the Big Sioux river, have had the same under consideration, and beg leave to report the same back with the following amendments, and recommend its passage.

After the word "establishment of" in the ninth line of the original bill, insert the following: "two small military posts, one on the big Sioux river in the vicinity of Sioux Falls, and one at a point on the Dakota river somewhere near or on a straight line between said Sioux Falls and Fort Randall," also, strike out the words "a post" in line sixteen, and insert in lieu thereof, the word "posts," and after the word "of" in line twenty one, strike out the words "a military," and insert in lieu thereof the words "such military posts;" also, in the last line after the word "Hubbard," insert the words "and Hon. J. B. S. Todd."

G. W. KELLOGG.

*Chairman.*

Mr. Kellogg introduced H. F. No. 37, An act granting to Joseph Shayer a Ferry charter across the big Sioux river.

Read a first time, and

On motion of Mr. Stickney,

The rules were suspended, and

The bill read a second time, and

On motion of Mr. Lawrence,

Referred to committee on Incorporations.

Mr. Turner offered the following preamble and resolution.

*Whereas*, a petition of the Hon. E. M. Bond was presented to this House in the early part of its present session, claiming a seat as Representative from the county of Clay, which seat is now occupied by Halver Burgess, and

*Whereas*, the House did, on the day of presentation, lay the petition on the table until the fifth of January, inst., when it was referred to the committee on Elections, therefore

*Resolved*, That the committee on Elections be respectfully directed to give the contestant a hearing at as early a day as is practicable.

The resolution was adopted.

Mr. Matthiesen, moved that Mr. Owens be excused for non-attendance to the present time on account of sickness.

Which motion was agreed to.

H. F. No. 36, was then

Taken up, and

Read a second time, and

Referred to committee on Towns and Counties.

The following communication was received from the Council:

COUNCIL CHAMBER }  
January 6, 1865. }

MR SPEAKER:—I am instructed by the Council to inform you that they have passed C. B. No. 8, An act to locate a Territorial road from Paquettes Ferry to the east line of Clay county, which is herewith transmitted, and the concurrence of the House respectfully solicited therein.

They have also passed H. F. No. 8, An act regulating the

weight of Grain, &c. which is herewith returned.

GEO. N. PROPPER,  
*Secretary of Council.*

H. F. No. 31, reported back by the committee on Federal Relations, with amendments, was then

Taken up, and

On motion of Mr. Turner,

The amendments were adopted.

Mr. Turner moved to amend the amendment by inserting the words "Hon. J. B. S. Todd" before the words "Hon. A. W. Hubbard," and by striking out the words "Hon J. B. S. Todd" after the words "Hon. A. W. Hubbard."

Which amendment was adopted.

The question then recurring upon the amendment as amended,

It was adopted.

*Ordered*, That the bill be Engrossed for a third reading.

Mr. Hanson, chairman of the committee on Judiciary, by unanimous consent, submitted the following report :

MR. SPEAKER:—Your committee on Judiciary to whom was referred C. B. No. 18, An act to establish a Penal Code, have had the same under consideration, and beg leave to report the bill back to the House and recommend its passage.

J. R. HANSON.

*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR. SPEAKER:—Your committee on Enrollment, in connection with the committee of the Council on Engrossed and Enrolled bills, have examined the following bills, and find them correctly enrolled :

C. B. No. 13, An act incorporating the town of Spring Lake in Todd county, and H. F. No. 22, A memorial to Congress asking for the construction of a Government wagon Road from Yankton, Dakota Territory, to Virginia City, Montana Territory.

J. R. HANSON.

*Chairman.*

C. B. No. 18, was then  
 Taken up, and  
 On motion of Mr. Stickney,  
 Made a special order for Monday January 9th., at half past  
 ten o'clock A. M.

On motion of Mr. Shriner,  
 H. F. No. 18 was taken from the table.  
 Mr. Stickney moved that the consideration of the bill be  
 postponed until C. B. No. 8 be disposed of.

Which motion was agreed to.

C. B. No. 8, An act to locate a Territorial road from Pa-  
 quettes ferry to the east line of Clay county, was then

Taken up, and

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and

The bill read a second time, and

Referred to committee on Public Lands.

On motion of Mr. Stickney,

The House, resolved itself into the committee of the Whole  
 House, on H. F. No. 18, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Turner reported that the committee having, according  
 to order, had H. F. No. 18, under consideration, had directed  
 him to report the same to the House and recommend its pas-  
 sage.

On motion of Mr. Lawrence,

The report of the committee was adopted.

*Ordered,* That the bill be Engrossed for a third reading.

The following communication was received from the Coun-  
 cil:

COUNCIL CHAMBER. }  
 Jan. 6, 1865. }

MR. SPEAKER:—I am instructed to inform the House that  
 the Council have passed House File No. 19, An act in relation  
 to summoning grand and petit jurors, with attached amend-

ments; and also, H. F. No. 23, Foreclosure of Mortgages, with attached amendments; both of which bills are herewith returned, respectfully asking the concurrence of the House in the Council amendments.

I have also to inform the House that the Council has passed Council Bill No. 12, An act to amend chapter eighteen, section two of the laws of 1862, which bill is herewith transmitted, asking your concurrence therein.

GEO. N. PROPPER,  
*Secretary of Council.*

On motion of Mr. Turner,

The House resolved itself into a committee of the Whole House on C. B. No. 21, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Lawrence reported that the committee having, according to order, had under consideration C. B. No. 21, had come to no resolution thereon.

On motion of Mr. Stickney,

The House took a recess until half past two o'clock this P. M.

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At half past two o'clock P. M.,

The House was called to order by the Speaker.

Mr. McCarthy moved that Mr. H. E. Gregory be invited to a seat within the bar of this House.

Which motion was agreed to.

On motion of Mr. Hanson,

The House resolved itself into a committee of the Whole House on C. B. No. 21, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Lawrence reported that the House, having, according to order, had C. B. No. 21, under consideration, had directed him to report the same, and recommend its passage.

The report of the committee was adopted, and

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

The yeas and nays being ordered the vote stood

Yeas 14, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Reed, Rouse, Shriner, and Mr Speaker.

Those who voted in the negative, were

Messrs. Kellogg, Lemouges, Pratt, Stickney and Turner.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Lawrence,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }  
Saturday, Jan. 7, 1865. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

The following named members were absent, to wit :  
Messrs. Christy, Fallas, Kegan, Lemouges and Wall.

The journal of the 6th inst., was then read and approved.

Mr Hanson, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER:—Your committee to whom was referred H. F. No. 34, An act providing for a term of the District Court in the county of Union, have had the same under consideration and beg leave to report the bill back to the House and recommend its passage, with the attached amendments.

J. R. HANSON,  
*Chairman.*

Mr. Matthews, from the committee on Towns and Counties, submitted the following report :

MR. SPEAKER:—Your committee on Towns and Counties to whom was referred H. F. No. 36, An act requiring the County Commissioners to meet on the first Monday of January, in each year, and fixing the time for Territorial, County and Precinct officers to qualify, have had the same under consideration and beg leave to report the bill back to the House, without amendment, and recommend its passage.

MATTHEWS.  
*Chairman.*

Mr. Turner, chairman of the committee on Incorporations submitted the following report :

MR. SPEAKER:—Your committee on Incorporations to whom was referred H. F. No. 37, entitled An act granting to Joseph Shayer a ferry charter across the Big Sioux River have examined the same and directed their chairman to report it back to the House and recommend its passage with the following amendments;

In Sec. 5, eleventh line, after the words " five cents," insert " per head."

In 14th line, after the word " fifty," insert " cents."

J. W. TURNER.  
*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports:

MR SPEAKER:—Your committee on Enrollment have to report that at the hour of 10 o'clock A. M., on the 6th inst., we handed to his Excellency, the Governor, for his approval, the following House File's, to wit:

H. F. No. 3, An act concerning money of account, and fixing a rate of interest of money.

H. F. No. 7, An act to provide for the location of the county seat of Union county,

H. F. No. 12, An act changing the time of holding the District Court in the second judicial district, and

H. F. No. 22, Memorial to Congress asking the construction of a Government wagon road from Fort Randall in Dakota, to Virginia City, Montana Territory.

J. R. HANSON.  
*Chairman.*

MR SPEAKER:—Your committee on Enrollment in conjunction with the committee on Engrossed and Enrolled bills of the Council have examined H. F. No. 26, An act granting to Matthias Mitchell a ferry charter across the Big Sioux River, and find the same correctly enrolled.

J. R. HANSON.  
*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment, submitted the following report:

MR. SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 31, a Memorial to Congress for the establishment of Military Post on the Big Sioux, and Dakota Rivers; and H. F. No. 18, An act to regulate the traffic in spirituous liquors, have examined the same and report them as correctly engrossed.

JOHN LAWRENCE,  
*Chairman.*

Mr. Reed introduced H. F. No. 38, An act to authorize the county commissioners of Yankton county to levy tax for the

year 1864, and to provide for the collection of the same.

Read a first time, and

On motion of Mr. Lawrence,

The rules were suspended, and

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

The yeas and nays being ordered, the vote stood,

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

Mr. Collar moved that Mr. Burgman be excused for non-attendance to the present time, on account of sickness.

Which motion was agreed to.

Mr. Turner moved that the Speaker appoint a temporary member of the committee on Elections in the place of Mr. Lemouges, who is absent.

Which motion was agreed to.

The Speaker appointed Mr. Stickney as such member of said committee.

C. B. No. 12, An act to amend chapter eighteen, section two of the laws of 1862, was then

Taken up, and

Read a first time.

H. F. No. 23, returned from the Council with amendments, was then

Taken up, considered, and

On motion of Mr. Lawrence,

The amendments were concurred in.

H. F. No. 19, returned from the Council with amendments, was then

Taken up, considered, and

On motion of Mr. Lawrence,

The amendments were concurred in.

H. F. No. 31, reported back by the committee on Engrossment, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthieson, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 18, reported back by the committee on Engrossment, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 17, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthieson, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 36, reported back by the committee on Towns and Counties, was then

Taken up, considered, and

On motion of Mr. Turner,

Recommitted to the committee on Judiciary.

H. F. No. 34, reported back by the committee on Judiciary, with amendments, was then

Taken up, and

On motion of Mr. Turner,

The amendments reported by the committee were adopted.

Ordered, That the bill be Engrossed and read a third time.

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

The yeas and nays being ordered the vote stood

Yeas 17, nays none, as follows:

Those who voted in the affirmative, were

Messrs: Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner and Mr Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 37, reported back by the committee on Incorporations, with amendments, was then

Taken up, and

On motion of Mr. Stickney,

The amendments reported by the committee were adopted.

*Ordered*, That the bill be Engrossed and read a third time.

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

The yeas and nays being ordered, the vote stood,

Yeas 17, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy, by unanimous consent, offered the following Preamble and Resolution :

WHEREAS, Information having been received, thought reliable, that the money lately in the hands of Capt. Bagg, which was appropriated by Congress for constructing a Government road from Sioux City to Fort Randall, and from Fort Randall to Niobrara, is now in the hands of Capt. Gates, of Fort Randall, therefore,

*Resolved*, That this House memorialize Capt. Gates to expend said money on said road, as soon as practicable, at such

points as the memorial may request.

On motion of Mr. Kellogg,

The resolution was referred to a committee of one from each county represented in this House.

The Speaker appointed Messrs. Kellogg, Collar, Hanson, Owens, McCarthy and Wall such committee.

Mr. Hanson, chairman of committee on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment in connection with the committee of the Council on Engrossed and Enrolled bills have examined C. B. No. 21, Joint Resolution relative to the contest by J. B. S. Todd, of the seat of Walter A. Burleigh, in the 39th Congress of the United States, as Delegate from Dakota Territory, and find the same correctly enrolled.

J. R. HANSON,  
*Chairman.*

On motion of Mr. Rouse,

The House adjourned to meet at 10 o'clock. A. M. on Monday, January 9th, 1865.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES }  
 Monday, January 9, 1865. }

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

Speaker in the chair.

Prayer by the Chaplain.

Rolled called.

The following named members were absent, to wit :  
 Messrs Christy, Fallas, Kegan, Lemouges, and Owens.

The Journal of the 7th instant was then read and approved.

Mr. Turner, chairman of the committee on Incorporations, submitted the following report :

MR. SPEAKER:—Your committee on Incorporations, to whom was referred H. F. No. 1, An act to prevent Nuisances, would respectfully report that they have had the same under consideration, and directed their chairman to report it back to the House without recommendation.

J. W. TURNER.

*Chairman.*

Mr. Burgess introduced H. F. No. 39, An act for locating and establishing a Territorial road in Clay county,

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and

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

the yeas and nays being ordered the vote stood.

Yeas 15, nays none as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Mathiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Stickney, Turner and Wall.

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

Mr. Hanson, chairman of the committee on Judiciary, by unanimous consent, submitted the following report:

MR. SPEAKER:—Your committee on Judiciary, to whom was referred H. F. No. 36, An act requiring the county commissioners to meet on the first Monday of January in each year, and fixing the time for Territorial, county and precinct officers to qualify, have examined the same, and report it back without amendment and recommend its passage.

J. R. HANSON.

*Chairman.*

Mr. Hanson, chairman of the committee, on Enrollment, submitted the following report:

MR. SPEAKER:—Your committee on Enrollment have to report that at quarter past ten o'clock A. M. this day, we handed to his Excellency the Governor, for his approval, H. F. No. 26, An act granting to Matthias Mitchell a Ferry charter across the big Sioux river.

J. R. HANSON

*Chairman.*

Mr. Shriner introduced H. F. No. 40, A memorial to his Excellency the President of the United States relative to the northern branch of the Pacific Railroad,

Read a first time, and

On motion of Mr. Lawrence,

The rules were suspended, and

The bill was read a second time, and

Referred to committee on Judiciary.

*Ordered*, That two hundred copies of the bill be printed in pamphlet form.

Mr. Hanson introduced H. F. No. 41, An act to provide for the recording of certificates of title for lands entered in the lo-

cal Land Office of this Territory.

Read a first time, and

On motion of Mr. Hanson,

The rules were suspended, and

The bill read a second time, and

Referred to committee on Public Lands

Mr. Hanson introduced H. F. No. 42, An act changing, vacating and establishing a Territorial road in Yankton County.

Read a first time, and

On motion of Mr. Lawrence,

The rules were suspended, and

The bill read a second time, and

Referred to committee of three.

The Speaker appointed Messrs. Lawrence, Hanson and Reed such committee.

Mr. Rouse moved that Mr. Wall be excused for non-attendance on account of sickness.

Which motion was agreed to.

On motion of Mr. Stickney,

Mr. Kellogg was excused from acting upon the special committee to whom was referred the resolution relative to "inoney in the hands of Capt. Gates, &c."

The Speaker appointed Mr. Rouse a member of said committee.

C. B. No. 12, was then

Taken up, and

Read a second time, and

On motion of Mr. Rouse,

The rules were suspended, and

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

The yeas and nays being ordered the vote stood.

Yeas 15, nays none, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Stickney, Turner and Wall.

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

H. F. No. 1, reported back by the committee on Incorporations, was then

Taken up, and

On motion of Mr. Hanson,

The bill and the report of the committee were laid upon the table until after action shall be taken upon the Penal Code.

H. F. No. 26, reported back by the committee on Judiciary, was then,

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 15, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Stickney, Turner and Wall.

So the bill passed, and its

Title was agreed to.

On motion of Mr. Hanson,

The House resolved itself into the committee of the Whole House on C. B. No. 18, An act to establish a Penal Code, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Hanson reported that the House having, according to order, had C. B. No. 18, under consideration, had directed him to report the bill to the House and recommend its passage.

The report of the committee was adopted, and

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

The yeas and nays being ordered, the vote stood

Yeas 15, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Hanson, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Rouse, Shriner, Turner, Wall and Mr. Speaker.

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

On motion of Mr. Turner,  
H. F. No. 1, was then taken from the table, and  
Indefinitely postponed.

On motion of Mr. Lawrence,  
C. B. No. 7, was then taken from the table, and  
On motion of Mr. Hanson,  
Indefinitely postponed.

On motion of Mr. McCarthy,  
H. F. No. 17, was taken from the table, and  
On motion Mr. McCarthy,  
Indefinitely postponed.

On motion of Mr. Lawrence,  
H. F. No. 4, was taken from the table, and  
On motion of Mr. Turner,  
Indefinitely postponed.

On motion of Mr. Lawrence,  
H. F. No. 5, was taken from the table, and  
On motion of Mr. Shriner,  
Postponed until February first, 1865.

The following communication was received from the Council:

COUNCIL CHAMBER }  
January 9, 1865. }

MR SPEAKER:—I am instructed to inform you that the Council has passed H. F. No. 34, An act providing for a term of the District Court in the County of Union, which bill is herewith transmitted.

GEO. N. PROPPER,  
*Secretary of Council.*

On motion of Mr. Rouse,

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

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }  
Tuesday, Jan. 10, 1865. }

The House met pursuant to adjournment and was called to order by the Speaker in the Chair.

Prayer by the Chaplain of the Council.

Roll called

The following named members were absent, to wit :  
Messrs. Christy, Fallas, Kegan and Lemouges.

The journal of the 9th inst., was then read and approved.

Mr. Hanson, chairman of the committee on Judiciary, submitted the following report :

MR. SPEAKER :—Your committee on Judiciary, to whom was referred H. F. No. 40, a memorial to his Excellency the President of the United States relative to the Northern branch of the Pacific Railroad, beg leave to report that they have had the same under consideration, and report the memorial back to the House without amendment, and recommend its passage.

J. B. HANSON,  
*Chairman.*

Mr. Burgess, from the committee on Public Lands, submitted

the following report :

MR. SPEAKER:—Your committee on Public Lands, to whom was referred H. F. No. 41, have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

H. BURGESS.

*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports :

MR. SPEAKER:—Your committee on Enrollment have to report that in conjunction with the committee on Engrossed and Enrolled bills of the Council, they have examined C. B. No. 12, An act to amend chapter 18 Section 2, laws of 1862, and find the same correctly enrolled.

J. R. HANSON,

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report, that in connection with the committee of the Council on Engrossed and Enrolled Bills, they have examined the following bill and find it correctly enrolled, to wit: H. F. No. 8, An act regulating the weight of grain, &c.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report, that in connection with the committee on Engrossed and Enrolled Bills of the Council, they have examined C. B. No 18, An act to establish a Penal Code, and find the same correctly enrolled.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment beg leave to report that at the hour of 10½ o'clock A. M., this day, we handed to his Excellency the Governor, for his approval, H. F. No. 8, An act regulating the weight of grain, &c.

J. R. HANSON.

*Chairman*

Mr. Lawrence, chairman of the special committee to whom

was referred H. F. No. 42, submitted the following report :

MR. SPEAKER :—Your select committee to whom was referred H. F. No. 42, An act changing, locating, and establishing a Territorial Road in Yankton county, have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass

JOHN LAWRENCE,  
*Chairman.*

The following communication was received from the Council:

COUNCIL CHAMBER. }  
Jan. 10, 1865. }

MR. SPEAKER :—I am instructed to inform the House that the Council have passed House File No. 33, An act locating a Territorial Road from Yankton to the Big Sioux River, which bill is herewith returned.

I have also to inform you that the Council has passed H. F. No. 28, An act to prohibit laying out strychnine or any other poison, with attached amendments; H. F. No. 32, An act to locate a Territorial road from the North line of Union county to the Big Sioux river, with attached amendments; H. F. No. 38, An act to authorize the county Commissioners of Yankton county to levy a Tax for the year 1864, and to provide for the collection of the same, with attached amendments; All of which house files are herewith returned, asking the concurrence of the House in said Council amendments.

C. B. No. 22, An act granting to James Tufts, Robert M. Hagaman, Enos Stutsman, D. P. Bradford and their associates and assigns a charter for a Ferry at or near the mouth of the Yellow Stone River, has been passed by the Council, and is herewith transmitted, respectfully asking your concurrence herein.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Kellogg introduced H. F. No. 43 An act relative to County officers.

Read a first time, and

On motion of Mr Kellogg,  
The rules were suspended, and  
The bill read a second time.

Mr. Turner offered the following amendment to the bill :

Strike out all after the word "conditional, in 11th line of section 2, and insert the following : "That the said Justices of the Peace and Constables shall pay over to each and every person having a right to demand and receive the same, all such sums of money as shall have come into their hands by virtue of their said office, and shall faithfully perform all the duties required by law to be performed by virtue of their respective offices."

On motion of Mr. Stickney,

The bill was referred to a special committee of three.

The Speaker appointed Messrs. Stickney, Turner and Wall, such committee.

By unanimous consent, Mr. Stickney, chairman of the special committee to whom was referred H. F. No. 30, submitted the following report :

MR. SPEAKER:—The special committee to whom was referred H. F. No. 30, have had the same under consideration, and beg leave to report back a substitute for the original bill, and recommend its passage.

GEO. STICKNEY.

*Chairman.*

By unanimous consent, Mr Stickney, chairman of the special committee to whom was referred H. F. No. 10, submitted the following report :

MR. SPEAKER:—The Special committee to whom was referred H. F. No. 10, have had the same under consideration, and beg leave to report the same back and recommend that it be indefinitely postponed.

GEO. STICKNEY.

*Chairman.*

Mr. Rouse introduced H. F. No. 44, an act granting to John H. Rouse, E. W. Wall and C. H. McCarthy, a charter to keep and maintain a ferry across the Missouri River.

Read a first time, and

On motion of Mr. McCarthy,  
The rules were suspended, and  
The bill read a second and third time and put upon its passage.

The yeas and nays being ordered, the vote stood  
Yeas 14, nays none, as follows :  
Those who voted in the affirmative were  
Messrs. Burgess, Burgman, Collar, Kellogg, Lawrence,  
Matthiesen, Mathews, McCarthy, Owens, Pratt, Reed, Rouse,  
Turner and Wall.

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

Mr. McCarthy introduced H. F. No. 45, An act locating a  
Territorial Road from the mouth of Emanuel creek to Spring  
Lake, Ponca Agency and Keha Paha.

Read a first time, and

On motion of Mr. Rouse,  
The rules were suspended, and

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

The yeas and nays being ordered, the vote stood :

Yeas 14, nays none, as follows :

Those who voted in the affirmative were  
Messrs. Burgess, Burgman, Collar, Kellogg, Lawrence,  
Matthiesen, Mathews, McCarthy, Owens, Pratt, Reed, Rouse,  
Turner and Wall.

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

Mr. McCarthy offered the following resolution :

*Resolved*, That His Excellency the Governor be requested  
to furnish this House with any information touching Military  
matters, of this Territory he may have in his possession, of a  
public nature.

The resolution was adopted.

H. F. No. 38, returned from the Council with attached  
amendments, was then

Taken up, and

On motion of Mr. Turner,  
The amendments were concurred in.

H. F. No. 32, returned from the Council with attached amendments, was  
Taken up, and  
On motion of Mr Kellogg,  
The amendments were concurred in.

H. F. No. 28, returned from the Council with attached amendments, was  
Taken up, and  
On motion of Mr. Turner,  
The amendments were concurred in.

C. B. No. 22, An act granting to James Tufts, Robert M. Hagaman, Enos Stutsman, D. P. Bradford and their associates and assigns a charter for a Ferry at or near the mouth of the Yellow Stone River, was then  
Taken up, and  
Read a first time, and  
On motion of Mr. Lawrence,  
The rules were suspended, and  
The bill read a second time, and  
On motion of Mr. Turner,  
Referred to committee on Incorporations.

H. F. No. 42, reported back by the special committee to whom it was referred January 9th, was then  
Taken up, and  
Read a third time, and put upon its passage.  
The yeas and nays being ordered the vote stood,  
Yeas 14, nays none, as follows :  
Those who voted in the affirmative, were  
Messrs. Burgess, Burgman, Collar, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Turner and Wall.  
So the bill passed, and its  
Title was agreed to.

H. F. No. 41, reported back by the committee on Public

**Lands, was then**

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 15, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Turner, Wall and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 40, reported back by the committee on Judiciary, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood ;

Yeas 15, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Collar, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Turner, Wall and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

H. F. No. 10, reported back by the special committee to whom it was referred December 16th, was then

Taken up for consideration, and

On motion of Mr. Turner,

Indefinitely postponed.

H. F. No. 30, reported back, with substitute, by the special committee to whom it was referred January 4th, was then

Taken up for consideration, and

On motion of Mr. Lawrence,

The original bill was laid on the table, and the substitute ordered printed.

The following communication was received from his Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
 YANKTON, Jan. 10th, 1865. }

To Hon. W. W. Brookings,

*Speaker of the House of Representatives,*

SIR:—I have the honor to enclose herewith H. F. No. 3, An act concerning money of account, and fixing a rate of interest of money; also, H. F. No. 7, An act to provide for the location of the county seat of Union county; also, H. F. No. 12, An act changing the time of holding the District Court in the second judicial district; also, H. F. No. 22, Memorial to Congress, asking for the construction of a government wagon road from Yankton, Dakota Territory, to Virginia City, Montana Territory; also, H. F. No. 26, An act granting to Matthias Mitchell a ferry charter across the Big Sioux river; all of which have been examined and approved by the undersigned.

I am, Sir,

Very respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

On motion of Mr. McCarthy,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Wednesday, Jan. 11, 1865. }

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Mr. Fallas was absent.

The journal of the 10th inst. was then read and approved.

Mr. Christy, chairman of the committee on Public Lands,  
 submitted the following report :

MR. SPEAKER :—Your committee to whom was referred C.  
 B. No. 8, have had the same under consideration, and beg  
 leave to report the same back without amendment and recom-  
 mend its passage.

A. CHRISTY,  
*Chairman.*

Mr. Matthiesen, chairman of the committee on Elections,  
 submitted the following report :

MR. SPEAKER :—A majority of your committee on elections  
 beg leave to make the following report in the contested elec-  
 tion case of E. M. Bond *vs.* Haliver Burgess:

Your committee find that E. M. Bond claimed his seat on the  
 ground of the illegality of the following votes, cast by M. Wil-  
 kinson, Moses Herrick, Stephen Baker and Geo. M. Pinney,  
 but has failed to substantiate the fact of the illegality of said  
 votes. Further, from the evidence before your committee, E.  
 M. Bond claims only a tie with Haliver Burgess, on the ground,  
 that Mr. Pinney's vote was informally returned. Now, a  
 majority of your committee are of the opinion that according  
 to the provisions of the 41st section of the election law, that  
 that informality in no way invalidates said vote. Mr. Pinney's

right to vote is a question of law, which your committee does not undertake to decide, but leave that question for the House.

A majority of your committee are further of the opinion, that Mr. Bond has not offered sufficient proof to show that the three votes cast for Bond without any initial letters, simply the word "Bond" written on them, were cast for E. M. Bond.

Further, a majority of your committee doubt the right of J. Powel to vote for the local officers of Clay county, as he was equally as much a resident of Yankton county, as of Clay county.

Your committee also found by the testimony, that Mr. Bond had two illegal votes, to wit:—Gustav A. Jacobson and Charles Porter.

Whole number of votes for E. M. Bond,	54
“ “ “ “ Bond,	3
	<hr/>
Total votes,	57
Illegal votes,	2
	<hr/>
Total,	55
Doubtful Legality vote,	1
	<hr/>
Legal,	54
	<hr/>
Whole number of votes for Holiver Burgess,	55
“ “ “ “ Burgess,	1
	<hr/>
Total votes,	56
	<hr/>
Majority over Bond,	2
	<hr/>

Therefore, a majority of your committee are of the opinion that from all the testimony before them, that Mr. Burgess has a majority of the legal votes cast, therefore,

*Resolved*, That E. M. Bond is not entitled to a seat in this House, as a Representative from Clay county.

M. M. MATTHIESEN,  
Wm. SHRINER.

On motion of Mr. Turner,  
The report of the committee on Elections was laid on the table.

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

MR. SPEAKER:—The committee on Federal Relations, to whom was referred H. F. No. 35, have had the same under consideration, and beg leave to report the same back and recommend its passage.

G. W. KELLOGG,  
*Chairman.*

The following communications were received from the Council :

COUNCIL CHAMBER, }  
Jan. 11th, 1865. }

MR. SPEAKER:—I am instructed to inform you that the Council has passed C. B. No. 23, An act to release Elizabeth D. Crandall from the bonds of matrimony, which bill I herewith transmit, accompanied by the petition of said Elizabeth D. Crandall, and the sworn statement of Chas. N. Taylor; and the concurrence of the House is requested in the said Bill.

GEO. N. PROPPER,  
*Secretary of Council.*

COUNCIL CHAMBER, }  
Jan. 11th, 1865. }

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. F. No. 31, a Memorial to Congress for the establishment of military posts on the Big Sioux and Dakota Rivers; H. F. No. 39, a bill entitled An act for locating and establishing a Territorial road in Clay county; H. F. No. 40, a Memorial to his Excellency, the President of the United States, relative to the northern branch of the Pacific Railroad; H. F. No. 42, An act changing, vacating and establishing a Territorial road in Yankton county; all of which bills are herewith returned.

The Council has also passed H. F. No. 36, An act requiring the County Commissioners to meet on the first Monday of January of each year, and fixing the time for Territorial, County and Precinct officers to qualify, with attached amendments; H. F. No. 37, An act granting to Joseph Shayer a ferry charter across the Big Sioux River," with attached amendments; respectfully asking your concurrence in the aforementioned amendments; C. B. No. 14, An act granting the privilege of forming cemetery associations; which bills are herewith returned asking your concurrence therein.

I have also to inform the House that H. F. No. 19, An act to regulate the traffic of Spirituous liquors, has been indefinitely postponed and is herewith returned.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson, chairman of committee on Enrollment, submitted the following reports:

MR. SPEAKER:—Your committee on Enrollment have to report that, in conjunction with the committee of the Council on Engrossed and Enrolled bills, they have examined the following bills, and find them correctly enrolled, to wit:

H. F. No. 34, An act providing for a term of the District Court in the county of Union.

H. F. No. 19, An act in relation to summoning Grand and Petit Jurors.

H. F. No. 23, An act providing for the foreclosure of mortgages.

J. R. HANSON,  
*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that in conjunction with the committee of the Council on Engrossed and Enrolled bills, they have examined H. F. No. 33, An act locating a Territorial road from Yankton to the Big Sioux River, and find the same correctly enrolled.

J. R. HANSON,  
*Chairman.*

Mr. Stickney, chairman of the special committee to whom was referred H. F. No. 43, submitted the following report :

MR. SPEAKER:—Your special committee to whom was referred H. F. No. 43, have had the same under consideration, and beg leave to report the same back with attached amendments, and recommend its passage.

GEO. STICKNEY.

*Chairman.*

Mr. Christy introduced H. F. No. 46, An act to amend sections two and four of chapter 38, of the laws of 1862 and 1863.

Read a first time, and

On motion of Mr. Kellogg,

The rules were suspended, and

The bill read a second time, and

On motion of Mr. Turner,

Referred to the committee on Judiciary.

Mr. Hanson introduced H. F. No. 47, An act to amend an act, entitled an act for the regulation and support of common schools.

Read a first time, and

On motion of Mr. Hanson,

The rules were suspended, and

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

The yeas and nays being ordered, the vote stood,

Yeas 21, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy, introduced H. F. No. 48, An act to dissolve the marriage contract between Georgianna Young and Lewis Young.

Read a first time, and

On motion of Mr. Lawrence,  
The rules were suspended, and  
The bill read a second time.

Mr. Turner moved to commit the bill to its appropriate committee.

Which motion was not agreed to.

On motion of Mr. Lawrence,  
The rules were suspended, and  
The bill read a third time and put upon its passage,  
The yeas and nays being ordered the vote stood  
Yeas 12, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Christy, Hanson, Kegan, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Rouse, Shriner, and Wall.

Those who voted in the negative, were

Messrs. Burgman, Collar, Kellogg, Lemouges, Pratt, Reed, Stickney, and Turner.

So the bill passed, and its

Title was agreed to.

The following communications were received from the Council.

COUNCIL CHAMBER, }  
Jan. 11, 1865. }

MR. SPEAKER:—I am instructed to inform you that the Council has passed C. B. No. 24, An act respecting Territorial Warrants, which is herewith transmitted and the concurrence of the House requested.

GEO. N. PROPPER.  
*Secretary of Council.*

COUNCIL CHAMBER }  
January 11, 1865. }

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. F. No. 45, An act to locate and establish a Territorial road from Emanuel creek to Spring Lakes, thence to Ponca Agency and Kerler's trading post at the mouth of the Keha paha, which bill is herewith returned.

H. F. No. 11, A memorial to Congress for a geological sur-

vey of the Territory of Dakota, has been set aside for the accompanying substitute. The concurrence of the House to said substitute is respectfully solicited.

GEO. N. PROPPER,  
*Secretary of Council.*

COUNCIL CHAMBER. }  
Jan. 11, 1865. }

MR. SPEAKER:—I am instructed to inform you that the Council has passed C. B. No. 16, An act to provide for the protection of Game, which is herewith transmitted and the concurrence of the House requested.

G. N. PROPPER,  
*Secretary Council.*

COUNCIL CHAMBER, }  
Jan. 11, 1865. }

MR. SPEAKER:— I am instructed to inform the House that the Council has passed H. F. No. 41, An act to provide for the recording of certificates of title for Lands entered in the local Land office of this Territory, which bill is herewith returned.

GEO. N. PROPPER.  
*Secretary of Council.*

Mr. McCarthy offered the following preamble and Resolution :

*Whereas*, The loyalty of some of the members of this House has been a matter of public discussion, therefore be it

*Resolved*, That each member of this House be required to take and subscribe to the oath of office prescribed by act of Congress, approved July 2d, 1862, said oath to be administered by the Speaker of the House.

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

Yeas 17, nays 4, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Christy, Hanson, Kegan, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Rouse, Shriner, Stickney, Wall and Mr. Speaker.

Those who voted in the negative, were  
Messrs. Kellogg, Lemouges, Reed, and Turner.

So the resolution was adopted.

On motion of Mr. Wall,

The Speaker proceeded to administer the oath.

Mr. Turner moved that the members subscribe to the oath  
to-morrow morning.

Which motion was agreed to.

H. F. No. 36, returned from the Council [with attached  
amendments, was then.

Taken up for consideration, and

On motion of Mr. Turner,

The House concurred in the amendments.

H. F. No. 37, returned from the Council with attached  
amendments, was then

Taken up for consideration, and

On motion of Mr. Turner,

The House concurred in the amendments.

The following communications were received from the Coun-  
cil:

COUNCIL CHAMBER, }  
Jan. 11, 1865. }

MR. SPEAKER:—I am instructed to inform the House that  
the Council have passed H. F. No. 44, An act granting to  
John H. Rouse, E. W. Wall and C. H. McCarthy, a Ferry  
charter across the Missouri river, which bill is herewith return-  
ed.

G. N. PROPPER.  
*Secretary Council.*

COUNCIL CHAMBER }  
Jan. 11, 1865. }

MR. SPEAKER:—I am instructed to inform the House that the  
Council has passed H. F. No. 47, An act for the regulation  
and support of common schools, which bill is herewith returned.

G. N. PROPPER  
*Secretary Council.*

C. B. No. 14, An act granting the privilege of forming cemetery associations, was then

Taken up, and

Read a first time, and

On motion of Mr. Shriner,

The rules were suspended, and

The bill read a second time and

Referred to committee on Incorporations.

C. B. No 16, An act to provide for the protection of game, was then

Taken up, and

Read a first time, and

On motion of Mr. Rouse,

The rules were suspended, and

The bill read a second time,

Mr. Turner, moved that the bill be committed to its appropriate committee.

Which motion was disagreed to.

Mr. Wall moved that the bill be laid upon the table until March first,

Which motion was agreed to.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports :

MR SPEAKER:—Your committee on Enrollment beg leave to report that at the hour of 11½ o'clock this A. M., we handed to his Excellency, the Governor, for his approval, the following bills to wit :

H. F. No. 34, An act providing for a term of the District Court in the county of Union.

H. F. No. 19, An act in relation to summoning Grand and Petit Jurors, and

H. F. No. 23, An act providing for the foreclosure of mortgages.

J. R. HANSON.

*Chairman.*

MR SPEAKER—Your committee on Enrollment have to report that at the hour of 11½ o'clock this A. M., we handed to

his Excellency the Governor, for his approval, H. F. No. 33,  
An act locating a Territorial road from Yankton to the Big  
Sioux river.

J. R. HANSON.  
*Chairman.*

On motion of Mr. Stickney,  
The House took a recess until half past two o'clock this  
P. M.

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At half past two o'clock P. M., the House was  
Called to order by the Speaker.

C. B. No. 24, An act respecting Territorial warrants was  
then

Taken up, and

Read a first time, and

On motion of Mr. Lawrence,

The rules were suspended, and

The bill read a second and third time and put upon its pas-  
sage.

The yeas and nays being ordered, the vote stood,

Yeas 13, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Collar, Kegan, Lawrence, Matthiesen,  
Matthews, Owens, Pratt, Reed, Rouse, Shriner, Stickney,  
and Turner.

So the bill passed, and its

Title was agreed to.

H. F. No. 11, returned from the Council with attached  
amendments, was then

Taken up for consideration, and

On motion of Mr. Turner,

The amendments were concurred in.

C. B. No. 8, reported back by the committee on Public

Lands, was then

Taken up, and

Read a third time, and put upon its passage.

The yeas and nays being ordered the vote stood.

Yeas 16, nays one, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Collar, Hanson, Keegan, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Shriner, Stickner, Turner and Wall.

Mr. Rouse voted in the negative.

So the bill passed, and its

Title was agreed to.

H. F. No. 43, reported back, with amendments, by the special committee to whom it was referred January 10th, was then

Taken up and

On motion of Mr Turner,

The amendments were adopted.

*Ordered*, That the bill be Engrossed for a third reading.

H. F. No. 35, reported back by the committee on Federal Relations, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 18, nays none, as follows:

Those who voted in the affirmative, were

Messrs. Burgman, Burgess, Hanson, Collar, Kegan, Kellogg, Lamouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Turner, and Wall.

So the bill passed, and its

Title was agreed to.

G. B. No. 23, An act to release Elizabeth, D. Crandall from the bonds of Matrimony, was then

Taken up, and

Read a first time, and

On motion of Mr. Lawrence,

The rules were suspended, and

The bill was read a second time, and:  
 Referred to special committee of three  
 The Speaker appointed Messrs. Lawrence, Turner and  
 McCarthy, such committee.

On Motion of Mr. Lawrence,

H. F. No. 30, was taken from the table and

On motion of Mr. Rouse,

The House resolved itself into the committee of the whole  
 House on the bill, and

After some time spent therein the committee arose and

Mr Lawrence reported that the House having, according to  
 order, had H. F. No. 30, under consideration, had directed  
 him to report the bill to the House and recommend its passage.

The House having proceeded to the consideration of the said  
 bill,

Mr. Wall moved that it be indefinitely postponed,

Which motion was disagreed to.

Mr. Turner moved to lay the bill on the table.

Which motion was disagreed to.

The bill was then read a third time, and put upon its pas-  
 sage.

The yeas and nays being ordered the vote stood.

Yeas 17, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kel-  
 logg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy,  
 Owens, Pratt, Reed, Rouse, Shriner, and Stickney.

Those who voted in the negative were

Messrs. Kegan, Turner and Wall.

So the bill passed, and its

Title was agreed to.

The following communication was received from the Coun-  
 cil:

COUNCIL CHAMBER, }  
 Jan. 11th, 1865. }

MR. SPEAKER:—I am instructed to inform the House that  
 the Council has passed C. B. No. 25, An act to locate and es-  
 tablish a Territorial Road in Bon Homme county, which bill is

herewith transmitted respectfully asking your concurrence therein.

GEO. N. PROPPER.  
*Secretary of Council.*

Mr. Turner, chairman of the committee on Incorporations, by unanimous consent, submitted the following report :

MR. SPEAKER:—Your committee on Incorporations to whom was referred C. B. No. 22, have examined the same, and report the bill to the House and recommend that it do pass.

J. W. TURNER.  
*Chairman.*

The bill was then  
Taken up, and  
Read a third time and put upon its passage.  
The yeas and nays being ordered, the vote stood,  
Yeas 18, nays 2, as follows :  
Those who voted in the affirmative were  
Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan,  
Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCar-  
thy, Owens, Reed, Rouse, Shriner, Stickney, and Wall.  
Those who voted in the negative were  
Messrs. Pratt and Turner.  
So the bill passed, and its  
Title was agreed to.

The rules were then suspended, and  
The committee on Judiciary submitted the following report :  
MR. SPEAKER:—Your committee on Judiciary to whom was referred H. F. No. 46, have had the same under consideration, and beg leave to report the bill to the House and recommend its passage.

J. R. HANSON,  
*Chairman.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports :

MR. SPEAKER:—Your committee on Enrollment have to report, that in connection with the committee of the Council on Engrossed and Enrolled Bills, they have examined the follow-

ing bills and find them correctly enrolled, to wit :

C. B. No. 8, An act to locate a Territorial road from Pacquetts ferry to the East line of Clay County, and

C. B. No. 24, An act respecting Territorial Warrants.

J. R. HANSON.

*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that in conjunction with the committee of the Council on Enrolled and Engrossed Bills, they have examined the following bills, and find the same correctly enrolled, to wit :

H. F. No. 38, An act to authorize the County Commissioners of Yankton County to levy a Tax for the year 1864, and to provide for the collection of the same, and

H. F. No. 28, An act to prohibit laying out Strychnine, or any other Poisons.

J. R. HANSON.

*Chairman.*

The following communication was received from the Council:

COUNCIL CHAMBER, }  
Jan. 11th, 1865. }

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. F. No. 35, An act granting to Jefferson Cleveland a ferry charter across the Missouri River, which bill is herewith returned.

GEO. N. PROPPER,

*Secretary of Council.*

C. B. No. 25, An act for locating and establishing a Territorial road in Bon Homme county, was then

Taken up, and

Read a first time, and

On motion of Mr. Rouse,

The rules were suspended, and

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

The yeas and nays being ordered the vote stood

Yeas 20, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

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

H. F. No. 46, reported back by the committee on Judiciary, was then

Taken up for consideration,

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

The question then being "shall the main question be now put?"

It was disagreed to.

Mr. Shriner moved to lay the bill upon the table.

The yeas and nays being called for and ordered the vote stood.

Yeas 10, nays 10, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Kegan, Owens, Pratt, Reed, Rouse, Shriner, Turner and Wall.

Those who voted in the negative, were

Messrs. Christy, Hanson, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed and Stickney.

So the motion to lay the bill upon the table was disagreed to.

Mr. Turner moved that the bill be made a special order to morrow at half past ten o'clock, A. M.

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

Yeas 9, nays 11, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Owens, Pratt, Rouse, Shriner, Turner and Wall.

Those who voted in the negative, were

Messrs. Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, and Stickney.

So the motion was disagreed to.

Mr. Shriner moved that the House do now adjourn.

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

Yeas 9, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Collar, Owens, Pratt, Rouse, Shriner, Turner and Wall.

Those who voted in the negative, were

Messrs. Christy, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed and Stickney.

So the motion to adjourn was disagreed to.

Mr. Turner moved that the bill be recommitted to its appropriate committee.

Which motion was disagreed to.

Mr. Turner moved that the House do now adjourn.

Which motion was disagreed to.

Mr. Hanson moved the previous question, which was seconded, and the main question ordered and put, and

Was decided in the affirmative.

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

The yeas and nays being ordered the vote stood.

Yeas 12, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Christy, Hanson, Kellogg, Kegan, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Reed, Stickney and Mr. Speaker.

Those who voted in the negative were

Messrs. Burgess, Burgman, Collar, Owens, Pratt, Rouse, Shriner, Turner and Wall.

So the bill passed, and its

Title was agreed to.

By unanimous consent, Mr. Lawrence chairman of the special committee to whom referred C. B. No. 23, submitted the following report.

MR. SPEAKER:—Your special committee to whom was referred C. B. No. 23, An act to release Elizabeth D. Crandall from the bonds of matrimony, have had the same under consid-

eration, and beg leave to report the bill to the House with the recommendation that it do pass.

JOHN LAWRENCE

*Chairman.*

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

The yeas and nays being ordered, the vote stood

Yeas 15, nays 5, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Hanson, Kegan; Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Rouse Shriner and Wall.

Those who voted in the negative were

Messrs. Collar, Kellogg, Reed, Stickney and Turner.

So the bill passed, and its

Title was agreed to.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report:

MR SPEAKER:—Your committee on Enrollment have to report that at the hour of 3½ o'clock, this P. M. we handed to his Excellency the Governor for his approval the following bills, to wit:

H. F. No. 38, An act authorizing the county Commissioners of Yankton County to levy a tax for the year 1864, and to provide for the collection of the same, and

H. F. No. 28, An act to prohibit laying out Strychnine or any other poisons.

J. R. HANSON.

*Chairman.*

On motion of Mr. Rouse

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }  
 Thursday, Jan. 12, 1865. }

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

Speaker in the Chair.

Prayer by the Chaplain of the Council.

Roll called

Mr. Fallas was absent.

On motion of Mr. Turner,

The reading of the Journal of the 11th inst., was dispensed with.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR. SPEAKER :—Your committee on Enrollment have to report, that in connection with the committee of the Council on Engrossed and Enrolled Bills, they have examined the following House files, and find them correctly enrolled, to wit:

H. F. No. 36, An act requiring the county commissioners to meet on the first Monday of January in each year and fixing the time for Territory, County and Precinct officers to qualify.

H. F. No. 44, An act granting to John H. Rouse, E. W. Wall and C. H. McCarthy, a charter to keep and maintain a Ferry across the Missouri river.

H. F. No. 40, A memorial to His Excellency the President of the United States relating to the Northern branch of the Pacific Rail Road.

H. F. No. 45, An act locating a Territorial road from the mouth of Emanuel Creek, via Spring Lakes and Ponka Agency, to Keha paha.

H. F. No. 47, An act to amend an act entitled an act for the regulation and support of common schools ;

H. F. No. 42, An act changing, vacating and establishing a Territorial road in Yankton County.

H. F. No. 31, A memorial to Congress for the establishment of a Military post on the Big Sioux River ;

H. F. No. 39, An act for locating and establishing a Territorial road in Clay County: and

H. F. No. 41, An act to provide for the recording of certificates of title for lands entered in the local Land Office of this Territory.

J. R. HANSON.

*Chairman.*

Mr. Lawrence, chairman of the committee on Engrossment submitted the following report :

MR SPEAKER:—Your committee on Engrossment to whom was referred H. F. No. 43, An act relative to county officers, have examined the same, and find the bill correctly engrossed.

JOHN LAWRENCE,

*Chairman.*

Mr. Rouse introduced H. F. No. 49, An act to change the name of Bon Homme county, to Jefferson county, and the name of Charles Mix county, to Franklin county.

Read a first time, and

On motion of Mr. Wall,

The rules were suspended, and

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

The yeas and nays being ordered, the vote stood,

Yeas 20, nays none, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Wall.

So the bill passed, and its

Title was agreed to.

Mr. McCarthy introduced H. F. No. 50, An act to change name of Todd county, to Jackson county.

Read a first time, and  
 On motion of Mr. Wall,  
 The rules were suspended, and  
 The bill read a second and third time and put upon its passage,

The yeas and nays being ordered the vote stood.

Yeas 18, nays 2, as follows :

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Rouse, Reed, Shriner, Stickney, and Wall.

Those who voted in the negative, were

Messrs. Pratt and Turner.

So the bill passed, and its

Title was agreed to.

Mr. Collar offered the following resolution :

*Resolved*, That when this House adjourn on to-morrow, it adjourn *sine die* at ten o'clock A. M.

Mr. Lawrence moved to amend by inserting the word eleven instead of ten.

Mr. McCarthy moved to amend the amendment by inserting the word twelve, instead of eleven.

The question being upon the adoption of the amendment to the amendment,

It was disagreed to.

The question then being upon the adoption of the amendment,

It was agreed to.

The question then recurring upon the adoption of the resolution as amended,

It was agreed to.

Mr. Turner moved that the clerk inform the Council of the adoption of the said resolution.

Which motion was agreed to.

Mr. Hanson, chairman of committee on Enrollment, submitted the following report :

MR. SPEAKER :—Your committee on Enrollment have to

report that, in conjunction with the committee of the Council on Engrossed and Enrolled bills, they have examined the following bills, and find them correctly enrolled, to wit :

H. F. No. 11, A memorial to Congress for a geological survey of the Territory of Dakota ; also, C. B. No. 23, An act to release Elizabeth D. Crandall from the bonds of matrimony.

J. R. HANSON,  
*Chairman.*

H. F. No. 25, returned from the Council with attached amendments, was then

Taken up for consideration, and

On motion of Mr. Reed,

The House concurred in the amendments.

H. F. No. 43, reported back by the committee on Engrossment, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood

Yeas 19, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Burgman, Christy, Collar, Kegan, Kellogg, Lemouges, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Wall.

So the bill passed, and its

Title was agreed to.

Mr. Hanson, chairman of the committee on Enrollment, submitted the following report :

MR SPEAKER:—Your committee on Enrollment beg leave to report that at the hour of 11½ o'clock this A. M., we handed to his Excellency, the Governor, for his approval, the following bills to wit :

H. F. No. 11, a Memorial to Congress for a geological survey of the Territory of Dakota.

H. F. No. 36, An act acquiring the county commissioners to meet on the first Monday of January in each year, and fixing

the time for Territorial, County and Precinct officers to qualify.

H. F. No. 41, An act to provide for the recording of certificates of title for lands entered in the local Land Office of this Territory.

H. F. No. 44, An act granting to John H. Rouse, E. W. Wall and C. H. McCarthy a charter to keep and maintain a ferry across the Missouri River.

H. F. No. 31. A memorial to Congress for the establishment of a military post on the Big Sioux river

H. F. No. 39. An act for locating and establishing a Territorial road in Clay county,

H. F. No. 40, A memorial to his Excellency the President of the United States relating to the northern branch of the Pacific railroad,

H. F. No. 45, An act locating a Territorial road from the mouth of Emanuel creek, via Spring Lake and Ponca Agency to Keha pahu,

H. F. No. 47, An act to amend an act entitled an act for the regulation and support of common schools, and

H. F. No. 42, An act changing, vacating and establishing a Territorial road in Yankton county,

J. R. HANSON,  
*Chairman.*

Mr McCarthy moved that when this House adjourn, it be until to-morrow at half past nine o'clock, A. M.

Which motion was disagreed to.

By unanimous consent, Mr. Stickney from the committee on Elections, submitted the following minority report:

MR. SPEAKER:—I beg leave as one of the members of the committee on Elections to whom was referred the petition of E. M. Bond, contesting the right of Holiver Burgess to occupy a seat in this House as a Representative from the second Council and representative district, to submit this minority report, and to present my reasons why the report of the majority of said committee should not be accepted.

First, After a careful investigation of all the facts in the case, as sustained by the evidence submitted to said committee, it

appears that at the last general election of the Territory of Dakota, held on the 11th day of October, A. D. 1864, said Bond and Burgess were candidates for the office of Representative from the second Council and Representative district of said Territory. That at said election, discarding all illegal votes, there were fifty five lawful votes for said Bond, and the same number cast for said Burgess, and consequently that a tie vote exists between said Bond and Burgess. The majority of said committee count the vote of Geo. M. Pinney for Holiver Burgess, regardless of the fact, that the counsel for said Burgess, acknowledged before the committee, that said Pinney's vote was illegal and should not be counted. The facts in relation to this vote are as follows: George M. Pinney was appointed a commissioner by the Governor to take the vote of Company "C," Dakota Cavalry, at said election. Said Pinney, having been appointed a Commissioner as aforesaid, did, prior to said election, go to Fort Abercrombie, on the Red River of the North, and there on the day of election, did, in accordance with law receive the vote of said Company, an abstract of which vote was returned to the office of the Secretary of said Territory by said Pinney, but in said abstract, no votes were returned for Representatives, and it is expressly provided by law, that the Commissioner so appointed, shall return the votes cast for Delegate to Congress, members of the Council and House of Representatives of the Legislative assembly of said Territory, and for County officers, and that the said Secretary shall return an abstract of the returns for each county and district, to the Register of Deeds for which counties returns have been made to him, yet, regardless of this plain provision of the election law of this Territory, the said Pinney did make a return, under oath of a vote cast at Fort Abercrombie for said Burgess, for the office of Representative, as aforesaid: said return not being made to the Secretary of the Territory as required by law, but to the Register of Deeds of Clay county, and said vote was counted by the county canvassers, for said Burgess.

The majority of said committee in their report, say that they "doubt the right of J. Powell to vote for the local officers of Clay county," and consequently subtract one vote from the number of votes cast for said Bond, because they doubt the legality

of said vote. With equal propriety might they have subtracted the vote from the number of votes Burgess received, for there was no evidence before said committee that said Powell voted at said election.

The majority of said committee say that they are of the opinion that Mr. Bond has not offered sufficient proof that the three votes cast for Bond, without any initial letters, simply the name Bond, written on them, were cast for E. M. Bond, while the majority have no doubt in regard to the propriety of counting a vote for said Burgess, that was cast for Burgess, although there was evidence before the committee that there were two men by the name of Burgess in said county; and the committee in a late case before them, to wit: in the case of Carpenter vs. Turner, counted divers votes cast for Turner, without any initial letters, and this was done by the committee acting in accordance with an opinion rendered by the Hon. Ara Bartlett, one of the Justices of the Supreme Court of this Territory, that a vote would be good, even if there were no initial letters.

The majority of said committee find that said Burgess received a majority of two votes over said Bond.

The minority of said committee find that a tie vote exist between them, and that neither of them are entitled to a seat in this House; therefore,

*Be it Resolved*, That Halver Burgess is not entitled to a seat in this House as a Representative from said Clay county.

GEO. STICKNEY.

The following communications were received from the Council:

COUNCIL CHAMBER, }  
Jan. 12, 1865. }

MR. SPEAKER:—By a resolution of the Council, I have been instructed to return to the honorable House, C. B. No. 25, entitled An act to locate and establish a territorial road in Bon Homme county, with the following explanation:

Said bill passed the Council, and now after its return from the honorable House, it is discovered that there is no enacting clause to the same. This omission is solely chargeable upon

the Council; and the honorable House is most respectfully requested to reconsider the vote of the 11th instant, by which said bill passed, and then to amend it by adding an enacting clause.

GEO. N. PROPPER,  
*Secretary of Council.*

COUNCIL CHAMBER, }  
Jan. 12th, 1865. }

MR. SPEAKER:—I am instructed to inform the House that Council has passed H. F. No. 46, An act to amend sections two and four of chapter thirty-eight of the laws of 1862-63; which bill is herewith returned.

G. N. PROPPER  
*Secretary Council.*

COUNCIL CHAMBER, }  
Jan. 12, 1865. }

MR. SPEAKER:— I am instructed to inform the House that the Council has passed H. F. No. 48, An act to dissolve the marriage contract between Georgianna Young and Lewis Young, which bill is herewith returned.

GEO. N. PROPPER.  
*Secretary of Council.*

On motion of Mr. Turner,

The House resolved itself into the committee of the whole House on the majority and minority reports of the committee on Elections; and

After some time spent therein,

The Speaker resumed the chair, and

Mr. Kellogg reported that the committee having, according to order, had the majority and minority reports of the committee on elections, relative to the contested case of E. M. Bond *versus* Haliver Burgess, under consideration, had directed their chairman to report the same to the House.

On motion of Mr. Rouse,

The vote by which C. B. No. 25, was passed Jan. 11th, was reconsidered.

On motion of Mr Turner,  
The usual enacting clause was inserted between the title of the bill and Section one.

On motion of Mr. Lawrence,  
The House took a recess until half past two o'clock this P. M.

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At half past 2 o'clock P. M.,  
The House was called to order by the Speaker.

The business then before the House being the further consideration of C. B. No. 25, it was accordingly,

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 14, nays none, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Christy, Collar, Hanson, Kegan Kellogg, Matthiesen, Owens, Reed, Rouse, Shriner, Stickney, Turner and Wall.

So the bill passed, and its

Title was agreed to.

The Speaker, by unanimous consent, laid before the House, the following petition, accompanied by the names of the officers of the "Dakota Black Hills Exploring Company:"

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

We the undersigned, would respectfully represent that;

*Whereas*, A company has been organized, consisting of citizens of this Territory, for the purpose of visiting the Black Hills the coming season, with a view of developing their mineral resources, and

*Whereas*, Said company are desirous of making their explorations and examinations as effectual as possible, the undersign-

ed have been appointed as a committee to request the Legislative Assembly of the Territory to memorialize the War Department to furnish the necessary escort, consisting of one, two or more companies of United States Soldiers; therefore

We the said committee would respectfully request that the Legislature of Dakota, now in session, would immediately take the subject under consideration, and address the War Department in the form of a memorial, setting forth the importance of the undertaking and the very great necessity of suitable protection being granted to those who are disposed, voluntarily, to take upon themselves the opening up of this section, yet unoccupied, but which is known to abound richly in valuable minerals, and possessing natural characteristics of a very interesting nature.

H. C. ASH,  
W. P. LYMAN,  
B. M. SMITH.

Names of the Officers of the "Dakota Black Hills Exploring Company:

President—A. G. FULLER;  
Vice President—D. MOWERY;  
Secretary—S. C. FAROO;  
Treasurer—C. E. ROWLEY.

G. W. Kellogg, of Union county;  
F. Taylor, of Clay county;  
H. C. Ash, of Yankton county;  
John Rouse, of Bon Homme county;  
Chas. McCarthy, of Todd county;

*Executive Committee*

*Ordered.* That the petition be laid upon the table.

Mr. Hanson in the chair.

Mr. Brookings introduced H. F. No. 51, A memorial to the Hon. Secretary of War for a military escort to accompany the company organized to explore the Black Hills in Dakota.

Read a first time, and

On motion of Mr. Wall,

The rules were suspended, and

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

The yeas and nays being ordered, the vote stood,

Yeas 18, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Burgess, Christy, Collar, Hanson, Kegan, Kellogg Lawrence, Matthiessen, Matthews, McCarthy, Owens, Reed Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

So the memorial passed, and its

Title was agreed to.

The Speaker resumed the chair.

The following communications were received from the Council.

COUNCIL CHAMBER, }  
Jan. 12, 1865. }

MR. SPEAKER :—I am instructed to inform the House that the Council has passed H. F. No. 30, An act to regulate the height of fences, and to provide against damages done by stock, with attached amendments, respectfully asking the concurrence of the House in said amendments. H. F. No. 43, An act relative to county officers, and C. B. No. 26, An act supplementary to an act to provide for the location of the county seat of Union county, have also passed the Council, which bills are herewith returned, asking the House to concur in said Council Bill.

G. N. PROPPER.

*Secretary Council.*

The report of the committee of the Whole House on the majority and minority report of the committee on Elections relative to the contested case of E. M. Bond *versus* Haliver Burgess, was then

Taken up, for consideration, and

On motion of Mr. Lawrence,

The report of the committee of the Whole House, together with the majority and minority reports of the committee on Elections, were laid on the table.

By unanimous consent, H. F. No. 30, returned from the Council with attached amendments, was then

Taken up, and considered, and

On motion of Mr. Stickney,

The amendments were concurred in.

C. B. No 26, An act supplemental to an act to provide for the location of the county seat of Union county, was then, by unanimous consent,

Taken up, and

Read a first time, and

On motion of Mr. Stickney,

The rules were suspended, and

The bill read a second time, and

Mr. Lawrence offered the following amendments to the bill.

Insert as section 5, the following :

“ Sec. 5. All the rights and privileges conferred upon Company ‘ B,’ by this act, are hereby conferred upon Company ‘ A,’ Dakota Cavalry,” also, change the number of section “ 5,” to section “ 6.”

The amendments were adopted.

On motion of Mr. Stickney,

The rules were again suspended, and

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

The yeas and nays being ordered, the vote stood,

Yeas 17, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Burgman, Christy, Hanson, Kegan, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, Wall and Mr. Speaker.

Those who voted in the negative, were

Messrs. Burgess, Collar and Shriner.

So the bill passed, and its

Title was agreed to.

The following communications were received from the Council :

COUNCIL CHAMBER, }  
Jan. 12th, 1865. }

MR. SPEAKER:—I am instructed to inform the House that

the Council has passed the following resolutions :

*Resolved*, Whereas, his Excellency, the Governor, has many bills in his hand under consideration, which will take him until a late hour to-morrow evening to examine and pass upon—and as an adjournment at the hour mentioned in the message from the House would prevent his approval of such bills, and would in effect result in their veto, therefore, be it

*Resolved*, That the Council do not adjourn *sine die*, until such hour to-morrow evening as may suit the convenience of his Excellency; and that the Hon. House be requested to reconsider their action on the question of adjournment, A. M.

GEO. N. PROPPER,  
*Secretary of Council.*

Mr. Hanson, chairman of the committee on Enrollment, submitted the following reports :

MR. SPEAKER:—Your committee on Enrollment have to report that in conjunction with the committee of the Council on Engrossed and Enrolled Bills they have examined the following bills and find the same correctly enrolled :

H. F. No. 32, An act to locate a Territorial road from the North line of Union county, to the Big Sioux River ; and

H. F. No. 46, An act to amend section two and four of chapter 38 of the laws of 1862-63.

J. R. HANSON,  
*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report that in conjunction with the committee of the Council on Engrossed and Enrolled Bills, they have examined the following bills, and find the same correctly enrolled, to wit :

C. B. No. 22, An act granting to James Tufts, Robert Hagan, Enos Stutsman, D. P. Bradford, and their associates and assigns a charter for a ferry at or near the mouth of the Yellow Stone River ; and

H. F. No. 48, An act to dissolve the marriage contract between Georgianna Young and Lewis Young.

J. R. HANSON,  
*Chairman.*

MR. SPEAKER:—Your committee on Enrollment have to report, that at the hour of 3½ o'clock this P. M., we handed to his Excellency, the Governor, for his approval the following bills, to wit:

H. F's. No. 48, 46 and 32.

J. R. HANSON;

*Chairman.*

Mr. Turner, chairman of the committee on Incorporations, by unanimous consent, submitted the following report:

MR. SPEAKER:—Your committee on Incorporations, to whom was referred C. B. No. 14, An act granting the privilege of forming cemetery associations, have had the same under consideration and report it back to the House and recommend its passage.

J. W. TURNER.

*Chairman.*

C. B. No. 14, reported back by the committee on Incorporations, was then

Taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 19, nays one, as follows:

Those who voted in the affirmative were

Messrs. Burgess, Burgman, Christy, Collar, Hanson, Kegan, Kellogg, Lawrence, Matthiesen, Matthews, McCarthy, Owens, Pratt, Reed, Rouse, Shriner, Stickney, Turner, and Wall.

Mr. Speaker voted in the negative.

So the bill passed, and its

Title was agreed to.

Mr. Rouse moved to reconsider the vote by which the resolution relative to adjourning *sine die* to-morrow at 11 o'clock was adopted.

Which motion was agreed to.

Mr. Lawrence moved to lay the resolution on the table.

Which motion was agreed to.

The following communications were received from the Coun-

oil :

COUNCIL CHAMBER, }  
Jan. 12, 1865. }

MR. SPEAKER:—I am instructed to inform you that the Council has passed C. B. No. 27, An act to change the name of Jayne county, to Monroe county; also, C. B. No. 28, An act to prohibit drawing sand, earth or stone from the levee in the town of Yankton, D. T., which is herewith transmitted and the concurrence of the House requested.

They have also passed H. F. No. 49, An act to change the name of Bon Homme county, to Jefferson county, and the name of Charles Mix county, to Franklin county, also, H. F. No. 50, An act to change the name of Todd county, to Jackson county; also H. F. No. 51, a Memorial to the Honorable Secretary of War, asking for a military escort to the company organized to explore the Black Hills in Dakota, which is herewith returned.

G. N. PROPPER.

*Secretary Council.*

C. B. No. 27, An act to change the name of Jayne county to Monroe county, was then by unanimous consent,

Taken up, and

Read a first time, and

On motion of Mr. Rouse,

The rules were suspended, and

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

The yeas and nays being ordered the vote stood

Yeas 13, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Burgman, Christy, Collar, Hanson, Kegan, Kellogg, McCarthy, Owens, Reed, Rouse, Stickney, Wall and Mr. Speaker.

Those who voted in the negative, were

Messrs. Burgess, Lawrence, Matthiesen, Matthews, Pratt, Shriner, and Turner.

So the bill passed, and its

Title was agreed to.

The following communication was received from his Excellency the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }  
YANKTON, Jan. 11th, 1865. }

To HON. W. W. BROOKINGS,

*Speaker of the House of Representatives,*

SIR:—I have the honor to return herewith H. F. No. 8, An act regulating the weight of grain &c. also, H. F. No. 19, An act in relation to summoning grand and petit jurors, also, H. F. No. 23, An act providing for the foreclosure of mortgages, also, H. F. No. 28, An act to prohibit laying out strychnine or any other poison, also, H. F. No. 33, An act locating a Territorial road from Yankton to the big Sioux river, also, H. F. No. 34, An act providing for a term of the District Court in the county of Union, also, H. F. No. 38, An act to authorize the county commissioners of Yankton county to levy a tax for the year 1864, and to provide for the collection of the same; which have this day been examined, approved and signed by me.

I am, Sir,

Very respectfully,

Your ob't serv't,

NEWTON EDMUNDS,

*Governor.*

On motion of Mr. Lawrence,

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

W. W. BROOKINGS,

*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

## FORTIETH DAY.

HOUSE OF REPRESENTATIVES, }  
 Friday, Jan. 13, 1865. }

The House met pursuant to adjournment and was called to order by the Speaker in the Chair.

Prayer by the Chaplain.

Roll called

The following named members were absent, to wit:

Messrs. Burgess, Burgman, Collar, Fallas, Matthews, Owens, Pratt, Rouse, Shriner, Turner and Wall.

There being no quorum present

Mr. Stickney moved that the House adjourn until two o'clock P. M.

The Speaker ruled the motion out of order.

Mr. Hanson moved that the Sergeant-at-Arms be instructed to take into custody and bring to the bar of this House such of its members as are now absent without leave of the House.

The Speaker decided the motion out of order on the ground that the House has never made any rule by which a minority of the House can compel the attendance of absent members.

Mr Hanson appealed from the decision of the chair.

The question being put "shall the decision of the chair stand as the decision of the House?"

It was disagreed to.

The question then being upon the motion of Mr. Hanson, It was agreed to.

Mr. Hanson moved that the Speaker issue a warrant for the arrest of the absent members.

Which motion was agreed to.

Mr. Kegan moved that the Sergeant-at-Arms, be furnished such aid and assistance as is necessary to arrest the absent members.

Which motion was agreed to.

The Speaker then issued a warrant for the arrest of all the absent members.

The minority of the House, waiting until three o'clock P. M. and there still being no quorum present, (the Sergeant-at-Arms having been unable to find any of the absent members.)

Mr. McCarthy moved that the House do now adjourn.  
Which motion was agreed to.

W. W. BROOKINGS,  
*Speaker.*

GEO. I. FOSTER, *Chief Clerk.*

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