

HOUSE JOURNAL
OF THE
EIGHTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY
OF
DAKOTA,

BEGUN AND HELD AT YANKTON, THE CAPITAL OF SAID
TERRITORY, ON MONDAY, DECEMBER 7th, A. D. 1868,
AND CONCLUDED JANUARY 15th, A. D. 1869.

YANKTON, DAKOTA TERRITORY,
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1869.

HOUSE JOURNAL.

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FIRST DAY.

TERRITORY OF DAKOTA, }
HOUSE OF REPRESENTATIVES, }
Yankton, Monday, December 7th, 1868. }

On the seventh day of December, A. D. 1868, being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota, the members of the house of said assembly met in the hall of the house of representatives of the capitol, at Yankton, at 12 o'clock M., and proceeded to a temporary organization in the following order, to-wit:

Mr. Stutsman called the house to order, and nominated the Hon. John L. Jolley, of Clay county, for temporary speaker.

And a vote being taken,

Mr. Jolley was declared elected temporary speaker of the house.

Whereupon the temporary speaker took the chair and announced as the next business in order the election of a chief clerk *pro tem*.

Whereupon Mr. Benedict nominated Mr. Geo. I. Foster for temporary chief clerk,

And a vote being taken,

Mr. Foster was declared duly elected temporary chief clerk of the house.

The speaker then announced as the next business in order the calling of the roll of members, and

The roll being called by districts,

The following named gentlemen responded to their names, to-wit:

First District—Messrs. G. P. Bennett, Calvin M. Brooks, John Clementson, J. T. Hewlett, Hiram Keith and R. T. Vinson.

Second District—N. G. Curtis, J. M. Eves, John L. Jolley, Lewis Larson, Joseph Moulin and Charles Ricker.

Third District—Jacob Brouch, O. T. Haggin, A. W. Jameson, Knud Larson and G. C. Moody.

Fourth District—Alfred Abbott and James Keegan.

Fifth District—Joseph La Roche and M. H. Somers.

Sixth District—J. Shaw Gregory.

Seventh District—Enos Stutsman.

Eighth District—Charles D. Bradley.

A temporary organization being effected,

The members present rose in their seats, and

The usual oath was administered by the Hon. Geo. H. Hand,
U. S. District Attorney for this Territory.

The Rev. Mr. Damon, of Union county, being present, was called upon for prayer, and responded as follows :

Almighty God, thou hast created all things by the word of thy Power, and in thy hand are the destinies of all created beings. We therefore approach thee and humbly ask thy blessings to rest upon this assembly, who have met for the purpose of legislating for the good of our Territory. Endue them with wisdom, that in all their deliberations they may have the Glory of God, and the good and prosperity of our country, continually in view. May peace and harmony prevail, and may we at last all be gathered to a home in Heaven, through Jesus Christ our Lord. Amen.

On motion of Mr. Brooks,

The house then proceeded to a permanent organization.

Mr. Bennett nominated the Hon. G. C. Moody for speaker.

No other nomination being made,

And a vote being taken,

Mr. Moody was declared duly elected speaker of the house, having received 22 votes, the whole number cast,

Mr. Moody being excused from voting.

The speaker *pro tem* appointed Messrs. Bennett and Bradley a committee to wait upon the speaker to the chair.

The committee having discharged that duty,

The speaker took the chair and returned his thanks to the house, as follows :

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :—Allow me, on assuming the duties of the chair, to express to you my profound gratitude, for the manifestation of your confidence in selecting me to preside over your deliberations. That I shall be able to fill the measure of your just expectations, I can only hope, if I receive, as I trust I shall, your kindly forbearance and cordial co-operation and assistance. That nothing of effort on my part shall be wanting, I can give you the fullest assurance.

I need not remind you that the duties which have been confided to our care, require at our hands the most faithful watchfulness and attention. Not only do we owe an imperative duty to those who have sent us here ; but the result of our labors, as well or illy performed, may redound to the welfare or injury of those who are yet to co-operate with these in forming the future powerful and prosperous commonwealth.

No narrow or selfish policy should guide and influence us, but the general welfare of the whole Territory be our aim. Such I trust shall be the result of our deliberations that when our work shall be done and we are ready to surrender up the trust that has been confided to us, we may each and all meet those whose representatives we are, and receive from them the commendation of "well done, good and faithful servants."

I again thank you for the honor you have conferred upon me.

The speaker then announced as the order of business, the election of officers of the house for the present session. Whereupon

Mr. Brooks nominated Geo. I. Foster for chief clerk, and
No other nomination being made,
And a vote being taken,

Mr. Foster was declared duly elected chief clerk of the house.

Mr. Jolley nominated Edward D. Barker for assistant clerk, and

No other nomination being made,

And a vote being taken,

Mr. Barker was declared duly elected assistant clerk of the house.

Mr. Jameson nominated Edwin Gillham for enrolling clerk, and

No other nomination being made,

And a vote being taken,

Mr. Gillham was declared duly elected enrolling clerk of the house.

Mr. Stutsman nominated Geo. W. Owens for sergeant-at-arms.

No other nomination being made,

And a vote being taken,

Mr. Owens was declared duly elected sergeant-at-arms of the house.

Mr. Vinson nominated Andrew Erickson for messenger, and

No other nomination being made,

And a vote being taken,

Mr. Erickson was declared duly elected messenger of the house.

Mr. Jolley nominated Christian B. Larson for fireman, and

No other nomination being made,

And a vote being taken,

Mr. Larson was declared duly elected fireman of the house.

Mr. Bennett nominated Mr. J. C. Damon for chaplain, and

No other motion being made,

And a vote being taken,

Mr. Damon was declared duly elected chaplain of the house.

The election of permanent officers being concluded,

The officers elect came forward and took the oath of office, which was administered by the Hon. Geo. H. Hand, U. S. District Attorney for this Territory, and they severally entered immediately upon the duties of their respective offices.

Mr. Jolley presented the petition of William Robinson, claiming a seat in this house from the fourth district,

Which was referred to the committee on elections.

On motion of Mr. Jolley,

The rules of the last house were adopted for the government of this house until the further order of the house.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER, }
December 7th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council is permanently organized by the election of the following officers:

President—Hon. W. W. Brookings.

Secretary—Amos F. Shaw.

Assistant Secretary—W. S. Smith.

Enrolling Clerk—Adolph Mauksch.

Sergeant-at-arms—Iver Bagstadt.

Messenger—P. M. Hoisington.

Fireman—T. J. Edwards.

Chaplain—M. Hoyt.

A. F. SHAW,
Secretary.

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

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

The speaker appointed as such committee

Messrs. Stutsman, Bennett and Jolley.

On motion of Mr. Bennett,

The house took a recess of fifteen minutes, at the expiration of which time

The speaker resumed the chair. Whereupon

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

Resolved, That the speaker appoint a committee of three to act with a like committee on the part of the council, whose duty it shall be to wait upon His Excellency, the Governor, and inform him that the two houses are now permanently organized and await his pleasure.

The speaker appointed as such committee
Messrs. Gregory, Keegan and Bradley.
On motion of Mr. Ricker,
The house adjourned.

G. C. MOODY,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, December 8th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton, LaRoche and Schooler.

The journal of the preceeding day was read and approved

REPORTS OF COMMITTEES.

Mr. Gregory chairman of the special committee, appointed to act with a similar committee on the part of the council relative to informing His Excellency, the Governor, when the two bodies will meet in joint convention, submitted the following report, which was received and the committee discharged:

MR. SPEAKER:—Your committee appointed to act with a similar committee on the part of the council, to inform His Excellency, the Governor, that the two houses are now organized, and ready to receive any communication he may be pleased to make to them, have performed that duty and I have to report

that His Excellency, the Governor, will communicate to the joint convention this day at 11, a. m.

J. SHAW GREGORY,
Chairman Com.

Mr. Sommers moved that Mr. Joseph LaRoche, representative elect from the fifth district, be sworn as a member of this house.

Which motion was agreed to.

Whereupon Mr. LaRoche presented himself, and the usual oath was administered by the speaker.

The speaker then announced as the standing committee on elections.

Messrs. Keith, Eves, Brauch, Hewlett and Sommers.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER, }
Tuesday, Dec. 8th, 1868. }

MR. SPEAKER:—I am instructed by the council to inform the house of the passage of the following resolution, to-wit:

Resolved, That this council invite the house to meet in joint convention in this hall at eleven o'clock a. m. for the purpose of receiving the Governor's Message.

A. F. SHAW,
Secretary.

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

Resolved, That the house will meet the council in joint convention in the hall of the council this day at eleven o'clock a. m., for the purpose of receiving the annual message of His Excellency, the Governor, and for the purpose of transacting any other business that may properly come before the joint convention.

Ordered, That the chief clerk acquaint the council therewith.

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

MR. SPEAKER:—We have been appointed a committee, to inform your honorable body, that the council is now prepared

to meet them in joint convention, and the committee will escort the house to the council chamber.

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

IN JOINT CONVENTION.

The president of the council presiding called the joint convention to order.

The chief clerk of the house and assistant secretary of the council were on motion of Mr. Rossteuscher instructed to act as clerks of the joint convention.

The roll being called,

The following gentlemen answered to their names, to-wit :

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

Members of the House—Messrs. Abbot, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith Larson, (Clay) Larson, (Yankton) LaRoche, Moulin, Ricker, Sommers, Stutsman, Vinson and Mr. Speaker.

Absent, Messrs. Hamilton and Schooler.

A quorum of each house being present,

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

Whereupon Mr. Gregory moved, that a committee of two from each house be appointed to wait upon His Excellency, the Governor, and inform him that the two houses have assembled in joint convention, and await his pleasure.

Which motion was agreed to.

Whereupon the chair named, Messrs. Gregory, Jolley, Lewis, and Austin, as such committee.

After a brief absence the committee, accompanied by His Excellency, the Governor, and staff, and government officials, returned and reported as follows :

MR. CHAIRMAN:—Your committee appointed to wait upon His Excellency, the Governor, and inform him that the joint convention of the legislative assembly is in session and await-

ing his pleasure, have discharged that duty and have the honor to present His Excellency, the Governor.

His Excellency was then invited by the chairman of the joint convention, to the president's stand, where he delivered his third annual message, as follows :

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives :

The period for your annual assembling has again returned ; on which occasion, in accordance with established custom, it becomes my duty to present, for your consideration, the condition of the Territory ; and recommend such measures as seem to me to be expedient or necessary to promote the interests of the people, which have been committed to your charge. In welcoming you to the discharge of your various and important duties, I may express my earnest hope that all your acts may be governed by the highest considerations of patriotism, and may redound to the benefit and prosperity of your constituents. It is a subject of congratulation that during the year that is past a beneficent Providence has blessed our people with prosperity in all their material interests, while the future is full of promise of continued mercies. The peace which signalized the previous year, has not been broken by any of the Indian tribes in our vicinity ; the farmer has been rewarded with abundant crops ; immigration has added largely to our population ; and we have strong confidence that the new year, soon to dawn upon us, will have in store still greater progress and a higher degree of prosperity. In all that relates to our intellectual and moral advancement we have labored, and I think successfully, to keep pace with the spirit of the age. Our Internal Affairs have been managed with commendable wisdom. The laws have heretofore been sufficient for the proper regulation and good order of the community, and for the protection of life and property. The courts have been open for the redress of wrongs, and found adequate, except perhaps in that portion of the Territory known in our statutes as Laramie and Carter counties. There in those recently organized counties, on account of their re-

moteness from the established Judicial Districts of the Territory, a state of society bordering on anarchy has for a time existed; and which from unavoidable circumstances has been temporarily and imperfectly relieved, by the action of the Legislature during its last session, by the passage of an act embracing those counties within the boundaries of the Second Judicial District, and authorizing His Honor, the Chief Justice, to hold a term of court at the City of Cheyenne.

ORGANIZATION OF WYOMING.

Owing to rich discoveries of gold and other valuable minerals in that vicinity, and the construction of the Pacific Railroad through the southern portion of these counties, a large population was soon collected, which embraced, among others, many turbulent and lawless individuals, who were, practically, beyond the control of civil law; and whose crimes were of such a startling character as to compel the better class of citizens to resort to measures, deemed unavoidably necessary for the protection of society, to reduce such refractory spirits to submission. The authority exercised, under such circumstances, by Vigilance Committees, finds many apologists—but to my judgment it is greatly to be deprecated,—and it is most earnestly hoped that the time is past when a resort to such measures can be in any degree palliated or justified. In my last Annual Message I alluded to this subject, and favored on that occasion the organization of those counties, by act of Congress, into a separate Territory, as the only practicable or effectual remedy for existing and apprehended social evils. In this I was cordially sustained by the Legislature, and by the unanimous voice of the people. In accordance with our wishes, an act creating a temporary government for Wyoming, which embraced those two counties, was passed by Congress, and approved July 25, 1868,—but, unfortunately, has not yet gone into practical operation, on account of the failure of Congress to make the necessary appropriation to defray expenses, and the non-appointment and confirmation of Territorial officers. This evil, however, is but temporary. But a short time can yet elapse until the machinery of a separate government will be in full operation in Wyoming, when, through the regular application of the civil laws, faithfully and speedily admin-

istered, crime will be suppressed, and the law abiding citizens will finally be relieved from the social disorders which have afflicted them. Under such auspicious circumstances, in view of the railroad facilities possessed by that Territory, and the vast beds of coal, and deposits of precious metals, which have already been developed, we may reasonably anticipate for Wyoming a career of prosperity which Eastern Dakota, with all its advantages, might well envy.

THE PENITENTIARY AND CAPITOL BUILDINGS.

In my last Annual Message I called your attention to an act of Congress, approved January 22, 1867, setting aside certain proceeds of Internal Revenue, for the erection of a Penitentiary in Dakota, namely: the nett proceeds, not exceeding forty thousand dollars, of the Internal Revenue for the fiscal year ending 30th June, 1866, and the two succeeding years thereafter. As such a building is greatly demanded by the condition of the Territory, and as the past year has been one of unexpected growth in population, and general prosperity, especially in Laramie and Carter counties, it is reasonably anticipated that a surplus, after deducting the expense of collection, may be found to our credit, applicable to the purpose named. Should such be the case it will justify immediate measures to secure the early erection of this building, under the direction of the Secretary of the Interior.

For my views concerning the necessity of a Capitol building, I respectfully refer you to my last annual message. The reasons urged for pressing these subjects upon your attention increase in importance with the increase of population. And an appropriation for a suitable Capitol building, of a permanent character, should be obtained as speedily as possible, where the public records can be secured, and where the federal officials can be comfortably accommodated; and the ends of justice cannot be fully and satisfactorily met until ample accommodations for the courts, and for the confinement and punishment of criminals, are provided.

PROTECTION OF TERRITORIAL ARMS.

Your attention is again invited to the unprotected condition of the Territorial arms, a large portion of which yet remain

without any effectual provision for their storage or safe keeping. I cannot avoid expressing the conviction that our past failure as regards these arms is extremely unwise, and a perseverance in such neglect will be a serious damage to that portion of the public property.

REPORTS OF TERRITORIAL OFFICERS.

I respectfully refer you to the reports of the Adjutant General, Territorial Auditor, Treasurer, and Superintendent of Public Instruction, for information regarding the condition of these several departments.

OUR COMMON SCHOOL SYSTEM.

While we labor to advance our material prosperity, it is a source of congratulation that intellectual culture is not neglected. Our common schools, based on the broadest and most philanthropic foundation, continue to grow in interest and importance; but it should not be forgotten that these nurseries of freedom will always have strong claims on the most scrutinizing attention and fostering care of the Legislature. The strength, perfection and even the perpetuity of our system of government, depend on the intelligence of the masses. To such a people alone can self government be safely intrusted. When education is diffused, like the rays of the sun, into every town and neighborhood, without distinction between high and low, or rich or poor, we can then and only then realize the full force of the saying, that knowledge is power, and that it is the palladium of our national and individual safety. Every citizen of this Territory should exert a personal influence in favor of the success and enlarged influence of these schools, as every one must derive from them a personal benefit, either directly or indirectly, in the proper instruction of the youth of the Territory, and as a guarantee for the future faithful administration of the laws which are passed for his protection.

OUR INDIAN RELATIONS.

The condition of the Indian tribes in Dakota has remained the same, in relation to the white citizens, as during the previous year. They are still friendly, and show marked signs of progress in point of education and civilization. The Ponca and Yankton Indians deserve especial commendation for their

Faithful adherence to treaty stipulations, and for their industry and energy in the efforts put forth to obtain their subsistence by the cultivation of the soil, instead of by the chase. The trade of the Missouri river has met with but little interruption during the past year, from those less civilized and less friendly Indians, who roam through the Northwestern portion of the Territory.

Since your last meeting, I have received two lengthy petitions, from citizens of Union county, asking that steps may be taken for the removal of certain Indians, who occasionally encamp in the valley of the Big Sioux, or its tributaries, for hunting and trapping purposes, or in the course of their periodical travels across the Territory. The complaint is chiefly, as I am informed, against the Santees or Mississippi Sioux, whose temporary reservation is below the mouth of the Niobrara, in Nebraska, and whose past history in Minnesota is of such a character as naturally to inspire a feeling of alarm and insecurity among the settlers. So long as we have ample assurance that these Indians are friendly, and are confining themselves strictly to a harmless effort to obtain a subsistence by hunting, fishing, or trapping, on the unoccupied public lands, it seems to me that good policy, as well as the principles of justice, require that they be treated leniently at least, if not with friendship. It is not the policy of the Government to pen the friendly Indians up on Reservations, where at certain periods in the year they are in danger of starvation; but rather, in consideration of their poverty, and their uncivilized and unenlightened condition, to encourage them to make a peaceable effort to glean from the uninhabited prairies such subsistence as will supply their temporary and simple wants. Yet the complaint of the inhabitants named is entitled to serious and respectful consideration, not only from the Executive and Legislature, but from the Government. From the first settlement of these Minnesota Indians on our borders, we were led to believe that they were only placed there for a temporary purpose, and that they would soon be placed on a more permanent reservation, in some locality less dangerous and objectionable to the citizens, and more beneficial, because more settled and secure, for themselves. Up to the present time, however,

nothing of importance has been done toward accomplishing so desirable an object. But now that the action and recommendation of the late Indian Peace Commission appear to have become the adopted policy of the Government, it is presumed that it would not be difficult, if an effort in that direction were properly made, to have these Indians removed to the new Indian District North of the Niobrara, and placed under the immediate supervision and control of Gen. Harney, who, in the capacity of Peace Commissioner, is now engaged, and it is believed successfully, in endeavoring to inaugurate and put in practical force the policy indicated. Such an effort, if successful, would most likely relieve the inhabitants of this source of irritation and alarm;—but which, if too long neglected, might involve us again in Indian conflicts, so disastrous and calamitous in their effects upon the newly formed settlements of this Territory.

THE INDIAN RESERVE OF WESTERN DAKOTA AND THE BLACK HILLS.

As intimated in my former message, that portion of Dakota, lying west of the Missouri river, and between the Yellowstone on the north and the Niobrara on the south, has been set apart for the exclusive use and occupation of the various tribes of Indians who have heretofore occupied the Platte and Powder river countries, and for other tribes who may accept the terms proposed by the late Indian Peace Commission. In that message I stated my objections, on behalf of the citizens of Dakota, against the policy foreshadowed by the act of Congress of July, 1867, appointing this commission, which were supported by a suitable memorial from the Legislature,—but, as it seems, without having received a favorable consideration from those who have in their hands, in a great measure, the control of our Territorial destinies.

While it becomes our duty to acquiesce in the final decision of the Federal authority, I see no reason to change the views I then expressed, as to the vast importance of the Black Hill country to the citizens who are destined to occupy this Territory; or as to the fact that an Indian District, which should embrace the minerals and pine timber of that region, could not,

in view of the past Indian history of this country, be a permanent one. Nevertheless, the decision is against us; and whatever chagrin or disappointment may be felt, in consequence, we have but the alternative to submit, and render a loyal obedience to those in authority over us. We should be willing to give the experiment a fair and impartial trial. And though it destroys, for the present, the brightest hopes yet entertained for the future of Dakota, it may not be altogether without its compensating benefits. If we lose the pine timber so much in demand on the Missouri Slope, and the rich beds of minerals, the development of which, in our view, would soon have peopled that country with an industrious and enterprising population, we will gain additional markets for our merchandise, our stock and our grain, by the location and feeding of additional bands of Indians in the Valley of the Missouri. It will stimulate the raising of stock, and the production of cereals, required by this new demand upon our industry and our enterprise. It will be, of itself, no small inducement to immigration, to all such as design to live by agricultural labor, and will no doubt encourage those who have already opened up farms to increase the amount of land now under cultivation. And again,—the removal of the heretofore hostile Indians, by treaty, from the line of the new Pacific road, to the District named, where they are to be guaranteed absolute freedom from molestation, and the withdrawal of the military posts from the Powder River Valley, would seem to assure to the citizens of Dakota that prospect of quietude and exemption from Indian troubles, which our first settlers did not possess, but which are so essential to our rapid growth in population, and to our permanent prosperity as a people. Our first and most manifest necessity, is peace; and probably we now need nothing more clearly than such perfect assurance of security, from Indian wars and Indian alarms, as these latest arrangements would seem to promise. Let this confidence once take possession of the public mind, and the tide of immigration thitherward will be increased ten-fold over what it has been even through the year that is past. Such considerations furnish us our present and prospective compensation, for the loss of the most promising and most valuable portion of this Terri-

tory. In the meantime we may indulge in the faith that a more favorable day will yet dawn upon us; and at no remote period, when, with the consent of the Government, and the Indian tribes, and without war, we may, like the Israelites of old, "go in and possess the land."

DAKOTA AN AGRICULTURAL TERRITORY.

As all mineral resources are, for the time being, cut off from us, by the formation of the new Territory of Wyoming, and by the action of those in authority, in absorbing our prospective Black Hill wealth in the Indian District alluded to, we are now, therefore, by the force of circumstances, against the latter of which we struggled faithfully, pre-eminently an agricultural Territory. And it would be well to pause here, and reflect on the fact that we have abundant cause of profound gratitude, to the Giver of all Good, for what yet remains our possession. I think it is not too extravagant to say, that in much of Eastern Dakota, from the Red River of the North to the outlet of the Big Sioux, and thence throughout our boundaries along the Valley of the Missouri and its tributaries we possess one of the finest agricultural regions on this continent,—with a dry, pure, invigorating and equable climate, which epidemic or contagious diseases are unknown, and where live stock will subsist well throughout the winter season, with but little attention, and without any expense to their owners. With a proper appreciation of such facts as these, we may well afford to throw aside all unpleasant memories of the past, and fully resolve to apply our energies to the future, which is full of materials for encouragement and hope. With the glorious Homestead and Pre-emption laws on the national statute book in addition to the advantages named, we have but to practice wisdom and liberality in our legislation; and by every possible appliance hold out all honorable inducements to immigrants to come and occupy our fertile prairies. In proportion as nature has been bountiful, we should be wise and liberal, in all legitimate efforts to encourage the introduction of industrial labor and to invite capital within our borders. Thus by suitable legislation; by encouraging manufactures and the mechanic arts; and the construction and completion of internal improvements;

a word, by well directed industry, intelligence and energy, we may hope to effectually overcome the loss of the Black Hill country; and by building up a flourishing agricultural community, of a much more enduring and substantial kind, we will, at no distant day, on this basis alone, be able to knock at the door of Congress, and obtain admission to the sisterhood of States. And, instead of, as now, drawing our support from the Treasury of the Government, we can then contribute our due proportion to the national wealth.

RAILROAD MATTERS.

Since your last meeting no further important steps have been taken to secure the building of the railroads for which charters have already been granted, except to lay the subject before Congress and ask for land grants to aid in their construction. Congress, it is believed, looks upon these improvements with favor, and we may therefore hope to obtain the aid required at no distant day. Their construction would bring us within easy communication of the markets of the East, so essential to the proper encouragement of agricultural labor; and would be the means of bringing to our vicinity, at moderate prices, the pine lumber of Minnesota. In the advocacy and advancement to completion of these great Territorial enterprises, we should act as a unit; and no local jealousies, or conflict of individual interests, should be allowed to stand in the way of their perfect success. Their commencement and completion are only a question of time. And that we are on the line of a continuous road, soon to be built across the continent, by way of the Valley of the Missouri, more highly favored by natural advantages than the Union Pacific, and of scarcely less national or local importance when completed, is a fact which has impressed itself upon the minds of some of the most intelligent and practical men of the East. One great incentive to the construction of such a work is the hazardous nature of the navigation of the Missouri. The heavy losses to the Government, and to individuals, annually occurring from this cause, and which are annually on the increase in proportion to the increase of trade, are even now bringing sagacious capitalists and statesmen to reflect upon the comparative speed, safety

and economy of railroad transportation up the Valley of the Missouri.

AMENDMENT TO THE FEDERAL CONSTITUTION.

By a resolution of the 39th Congress of the United States, an amendment to the Constitution, known as the 14th Article, was proposed to the legislatures of the several States, and the requisite three-fourths of all the States concurring therein, it has become a part of the fundamental law. And as, by the 16th section of the Organic Act of this Territory, approved March 2, 1861, it is provided that the Constitution, and laws of the United States not locally inapplicable, shall have the same force and effect within said Territory as elsewhere within the United States, it may be considered appropriate to state, on this occasion, in a summary way, the contents of said Article :

Section first guarantees to all persons born or naturalized in the United States, and subject to its jurisdiction, the right of citizenship and civil equality. It also protects them from any State legislation which might abridge their privileges or deprive them of life, liberty or property, without due process of law.

Section second provides that the denial of suffrage to any of the male inhabitants of a State, twenty-one years of age, and citizens of the United States, or the abridgement thereof, except for participating in rebellion or other crime, shall exclude all such disfranchised persons from forming a part of the basis of representation in the Congress of the United States.

Section third disqualifies, for certain offices, a specified class of those who participated in the late rebellion, until the disability be removed by a vote of two-thirds of each House of Congress.

Section fourth guarantees the faithful liquidation of the National Debt, incurred in the late war waged for the preservation of the Union; and declares all public debts or claims of rebel States forever void.

Section fifth confers upon Congress the authority to enforce its provisions.

A discussion as to the merits of this Article would be somewhat out of place, since we, as a Territorial organization, had no part in its adoption. It is the recorded verdict of the States, done in the public interests and in good faith, according to the forms prescribed in the Constitution, and all our obligations of fealty, and our love and veneration for the Union, as American citizens, apply with equal force to this Article as to the original law framed by our immortal forefathers. To this instrument, as it is, we are to look for the preservation of our civil and religious liberty, and a ready and patriotic obedience is due from us to its mandates, and to all the laws of Congress framed in accordance therewith:

My own opinion has been averse to some of the more recent reconstruction policy of Congress; but as it regards this Article, I have believed that it was proposed in a fraternal spirit of conciliation and amity; and had it been promptly accepted in that light, by the States recently in rebellion, they would all long since have occupied their proper place in the Union, with the full recognition of their right, as co-equal States, to regulate their domestic concerns in their own way, under the guarantees of the Constitution. Much of the unhappy state of society which since intervened, and in some degree yet exist, with the subordination of their civil governments to military control, and the enforcement of universal suffrage, may be traced to this most singular and most unfortunate mistake. The provisions of the Article are all, in my judgment, eminently wise, expedient and just; and were made unavoidable by a chain of circumstances for which the defenders of the Union were in no wise responsible.

The emancipation of the slave was one of the legitimate and most glorious results of the war; and having thus become a citizen, the provision securing perfect equality before the law was a necessary consequence. And the other provision, declaring that the duty of the American people to pay the public debt, created in their own defense, shall not be questioned, meets with a hearty response from every loyal heart.

Let us then hope that the momentous subject of reconstruction may soon be finally disposed of, by the speedy restoration of all the seceding States to their proper status in the Union;

in all of which true allegiance, both state and federal, shall be consistently blended; and in which peace and good will, with perfect liberty of the press and of speech, in fact as well as in theory, shall universally prevail.

CONCLUSION.

In conclusion, I most humbly invoke upon your deliberations the aid of that Divine Power which controls human government, to the end that your legislative acts may conduce to the honor and welfare of the Territory.

A. J. FAULK.

YANKTON, December, 1868.

His Excellency having retired,
On motion of Mr. Gregory,
The joint convention dissolved.

Whereupon the house returned to the hall of the house, and
The speaker resumed the chair and called the house to order.

Whereupon Mr. Jolley submitted the following resolution,
which was read, considered and agreed to:

Resolved, That two thousand copies of the governor's message be ordered printed, for the use of the house.

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

On motion of Mr. Gregory,
The house adjourned.

G. C. MOODY,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES, }
 Wednesday, December 9th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Haggin, Hamilton and Schooler.

The journal of the preceding day was read and approved.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on rules, submitted the following report:

MR. SPEAKER:—Your select committee on rules have agreed upon the following house rules, and have instructed me to report the same with the recommendation that they be adopted, and in conjunction with a like committee on the part of the council, they have agreed upon the following joint rules, and have instructed me to report the same with the recommendation that they be adopted:

RULES OF THE HOUSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

14. The previous question shall be in this form : "Shall the main question be now put ?" It shall only be admitted

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

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

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

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

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

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

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

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

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

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

24. All bills, memorials or joint resolutions, shall be read the first time for information, and the question shall be: "Shall this bill be read a second time?" If opposition be made, or if the motion be rejected, the bill shall go to its second reading with out a question.

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

26. All bills, memorials, or joint resolutions, on their third reading, shall be read by their title, and no amendment shall be admitted without the consent of the house.

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

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

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

30. Bills committed to the committee of the whole shall, in committee of the whole thereon, be first read through, unless the committee shall otherwise order, and then read and

motion for leave, or committee; and one motion for leave to bring in a bill, without such previous notice to bring in a bill, shall be in writing, and shall contain the title of the bill.

Every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

resolutions, shall be read the first time for information, and the question shall be: "Shall this bill be read a second time?" If opposition be made, or if the motion be rejected, the bill shall go to its second reading with out a question.

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.

joint resolutions, on their third reading, shall be read by their title, and no amendment shall be admitted without the consent of the house.

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position 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.

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

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

ated by sections, leaving the title to be last considered; all amendments shall be noted in writing, and reported to the assembly by the chairman.

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

32. 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 not be amended.

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

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

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

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

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

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

1. Ways and Means, consisting of five members.
2. Judiciary, five members.
3. Railroads, seven members.
4. Public Land, three members.
5. Federal Relations, three members.

6. Education, three members.
7. Towns and Counties, three members.
8. Military Affairs, three members.
9. Incorporations, three members.
10. Agriculture, three members.
11. Manufactures, three members.
12. Elections, five members.
13. Indian Affairs, three members.
14. Public Buildings, three members.
15. Public Printing, three members.
16. Highways, Ferries and Bridges, three members.
17. Mines and Minerals, three members.
18. Engrossment, three members.
19. Enrollment, three members.

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

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

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

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

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

44. The speaker shall cause the clerk of the house to make a list of all bills, resolutions, reports of committees, and other proceedings of the house, which are committed to a committee

of the whole house, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day;" and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the house, and the clerk shall also keep a book showing the situation and progress of bills.

45. After calling the house to order, the order of business for the day shall be as follows :

1. Prayer by the chaplain.
2. Calling the roll.
3. Reading the journal.
4. Presentation of petitions and communications.
5. Reports of standing committees.
6. Reports of select committees.
7. Motions and resolutions.
8. Notices of bills.
9. Introduction of bills, joint resolutions, and memorials.
10. Consideration of messages from the council.
11. First reading of council bills, resolutions and memorials.
12. Second reading of the same.
13. Third reading of the same.
14. Second reading of the house bills, joint resolutions and memorials.
15. Third reading of the same.
16. Consideration of the general orders.
17. Unfinished business.

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

47. When the house have arrived at the general orders of the day, they shall go into 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 consid-

er, act upon or pass the general orders according to the order of their reference.

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

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

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

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

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

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

JOINT RULES.

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

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

3. All messages between the two houses shall be commu-

cated by the secretary or chief clerk, or their respective assistants.

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

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

6. After said report, each bill shall be signed, first by the speaker of the house of representatives, and then by the president of the council, in the presence of their respective house, and attested by the secretary and chief clerk.

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

8. All joint resolutions and memorials to Congress, to the President of the United States, to the heads of departments, or to any other person or persons, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house of representatives and the president of the council, and attested by the secretary and chief clerk, and before being transmitted to the secretary of the Territory for safe keeping, shall be carefully copied by the enrolling and engrossing clerk, and such copies after being attested by the presiding officers of each house, and the secretary of the council, and the chief clerk of the house, shall be forwarded by the presiding officer of the house, in which they originated to the President of the United States, or the speaker of the house of representatives of Congress, or to the person or persons to whom they are intended to be sent.

9. When any bill, joint resolution, or memorial which shall

have passed one house, is rejected in the other, notice of such 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, a leave of two-thirds of the members voting thereon.

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

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

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

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

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

On motion of Mr. Keegan,

The report of the committee on rules and joint rules was accepted and adopted.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the committee on elections of this house have power to send for persons and papers in the contested case of William Robinson against Alfred Abbott.

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

Whereas, Charles Hamilton of Todd county has not appeared and qualified as a member of this house, be it therefore

Resolved, That Charles Hamilton of Todd county, be excused from service as a member of the committee on elections, and

Resolved, That the speaker of this house, appoint a member on the committee on elections, in place of Charles Hamilton.

Whereupon the speaker appointed Mr. Stutsman a member of the committee on elections.

NOTICE OF BILLS:

Mr. Bradley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act to incorporate Laramie City.

Mr. Bradley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act to organize the county of Albany.

Mr. Bradley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act to organize the county of Carbon.

Mr. Jolley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill entitled "An act fixing the time of holding the terms of the supreme court."

Mr. Bennett gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill amending chapter 32, of the laws of 1867 and 1868, entitled "An act to provide common schools for the Territory of Dakota."

INTRODUCTION OF BILLS.

On motion of Mr. Jolley,
The rules were suspended, and

Mr. Bradley introduced house file No. 1, A bill for an act to incorporate Laramie City.

Read a first time.

On motion of Mr. Jolley,
The rules were suspended, and

Mr. Bradley introduced house file No. 2, A bill for an act to organize Albany county.

Read a first time.

On motion of Mr. Jolley,

The rules were suspended, and

Mr. Bradley introduced house file No. 3, A bill for an act to organize the county of Carbon.

Read a first time.

The speaker then announced the following regular standing committees :

STANDING COMMITTEES OF THE HOUSE.

Ways and Means—Messrs. Bennett, Moulin, Larson, (of Yankton,) Keegan and La Roche.

Judiciary—Messrs. Jolley, Bradley, Stutsman, Brooks and Gregory.

Railroads—Messrs. Stutsman, Bennett, Jolley, Brauch, Gregory, Somers, Bradley and Abbott.

Public Lands—Messrs. Eves, Hewlet and La Roche.

Federal Relations—Messrs. Brooks, Eves and Jameson.

Education—Messrs. Gregory, Keith and Curtis.

Towns and Counties—Messrs. Brauch, Bradley and Keith.

Military Affairs—Messrs. Jameson, Ricker and Clementson.

Incorporations—Messrs. Larson, (of Yankton) Clementson and Eves.

Agriculture—Messrs. Ricker, Vinson and Abbott.

Manufactures—Messrs. Clementson, Moulin and Haggin.

Elections—Messrs. Keith, Eves, Brauch, Somers and Stutsman.

Indian Affairs—Messrs. Curtis, Gregory and Brooks.

Public Buildings—Messrs. Larson, (of Clay) Brooks and Jameson.

Public Printing—Messrs. Hewlet, Larson, (of Yankton) and Keegan.

Highways Bridges and Ferries—Messrs. Vinson, Somers and Bicker.

Mines and Minerals—Messrs. Bradley, Curtis and Keegan.

Engrossment—Messrs. Gregory, Jameson and Brooks.

Enrollment—Messrs. Jolley, Bennett and Stutsman.

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

Resolved, That three hundred copies of the rules of this house and joint rules of both houses be printed for the use of the members of this house.

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

Resolved, That the messenger of the house be instructed to take charge and keep in order the committee room, provided for the use of this house.

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

Resolved, That the speaker be requested to address a note to the Hon. Secretary of this Territory, requesting him to furnish a good time keeper for the use of this hall.

On motion of Mr. Somers,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 10th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Haggin, Hamilton and Schooler.
The journal of the preceding day was then read and approved.

COMMUNICATION FROM THE SECRETARY.

The speaker presented the following communication from the Secretary of the Territory, which was then read, as follows :

SECRETARY'S OFFICE,
Yankton, Dec. 9, 1868. }

To the Hon. the Speaker of the House of Representatives :

SIR:—In reply to a resolution adopted by the Hon. the House of Representatives, to-day, I have the honor to state, that the time-keeper belonging to your hall is now undergoing repairs, and will be replaced at an early day of the session.

Most Respectfully,

Your Ob't Servant,

S. L. SPINK,

Secretary.

SECOND READING OF HOUSE FILES.

House file No. 1, entitled "A bill for an act to incorporate Laramie City,"

Was then taken up, and

On motion of Mr. Jolley,

The rules were suspended, and under the operation thereof, the bill was

Read a second time by its title, and

On motion of Mr. Bradley,

Referred to the committee on towns and counties.

House file No. 2, entitled "A bill for an act to organize the county of Albany,"

Was then taken up, and

Read a second time, and

On motion of Mr. Bradley,

Referred to the committee on towns and counties.

House file No. 3, entitled "A bill for an act to organize Carbon county,

Was then taken up, and

On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a second time by its title, and

On motion of Mr. Bradley,

Referred to the committee on towns and counties.

Mr. Brooks, by unanimous consent, gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill granting to Hiram Stratton and H. Collins, the right to build a mill down across the Big Sioux River, in Union county; also, that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill repealing chapter 47, entitled An act to secure the free passage of logs and lumber down the several rivers of this Territory, approved January 2d, 1863.

Mr. Keith, by unanimous consent, gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill dividing the township of Jefferson, in Union county.

On motion of Mr. Keegan,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

FIFTH DAY,

HOUSE OF REPRESENTATIVES, }
Friday, Dec. 11th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler,

Mr. Brauch, chairman of the committee on towns and counties, submitted the following reports, to-wit:

MR. SPEAKER:—Your committee on towns and counties, to whom was referred house-file No. 1, A bill for an act to incorporate Laramie City, have had the same under consideration, and beg leave to report the same back to the house without amendments, and recommend that it do pass.

J. BRAUCH,
H. KEITH,
C. D. BRADLEY.

MR. SPEAKER:—Your committee on towns and counties, to whom was referred house file No. 2, A bill for an act to organize the county of Albany, have had the same under consideration, and beg leave to report the same back to the house, and recommend that it do pass.

J. BRAUCH,
H. KEITH,
C. D. BRADLEY.

MR. SPEAKER:—Your committee on towns and counties, to whom was referred house file No. 3, A bill for an act to organize the county of Carbon, have had the same under consideration, and beg leave to report the same back to the house, and recommend that it do pass.

J. BRAUCH,
H. KEITH,
C. D. BRADLEY.

NOTICE OF BILLS.

Mr. Clementson gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to prevent the firing of woods, marshes and prairies.

Mr. Bennett gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill supplemental to chapter 13, session laws of 1867-68, entitled "An act to provide for the opening, vacating and change of highways."

Mr. Keith gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to encourage the cultivation and preservation of timber.

INTRODUCTION OF BILLS.

Mr. Jolley introduced house file No. 4, A bill for an act fixing the time of holding the terms of the Supreme Court.

Read a first time.

By unanimous consent, Mr. Jolley introduced, without previous notice, house file No. 5, An act concerning Territorial roads.

Read a first time.

By unanimous consent, Mr. Jolley, without previous notice, introduced house file No. 6, An act concerning lost goods and estrays.

Read a first time.

Mr. Brooks introduced house file No. 7, A bill for an act repealing chapter 47, of the general laws of Dakota of 1862-63.

Read a first time.

Mr. Brooks introduced house file No. 8, A bill for an act granting to Hiram Stratton and H. Collins the right to erect and maintain a mill-dam and mill in the Big Sioux River.

Read a first time.

Mr. Bennett introduced house file No. 9, A bill for an act amending chapter 32, of the laws of 1867-68, entitled "An act to provide common schools for the Territory of Dakota."

Read a first time.

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

MR. SPEAKER :—Your committee on engrossment have examined house file No. 1, entitled A bill for an act to incorporate Laramie City ; also

House file No. 2, entitled An act to organize the county of Albany ; also

House file No. 3, entitled An act to organize the county of Carbon, and have instructed me to report the same as correctly engrossed.

J. SHAW GREGORY,
Chairman.

On motion of Mr. Bradley,

The house again recurred to the third reading of house files.

Accordingly

House file No. 1, A bill for an act to incorporate Laramie City, reported back by the committee on engrossment,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Statsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put;

The title was agreed to.

Ordered, That the chief clerk transmit the same and request the concurrence of the council therein.

House file No. 2, A bill for an act to organize the county of Albany, reported back by the committee on engrossment,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Statsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk transmit the same, and request the concurrence of the council therein.

House file No. 3, A bill for an act to organize the county of Carbon, reported back by the committee on engrossment,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Motlin, Ricker, Somers, Statsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

On motion of Mr. Gregory,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
 Saturday, Dec. 12th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

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

NOTICE OF BILLS.

Mr. Brauch gave notice that he will on the next regular session day of this house, ask leave to introduce a bill for an act repealing the charter of the Dakota & Northwestern Railroad Company.

Mr. Bradley gave notice that on to-morrow, or some subsequent day of the session, he will ask leave to introduce A bill for an act to amend entitled "An act to incorporate the City of Cheyenne, Dakota Territory."

INTRODUCTION OF BILLS.

Mr. Jolley, without previous notice, by unanimous consent, introduced House file No. 10, A memorial praying for a weekly mail between Vermillion and Bloomingdale, in Clay county, D. T.

Read a first time, and

Ordered to a second reading.

Mr. Jolley, by unanimous consent, without previous notice, introduced House file No. 11, An act concerning coroners and other county officers.

Read a first time, and

Ordered to a second reading.

Mr. Keegan, by unanimous consent, without previous notice, introduced house file No. 12, An act to regulate the fees of Register of Deeds.

Read a first time, and

Ordered to a second reading.

SECOND READING OF HOUSE FILES.

House file No. 4, A bill for an act fixing the time of holding the terms of the Supreme Court.

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

House file No. 5, An act concerning Territorial roads.

Was then taken up, and

Read a second time, and

Referred to the committee on highways, ferries and bridges.

House file No. 6, An act concerning lost goods and estrays.

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

House file No. 7, A bill for an act repealing chapter 47, of the general laws of 1862-3.

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

House file No. 8, A bill for an act granting to Hiram Stratton, and H. Collins, the right to erect and maintain a mill-dam, and mill across the Big Sioux river.

Was then taken up, and

Read a second time, and

Referred to the committee on incorporations.

House file No. 9, A bill for an act amending chapter 32, of the laws of 1867-8 entitled "An act to provide common schools for the Territory of Dakota."

Was then taken up, and

Read a second time, and

Referred to the committee on education.

Mr. Jolley, by unanimous consent, submitted the following resolution, which was read, considered and agreed to :

Resolved, That the Honorable Secretary of the Territory be requested to furnish the members and officers of the house, six copies of the *Union and Dakotian*, and *Dakota Republican* each.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER,
Saturday, Dec. 12th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council have adopted the joint rules as reported by joint committee of both houses.

A. F. SHAW,
Secretary.

The hour having arrived, designated as the time for the consideration of the general order.

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

Mr. Bennett in the chair.

And after some time spent therein, the committee rose, and through its chairman, reported as follows :

MR. SPEAKER:—The house in committee of the whole house have had under consideration, the general order, to-wit: the Governor's message, and have instructed me to report the following recommendations :

That all that portion of the message relative to "Penitentiary and Capitol buildings," be referred to the committee on public buildings.

That all that portion of the message relating to "our common school system," be referred to the committee on education.

That all that portion of the message relative to "our Indian relations," be referred to the committee on Indian affairs.

That all that portion of the message relative to "organization of Wyoming," be referred to the committee on mines and minerals.

That all that portion of the message relative to "Dakota, an agricultural Territory," be referred to the committee on agriculture.

That all that portion of the message relative to "railroad matters," be referred to the committee on railroads.

That all that portion of the message relative to "the protection of Territorial arms," be referred to the committee on military affairs.

That all that portion of the message relative to "reconstruction," be referred to the committee on ways and means.

And the committee ask leave to set again.

Mr. Stutsman moved to amend the report by striking therefrom the words "ways and means," in the last paragraph, and inserting therefor the words "federal relations."

Mr. Jolley moved to postpone the further consideration of the matter until next Saturday, Dec. 19th, 1868.

Which motion was disagreed to.

The question then being on the motion of Mr. Stutsman, and it being put,

It was agreed to.

On motion of Mr. Gregory,

The report as amended was adopted, and leave granted.

On motion of Mr. Moulin,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 14th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

The journal of the 12th inst. was then read and approved.

REPORTS OF COMMITTEES.

Mr. Larson, of Yankton, chairman of the committee on incorporations, submitted the following report:

MR. SPEAKER — Your committee on incorporations, to whom was referred house file No. 8, A bill for an act granting to Hiram Stratton and H. Collins the right to erect and maintain a mill-dam and mill on the Big Sioux River, have had the same under consideration, and have instructed me to report the same with the recommendation that it be referred to the committee on judiciary.

KNUD LARSON,
J. M. EVES,
JOHN CLEMENTSON.

On motion of Mr. Gregory,

The report of the committee was adopted, and the bill be referred.

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

MR. SPEAKER:—Your committee on judiciary have had under consideration house file No. 4, entitled A bill for an act fixing the time of holding the terms of the Supreme Court, and

House file No. 7, entitled A bill for an act repealing chapter 47, of the general laws of Dakota of 1862-63, and have instructed me to report the same with the recommendation that they do pass.

NOTICES OF BILLS.

Mr. Jolley gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill for an act defining the rights of occupying claimants; prescribing the manner of enforcing the same, and quieting the title to laws so occupied; also, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory.

Mr. Eves gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to prohibit all domestic animals from running at large in this Territory.

INTRODUCTION OF BILLS.

Mr. Bradley, by consent, introduced house file No. 13, A bill for an act to increase the fees of county officers in Laramie county.

Read a first time, and

Ordered to a second reading.

Mr. Brauch introduced house file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company.

Read a first time, and

Ordered to a second reading.

SECOND READING OF HOUSE FILES.

House file No. 10, A memorial praying for a weekly mail between Vermillion and Bloomingdale, Clay county, D. T.,

Was then taken up, and

Read a second time, and

Referred to the Clay county delegation.

House file No. 11, An act concerning coroners and other county officers,

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

House file No. 12, An act to regulate the fees of registers of deeds,

Was then taken up, and

Read a second time, and

Referred to the committee on judiciary.

On motion of Mr. Keegan,

Ordered, That house file No. 4, A bill for an act fixing the time of holding the terms of the Supreme Court, be engrossed for a third reading.

Being engrossed, it was accordingly

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Ordered, That the chief clerk transmit said bill to the council, and request concurrence therein.

On motion of Mr. Keegan,

Ordered, That house file No. 7, A bill for an act repealing chapter 47, of the general laws of 1862-3, be engrossed for a third reading.

Being engrossed it was accordingly

Read a third time.

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

It was decided in the affirmative.

Ayes 22; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Brocks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (of Clay) Larson, (of Yankton) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

On motion of Mr. Somers,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 15th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

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

REPORTS OF COMMITTEES.

Mr. Vinson, chairman of the committee on highways, bridges and ferries, submitted the following report:

MR. SPEAKER:—Your committee on highways, bridges and ferries have had under consideration house file No. 5, An act concerning Territorial roads, and have instructed me to report the same with the recommendation that the bill do pass.

R. T. VINSON.

Mr. Jolley, from special committee, submitted the following report :

MR. SPEAKER:—Your select committee, consisting of the Clay county delegation, have had under consideration house file No. 10, entitled A memorial, praying for a weekly mail between Vermillion and Bloomingdale, Clay county, D. T., and have instructed me to report the same back and recommend its adoption, and that the bill do pass.

J. L. JOLLEY.

NOTICES OF BILLS.

Mr. La Roche gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a memorial praying for a land office in Charles Mix county.

INTRODUCTION OF BILLS.

Mr. Stutsman, by consent, introduced house file No. 15, A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties.

Read a first time, and

Ordered to a second reading.

Mr. Stutsman, by consent, introduced house file No. 16, A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North.

Read a first time, and

Ordered to a second reading.

Mr. Jolley introduced house file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory.

Read a first time, and

Ordered to a second reading.

Mr. Jolley introduced house file No. 18, An act defining the rights of occupying claimants; prescribing the manner of enforcing the same, and quieting the title to lands so occupied.

Read a first time, and

Ordered to a second reading.

Mr. Keith introduced house file No. 19, A bill for an act to encourage the planting and growing of timber.

Read a first time, and

Ordered to a second reading.

Mr. Bennett introduced house file No. 20, A bill supplemental to chapter 13, session laws of 1867-68, entitled "An act to provide for the opening, vacating and change of highways."

Read a first time, and

Ordered to a second reading.

COMMUNICATIONS FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER,
Tuesday, Dec. 15th, 1868. }

MR. SPEAKER:—I am instructed by the council to inform the house that the council did on the 14th inst., pass council bill No. 1, A bill for an act defining the qualifications to hold office in the Territory of Dakota, which bill is herewith transmitted.

I am also instructed to inform the house that the council has passed the following house files, to-wit:

House file No. 1, A bill for an act to incorporate Laramie City;

House file No. 2, A bill for an act to organize the county of Albany; also

House file No. 3, A bill for an act to organize the county of Carbon, which bills are herewith returned.

A. F. SHAW,
Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 1, A bill defining the qualifications to hold office in the Territory,

Was then taken up for consideration, and
 Read a first time, and
 Ordered to a second reading.

SECOND READING OF HOUSE FILES.

House file No. 13, A bill for an act to increase the fees of
 county officers of Laramie county,

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

House file No. 14, A bill for an act repealing the charter of
 the Dakota & Northwestern Railroad Company,

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

THIRD READING OF HOUSE FILES.

House file No. 5, An act concerning Territorial roads, re-
 ported back by the committee on highways, bridges and ferries,

Was then taken up, and
 Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Cle-
 mentson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson,
 Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,)
 La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr.
 Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being
 put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith,
 and ask concurrence therein.

On motion of Mr. Jolley,

House file No. 10, A memorial praying for a weekly mail between Vermillion and Bloomingdale, Clay county, D. T., reported back by special committee,

Was considered engrossed,

Accordingly the bill was

Read a third time.

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

It was decided in the affirmative,

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put;

The title was agreed to.

Ordered, That the chief clerk inform the council thereof, and request concurrence therein.

On motion of Mr. Stutsman,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Dec. 16th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

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

REPORTS OF COMMITTEES.

Mr. Jolley from the committee on the judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration, house file No. 12, entitled A bill for an act to regulate the fees of register of deeds, and have instructed me to report the same back with the recommendation that the bill do pass.

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

Mr. Jolloy from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration, house file No. 6, entitled A bill for an act concerning lost goods and estrays, and have instructed me to report the accompanying bill as a substitute for such bill; and recommend its adoption, and that the bill do pass.

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

Mr. Bradley from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary to whom was referred house file No. 13, A bill for an act to increase the fees of county officers in Laramie county, have had the same under consideration, and now ask leave to report the same back to the house with the recommendation that it do pass.

J. L. JOLLEY,
Chairman.

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

Mr. Stutsman from the committee on railroads, submitted the following report :

MR. SPEAKER :—Your committee on railroads have had under consideration, house file No. 14, entitled " A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company." It appears that the above named company has been incorporated nearly two years, and no steps have been taken towards carrying out the intention of Legislature in granting such charter. No actual survey or location of the road having been made, and no assessment of stock made or paid in.

And in as much as the committee are of the opinion that the nominal existance of such an incorporation, (even by a forfeited charter) tends to obstruct, hinder, and delay the construction of said road by some responsible company, to the great injury of the Territory, the committee have therefore instructed me to report the bill back to the house with the recommendation that it do pass.

E. STUTSMAN,
Chairman.

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

Mr. Stutsman from the committee on elections, submitted the following report :

MR. SPEAKER :—Your committee on elections to whom was referred, on the 7th instant, the petition of William Robinson,

claiming the seat in this house, now occupied by the Hon. Alfred Abbott, have had several sittings, and have heard testimony both on the part of contestant and the occupant.

On the 9th instant, a summons was issued for Jonathan Brown, John Bradford, John W. Boyle, Hugh Fraley and Benton Fraley, the last two named, or either of them, to bring the ballots cast at the election in Bon Homme county, on the 13th of October last, and the poll books, and the records of the canvass of said election, returnable on the 14th instant, at 3 o'clock p. m., which summons was returned by the house sergeant-at-arms on the 15th instant, with the following endorsement thereon :

“ The within summons came to my hand the 9th day of Dec. 1868, and served the same on the within named John W. Boyle, and Benton Fraley, on the 14th day of Dec., 1868. The said Benton Fraley refused to obey the summons, and refused either to bring the ballots mentioned in the within summons, or to allow me to bring the same. The said John Bradford and Jonathan Brown I could not find, and I have not served Hugh Fraley on account of lack of time. Dec. 15th, 1868.”

The committee have heard and carefully considered all the evidence at hand, none of which however, in the absence of the ballots and poll books of said election, is sufficiently direct and positive to enable the committee to arrive at a conclusion as to the merits of the contest. And in as much as the committee have afforded to both parties ample time and opportunity to be heard, and have devoted considerable time and attention to the case in hand, to the detriment of their other legislative duties, the committee have instructed me to report the petition and papers back to the house.

H. KEITH,
Chairman.

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

MR. SPEAKER :—Your committee on enrollment have examined house file No. 1, An act to incorporate Laramie City ; also

House file No. 2, An act to organize the county of Albany ; also

House file No. 3, An act to organize the county of Carbon,
and find the same correctly enrolled.

SECOND READING OF COUNCIL BILLS.

Council bill No. 1, A bill defining the qualifications to hold
office in the Territory of Dakota,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on elections.

SECOND READING OF HOUSE FILES.

House file No. 15, A bill for an act authorizing the granting
of permits to establish ferries on the Red River of the North,
at points without the limits of organized counties,

Was then taken up, and

On motion of Mr. Stutsman,

Rules were suspended, and under the operation thereof, the
bill was

Read a second time by its title, and

On motion of Mr. Eves,

Referred to the committee on judiciary.

House file No. 16, A memorial to Congress relative to a U.
S. Land Office, in the valley of the Red River of the North,

Was then taken up, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof,
the bill was

Read a second time by its title, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof,
the bill was

Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council thereof, and request concurrence therein.

House file No. 17, A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory,

Was then taken up, and

Read a second time, and

On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 18, A bill for an act defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to land so occupied.

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

House file No. 19, A bill to encourage the cultivation and preservation of timber,

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

House file No. 20, A bill supplemental to chapter 13, session laws 1867-8, entitled "An act to provide for the opening, vacating and change of highways."

Was then taken up, and
 On motion of Mr. Bennett,
 Referred to the committee on highways, bridges and ferries.

THIRD READING OF HOUSE FILES.

House file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company.

Reported back by the committee on railroads,
 Was then taken up, and
 Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith and request concurrence therein.

House file No. 6, (substitute bill,) An act concerning lost goods and estrays, reported by the committee on judiciary.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 13, A bill for an act to increase the fees of county officers of Laramie county, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 12, An act to regulate the fees of Register of Deeds, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Wednesday, Dec. 16th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council file No. 2, A bill to authorize the county commissioners of Yankton county, to raise money for the erection of a jail, which bill is herewith submitted, and the concurrence of the house is respectfully requested; also,

House file No. 10, entitled A memorial to the Postmaster General, praying for a weekly mail between Vermillion and

Bloomington, in Clay county, which bill is herewith returned.

A. F. SHAW,
Secretary.

COUNCIL CHAMBER,
Wednesday, Dec. 16th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed house file No. 4, An act fixing the time of holding the terms of the Supreme Court, with amendments herewith submitted; also,

Council bill No. 11, A memorial to Congress in relation to Indian affairs, which is herewith transmitted, and the concurrence of the house is respectfully requested.

A. F. SHAW,
Secretary.

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

Whereas, It appears, from the return of the sergeant-at-arms of this house, and the report of the committee on elections, duly made, that one Benton Fraley, of Bon Homme county, has been guilty of a contempt and breach of the privileges of this house, by refusing to appear before said committee and produce certain ballots and poll books, in his possession, after being duly summoned thereto; therefore, be it

Resolved, That the said Benton Fraley be attacked and taken into the custody of the sergeant-at-arms of this house, and produced by him before the bar of the house, to answer for such contempt and breach of privilege.

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

Resolved, That the subject matter of the contested election in the case of Abbott and Robinson, together with all the papers and proceedings, be recommitted to the committee on elections, with instructions to await the return of the writ issued by the house, and take such other and further testimony as may be offered by the parties in interest, and to report further therein.

House file No. 4, A bill for an act fixing the time of holding the terms of the Supreme Court, returned from the council with amendments,

Was then taken up for consideration, and
On motion of Mr. Jolley,
The amendments concurred in.

COUNCIL BILLS ON FIRST READING.

Council bill No. 11, A memorial to Congress in relation to Indian affairs,

Was then taken up, and

Read a first time, and

On motion of Mr. Jolley,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and

Referred to the committee on Indian affairs.

Council bill No. 2, A bill to authorize the commissioners of Yankton county, to raise money for the erection of a jail,

Was then taken up, and

Read a first time, and

On motion of Mr. Statsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and

Referred to the Yankton county delegation.

On motion of Mr. Bennett,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 17th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

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

The following communication from His Excellency, the Governor, was then presented by the speaker and read as follows :

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 16, 1868. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to return herewith, house bill No. 1, entitled "An act to incorporate Laramie City;" also,

House bill No. 2, entitled "An act to organize the county of Albany;" also,

House bill No. 3, entitled "An act to organize the county of Carbon," which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

Mr. Jolley, from committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration house file No. 15, entitled "A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, without the limits of organized counties," and the committee believing the provisions of the bill to be just and necessary, and that the same do not infringe upon the law of Congress, relative to the granting of special privileges by Territorial legislatures, have instructed me to report the bill with the recommendation that it do pass.

On motion of Mr. Bradley,

The report was accepted, and the committee discharged from further consideration of the bill.

Mr. Ricker, from committee on agriculture, submitted the following report:

MR. SPEAKER :—Your committee on agriculture, to whom was referred house file No. 19, entitled An act to encourage the planting and growing of timber, have had the same under consideration, and instruct me to report the same back and recommend that it do pass.

CHAS. H. RICKER.

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

Mr. Curtis, from the committee on Indian affairs, submitted the following report:

MR. SPEAKER:—Your committee on Indian affairs, to whom was referred council bill No. 11, A memorial to Congress relating to Indian affairs, have had the same under careful consideration, and beg leave to report the same back to the house, and recommend that it do pass.

N. G. CURTIS,
C. M. BROOKS.

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

Mr. Jameson, from the select committee, consisting of the Yankton county delegation, submitted the following report:

MR. SPEAKER:—Your select committee, consisting of the Yankton county delegation, to whom was referred council bill No. 2, entitled "A bill for an act to authorize the county commissioners of Yankton county, to raise money for the erection of a jail," have had the same under consideration, and beg leave to report the following amendment, and that the bill with the amendment do pass.

A. W. JAMESON,
JACOB BRAUCH,
KNUD LARSON,
OSBORN HAGGIN.

Amend by inserting after Sec. 8, as follows:

Sec. 9. The provisions of sections 3, 4, 5, 10, 11 and 12, of chapter 16, of the session laws of 1867-8, so far as they relate to the preparations of plans and specifications, the awarding of contracts, advertising, receiving of bids, and the renting of the jail and board of prisoners, shall apply and govern the action of the county commissioners, in building a jail under the provisions of this act.

Change the number of sections 9 and 10 to Nos. 10 and 11.

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

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

MR. SPEAKER:—Your committee on enrollment have reported that they did on Wednesday, December 16, 1868, at 1 o'clock, present to the Governor, for his approval, house file No. 1, An act to incorporate Laramie City; also,

House file No. 2, An act to organize the county of Albany also,

House file No. 3, An act to organize the county of Carbon

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 4, An act fixing the time of holding the term of the Supreme Court; also,

House file No. 10, A memorial praying for a weekly mail between Vermillion and Bloomingdale, Clay county, Dakota Territory, and have instructed me to report the same as correctly enrolled.

On motion of Mr. Brauch,

Mr. Jameson was excused for non-attendance Dec. 16, 1868.

On motion of Mr. Keegan,

Mr. Somers was excused for non-attendance Dec. 16, 1868.

On motion of Mr. Stutsman,

Mr. Gregory was excused for non-attendance Dec. 15th and 16th.

NOTICES OF BILLS.

Mr. Jameson gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to amend chapter 19, of the session laws of 1867-8, entitled "An act respecting Grand and Petit Jurors of the District Courts."

Mr. Jolley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act defining the action of mandamus, and prescribing the practice therein.

THIRD READING OF COUNCIL BILLS.

Council bill No. 2, entitled A bill to authorize the Co. Commissioners of Yankton county, to raise money for the erection of

a jail, reported back by the select committee, consisting of the Yankton county delegation,

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Branch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence in said amendments.

Council bill No. 11, entitled A memorial to Congress relative to Indian affairs, reported back by the committee on Indian affairs,

Was then taken up for consideration,

Whereupon Mr. Stutsman moved to recommit the bill to the committee on Indian affairs.

Which motion was disagreed to.

The bill was then

Read a third time.

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

It was decided in the affirmative.

Ayes 19; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Branch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Ricker, Vinson and Mr. Speaker.

Those voting in the negative, were
Messrs. Gregory, Keegan, La Roche, Somers and Stutsman.
So the bill was passed.

The question then being on agreeing to its title, and it being
put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council there-
with.

THIRD READING OF HOUSE FILES.

House file No. 15, A bill for an act authorizing the granting
of permits to establish ferries on the Red River of the North,
at points without the limits of organized counties, reported
back by the committee on judiciary,

Was then taken up, and

On motion of Mr. Stutsman,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Cle-
mentson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson,
Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton.)
La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr.
Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being
put;

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith,
and request concurrence therein.

House file No. 19, entitled A bill to encourage the cultiva-
tion and preservation of timber, reported back by the commit-
tee on agriculture,

Was then taken up, and

On motion of Mr. Brooks,
 Considered engrossed, and
 Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) LaRoche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER,
 Thursday, Dec. 17th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council did pass, December 15th, 1868, the following resolution, to-wit:

Resolved, That the committee on railroads, in the council, in conjunction with the railroad committee of the house, be instructed to make a report to the two houses, on the condition and prospects of railroads in this Territory, and such other matter as may be of importance to the Territory, such as agriculture, manufacturings and mining interests.

A. F. SHAW,
Secretary.

On motion of Mr. Haggin,
 The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:
 GEO. I. FOSTER,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES, }
 Friday, Dec. 18th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Hamilton, Haggin and Schooler.

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

REPORTS OF COMMITTEES.

Mr. Stutsman from the committee on elections, submitted the following report :

MR. SPEAKER:—Your committee on elections have again had under consideration, the petition of William Robinson Esq., contesting the seat in this house, now occupied by the Hon. Alfred Abbott. The committee have examined the poll books and the ballots cast at the election in Bon Homme county, on the 13th day of October last. The ballots disclose the fact that said Abbott received twenty-four (24) votes for member of the house of representatives, and that said Robinson received twenty-three (23) votes for the same office. And as the contestant has failed to prove that one or more illegal votes were cast at said election, or that spurious ballots have been substituted for those cast by lawful voters, the committee are forced to the conclusion that Mr. Abbott was duly elected a member of this house, and is therefore entitled to the seat he now occupies.

The committee have agreed upon the following resolution, and have instructed me to report the same with the recommendation that it be adopted :

Resolved, That the Hon. Alfred Abbott, was duly elected a member of the house of representatives, from Bon Homme county, and is entitled to the seat in this house he now occupies—and that the contestants petition be laid on the table.

H. KEITH,
Chairman.

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

Mr. Keith from the committee on elections, submitted the following report :

MR. SPEAKER :—Your committee on elections have considered council bill No. 1, entitled “ A bill defining the qualifications to hold office in the Territory of Dakota.” The committee have agreed upon the following amendment to the bill, and have instructed me to report the same, without recommendation :

Strike out, in section one, the following words : “ *Provided however*, That this act shall not be so construed as to entitle any person to hold office who is debarred by operation of law,” and insert in lieu thereof, the following words : “ *Provided however*, That the provisions of this act shall apply only to the county of Yankton, and no other county.”

H. KEITH,
Chairman.

Mr. Vinson, from the committee on highways, bridges and ferries, submitted the following report :

MR. SPEAKER :—Your committee on highways, bridges and ferries, have had under consideration house file No. 20, for an act supplementary to chapter thirteen, session laws 1867-8, entitled An act to provide for the opening, vacating and change of highways, and have instructed me to report the same back to the house, with the recommendation that the bill do pass.

R. T. VINSON,
Chairman.

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

MOTIONS AND RESOLUTIONS.

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

Resolved, That the charge against Benton Fraley of Bon Homme county, for disobeying a summons emanating from this house, be dismissed.

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

Resolved, That the house concur in the council resolution relative to the council and house committees on railroads, acting in conjunction as a joint committee on the matters mentioned in said resolution.

On motion of Mr. Ricker,

The vote by which council bill No. 11, "A memorial to Congress relative to Indian affairs, was passed on the 17th inst., was reconsidered.

Whereupon Mr. Stutsman moved to recommit the bill to the committee on Indian affairs, with instructions to report tomorrow, Dec. 19th, 1868.

Which motion was agreed to.

INTRODUCTION OF BILLS.

Mr. Clementson introduced house file No. 21, entitled A bill for an act to prevent the firing of woods, marshes and prairies.

Read a first time, and

Ordered to a second reading.

Mr. Eves introduced house file No. 22, entitled An act to prevent domestic animals from running at large in the organized counties of this Territory.

Read a first time, and

Ordered to a second reading.

Mr. Jolley introduced house file No. 23, entitled An act defining the action of mandamus and prescribing the practice thereof.

Read a first time, and

Ordered to a second reading.

Mr. Jolley, by consent, introduced house file No. 24, entitled An act in relation to taxing real and personal property,

Read a first time, and

Ordered to a second reading.

BILLS REPORTED BACK BY COMMITTEES.

House file No. 20, entitled A bill supplemental to chapter 13, session laws 1867-8 entitled "An act to provide for the opening, vacating and change of highways, reported back by the committee on highways, bridges and ferries."

Was then taken up for consideration,

Whereupon Mr. Jolley submitted the following amendment:

Amend section 1st, by inserting between the words "freeholder," "and if," in the third line of said section the words "or bona fide claimants."

On motion of Mr. Bennett,

The amendments was agreed to.

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

Council bill No. 1, entitled A bill defining the qualifications to hold office in the Territory of Dakota, together with the report of the committee on elections.

Was then taken up for consideration,

Whereupon Mr. Jameson moved that the bill and report of the committee be indefinitely postponed.

Which motion was agreed to.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did on Friday, Dec. 18th, 1868, at 11,25 o'clock a. m., present to the Governor for his approval, house file No. 4, "An act fixing the time of holding the terms of the Supreme Court," also

House file No. 10, "A memorial praying for a weekly mail between Vermillion and Bloomingdale, Clay county, Dakota Territory."

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Friday, Dec. 18th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed house file No. 13, entitled A

bill for an act to increase the fees of county officers in Laramie county; which bill is herewith transmitted and the concurrence of the house therein is respectfully requested.

A. F. SHAW,
Secretary.

COUNCIL CHAMBER, }
Friday, Dec. 18th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 10, entitled A bill for an act to establish a code of criminal procedure; which bill is herewith submitted and the concurrence of the house is respectfully requested.

A. F. SHAW,
Secretary.

On motion of Mr. Stutsman,
The house adjourned,

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, Dec. 19th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Haggin, Hamilton, Hewlett and Schooler.

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

COMMUNICATION FROM THE GOVERNOR.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows:

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 18, 1868. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith, house bill No. 4, entitled "An act fixing the time of holding the term of the Supreme Court;" also

House file No. 10, entitled A memorial praying for a weekly mail route between Vermillion and Bloomingdale, Clay county, D. T., which I have approved and signed.

I am, Very Respectfully,
Your Ob't Servant,

A. J. FAULK,
Governor.

REPORTS OF COMMITTEES.

Mr. Jolley from the committee on judiciary, submitted the following report:

MR. SPEAKER:—Your committee on judiciary have had under consideration house file No. 18, entitled, "An act defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to land so occupied," and have instructed me to report the same with the amendments Nos. 1, 2, 3, 4, 5, 6 and 7 hereto attached, and recommend their adoption, and that the bill do pass.

AMENDMENTS TO HOUSE FILE NO. 18.

No. 1.—Section 1 is stricken out, and the following section is substituted therefor:

Section 1. That where any occupant of land has color of title thereto, and in good faith has made any valuable improvements thereon, and is afterwards in the proper action found not to be the rightful owner thereof, he may bring an action against the person so found not to be the rightful owner, and therein shall be determined his rights as such occupying claimant, in

accordance with the provisions of this act, and if such action shall be commenced within twenty days from the rendition of the judgment in the original action, no execution or other process shall issue to put the plaintiff in possession of such property until the provisions of this act have been fully complied with.

No. 2—Section 2, is amended by inserting the words "The complaint is," at the commencement of said section, and by striking out the word "complaint" on the first line in said section, and inserting therefor the word "action."

No. 3—Section 4, is amended by striking out "main" where said word is used on the twenty-second line of said section 4, and inserting the word "original."

No. 4—Section 6, is amended by adding thereto the following :

"Provided, further, That nothing in the foregoing sections 5 and 6 contained shall be construed to limit what shall constitute color of title."

No. 5—Section 8, to be stricken out.

No. 6—Section 9, is changed to section 8, and section 10 is changed to section 9, and section 11 is changed to section 10.

No. 7—Section 11, is stricken out, and the following is substituted therefor :

Section 10. This act shall take effect and be in force from and after its passage.

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

Mr. Keith, from the committee on education, submitted the following report :

MR. SPEAKER:—Your committee on education have considered house file No. 9, entitled "A bill for an act to provide common schools for the Territory of Dakota;" the committee have agreed upon a substitute bill, and have instructed me to report the same with the recommendation that it be adopted, and that the bill do pass.

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

Mr. Curtis, from the committee on Indian affairs, submitted the following report :

MR. SPEAKER :—Your committee on Indian affairs, to whom was referred council bill No. 11, "A memorial to Congress relating to Indian affairs," beg leave to report the accompanying bill as a substitute, and recommend its adoption and passage.

N. G. CURTIS,
C. M. BROOKS.

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

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

MR. SPEAKER :—Your committee on engrossment have examined house file No. 20, A bill for an act supplementary to chapter 13, session laws of 1867–8, entitled "An act to provide for the opening, vacating and change of highways," and have instructed me to report the same back as correctly engrossed.

A. W. JAMESON,
C. M. BROOKS.

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

MR. SPEAKER :—Your committee on enrollment have examined house file No. 13, entitled "An act to increase the fees of county officers of Laramie county," and find the same correctly enrolled.

NOTICES OF BILLS.

Mr. Jolley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act providing for the organization of towns, and for other purposes.

Mr. Keith gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act for the suppression of the sale of spirituous liquors.

INTRODUCTION OF BILLS.

Mr. Bradley, by consent, introduced house file No. 25, entitled A bill for an act to provide for the partition of lands.

Read a first time, and

Ordered to a second reading.

Mr. Keith introduced house file No. 26, entitled A bill for an act dividing the township of Jefferson, in Union county.

Read a first time, and
Ordered to a second reading.

Mr. La Roche introduced house file No. 27, entitled A memorial to Congress asking for the erection of an additional and district on the Missouri River, in Dakota Territory.

Read a first time, and
Ordered to a second reading.

Mr. Stutsman introduced house file No. 28, entitled A bill for an act to confer upon women the elective franchise and the eligibility to office.

Read a first time, and
On motion of Mr. Stutsman,
The rules were suspended, and under the operation thereof, the bill was
Read a second time, and
Referred to the committee on elections.

FIRST READING OF COUNCIL BILLS.

Council bill No. 10, entitled A bill for an act to establish a code of criminal procedure,

Was then taken up, and
Read a first time, and
On motion of Mr. Stutsman,
Rules were suspended, and under the operation thereof, the bill was
Read a second time, and
Referred to the committee on judiciary.

THIRD READING OF COUNCIL BILLS.

Council bill No. 11, (substitute,) entitled A memorial to Congress protesting against the transfer of the Indian Bureau to the War Department,

Was then taken up, and
Read a third time.
The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council thereof, and request concurrence therein.

SECOND READING OF HOUSE FILES.

House file No. 21, entitled A bill for an act to prevent the firing of woods, marshes and prairies,

Was then taken up, and

On motion of Mr. Bennett,

The rules were suspended, and under the operation thereof, the bill was

Read a second time by its title, and

Referred to the committee on agriculture.

House file No. 22, entitled An act to prohibit domestic animals from running at large in the agricultural counties of this Territory.

Was then taken up, and

On motion of Mr. Curtis,

The rules were suspended, and under the operation thereof, the bill was

Read a second time by its title, and

On motion of Mr. Eves,

Referred to a select committee of one from each county.

Whereupon the speaker announced as such committee:

Messrs. Eves, Bennett, Brauch, Keegan, Somers, Gregory, Stutsman and Bradley.

House file No. 23, entitled A bill for an act defining the ac-

tion of mandamus and prescribing the practice thereof.

Was then taken up, and

On motion of Mr. Jolley,

The rules were suspended, and under the operation thereof,
the bill was

Read a second time by its title, and

On motion of Mr. Curtis,

Referred to the committee on judiciary.

House file No. 24, entitled An act in relation to taxing real
and personal property,

Was then taken up, and

On motion of Mr. Jolley,

The rules were suspended, and under the operation thereof,
the bill was

Read a second time by its title, and

Referred to the committee on ways and means.

REPORTED BACK AND ORDERED ENGROSSED.

House file No. 18, entitled A bill for an act defining the
right of occupying claimants, prescribing the manner of en-
forcing the same and quieting the title to land so occupied.

Reported back by the committee on judiciary, with amend-
ments, was

On motion of Mr. Jolley,

Ordered engrossed for a third reading.

THIRD READING OF HOUSE FILES.

House file No. 9, (substitute) entitled A bill for an act to
provide common schools for the Territory of Dakota, reported
by the committee on education.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Cle-

mentson, Curtis, Eves, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 20, entitled A bill supplemental to chapter 13, session laws of 1867-8, entitled "An act to provide for the opening, vacating and change of highways, reported correctly engrossed,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 21; nees none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Saturday, Dec. 19th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 15, entitled A

memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory, which bill is herewith transmitted, and the concurrence of the house therein is respectfully requested.

A. F. SHAW,
Secretary.

COUNCIL CHAMBER, }
Saturday, Dec. 19th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council have concurred in house amendments to council bill No. 2, entitled An act to authorize the county commissioners of Yankton county, to raise money for the erection of a jail.

A. F. SHAW,
Secretary.

On motion of Mr. Curtis,
The house adjourned.

Approved:
G. C. MOODY,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 21st, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton and Schooler.

The journal of the 19th instant, was then read and approved.

REPORTS OF COMMITTEES.

Mr. Bennett, from the committee on ways and means, submitted the following report :

MR. SPEAKER:—Your committee on ways and means have had under consideration, house file No. 24, An act in relation to taxing real and personal property, and have agreed upon the amendments attached: Numbers 1 and 2, and have instructed me to report the same with the recommendation that the bill as amended do pass.

On motion of Mr. Keegan,

The report was adopted.

Mr. Ricker from the committee on agriculture, submitted the following report :

MR. SPEAKER:—Your committee on agriculture to whom was referred house file No. 21, entitled "A bill for an act to prevent the firing of woods, marshes and prairies," have had the same under consideration and have instructed me to report the same back to the house with recommendation that the bill do pass.

CHAS. H. RICKER,
Chairman.

On motion of Mr. Abbott,

The report was adopted.

Mr. Stutsman from the committee on elections, submitted the following report :

MR. SPEAKER:—Your committee on elections have had under consideration, house file No. 28, entitled "A bill for an act to confer upon woman the elective franchise, and the eligibility to office." While your committee favor the bill, they believe that a measure so far in advance of "old fogy" notions should be submitted to general discussion and careful consideration; your committee have therefore instructed me to report the bill with the recommendation that it be made the gen-

eral order in committee of the whole house, on Wednesday next at 11 o'clock a. m.

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

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

MR. SPEAKER:—Your committee on engrossment to whom was referred house file No. 18, have had the same under consideration, and have instructed me to report back the same as correctly engrossed.

A. W. JAMESON.

NOTICES OF BILLS.

Mr. Vinson gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to provide for an act providing for township organizations.

Mr. Haggin gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a memorial to Congress, asking an appropriation for the erection of a penitentiary in the Territory of Dakota.

INTRODUCTION OF BILLS.

Mr. Jolley, by consent, introduced house file No. 29, A bill for an act providing for the organization of towns, and for other purposes.

Read a first time, and
Ordered to a second reading.

Mr. Bradley, by consent, introduced house file No. 30, A bill for an act constituting the counties of Albany and Carbon a part of the second judicial district, and for other purposes,

Read a first time, and
Ordered to a second reading.

Mr. Keith introduced house file No. 31, entitled A bill for an act for the suppression of the sale of spirituous liquors.

Read a first time, and
Ordered to a second reading.

Mr. Stutsman, by consent, submitted the following resolution which was read, considered and agreed to:

Resolved, That the speaker appoint a committee consisting of the republican members of this house, to act with a like committee on the part of the council to whom shall be referred all matters of a political nature, coming before this house, and

Resolved, That the council be respectfully requested to appoint such committee to act on the part of the council.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER, }
Monday, Dec. 21st, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council did on the 19th inst., pass house file No. 17, entitled A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory, which bill is herewith returned.

I am also instructed to inform the house that the council did on the 19th inst., pass council bill No. 12, A memorial to Congress asking an appropriation to erect a capitol building, which bill is herewith transmitted and the concurrence of the house is respectfully requested.

A. F. SHAW,
Secretary.

COUNCIL CHAMBER, }
Monday, Dec. 21st, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day, passed house file No. 15, A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties, which bill is herewith returned.

A. F. SHAW,
Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W.

W. Brookings, to the office of Governor of Dakota Territory.

**Was then taken up, and
Read a first time, and
Ordered to a second reading.**

Council bill No. 12, A memorial to Congress asking an appropriation to erect a capitol building at the seat of government in Dakota Territory.

**Was then taken up, and
Read a first time, and
Ordered to a second reading.**

Mr. Jolley, by consent, submitted the following resolution, which was read, considered and agreed to :

Whereas, A message having been received from the council, informing this house that the council had passed house file No. 17, and

Whereas, There is attached to said house file, what appears to be two amendments to said bill : Be it therefore

Resolved, That house file No. 17, be returned to the council, requesting that body to inform this house whether any amendments were made to said bill in the council.

SECOND READING OF HOUSE FILES.

House file No. 26, entitled A bill for an act dividing the township of Jefferson, in Union county,

**Was then taken up, and
Read a second time, and
On motion of Mr. Bennett,**

Referred to a committee consisting of the Union county delegation.

House file No. 27, A memorial to Congress, asking for the erection of an additional land district on the Missouri river, in Dakota Territory.

**Was then taken up, and
Read a second time, and
On motion of Mr. Bennett,
Referred to the committee on public lands.**

THIRD READING OF HOUSE FILES.

House file No. 18, entitled A bill for an act defining the

right of occupying claimants, prescribing the manner of enforcing the same and quieting the title to land so occupied, reported back by the committee on engrossment,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 21, entitled A bill for an act to prevent the firing of woods, marshes and prairies, reported back by the committee on agriculture.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (of Clay) Larson, (of Yankton) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 24, entitled An act in relation to taxing real and personal property, reported back by the committee on ways and means, with amendments,

Was then taken up for consideration,

The amendments having been agreed to.

Mr. Jolley moved that the bill be considered engrossed, and Read a third time.

Which motion was agreed to.

Accordingly the bill was

Read a third time.

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

It was decided in the affirmative,

Ayes 24, noes none; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson (Clay,) Larson (Yankton,) LaRoche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

On motion of Mr. Bradley,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
 Tuesday, Dec. 22d, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Hamilton, Keith and Schooler.

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

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 15, entitled "An act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties," and have instructed me to report the same as correctly enrolled.

Mr. Vinson, from the select committee, to whom was referred house file No. 26, submitted the following report:

MR. SPEAKER:—Your select committee, to whom was referred house file No. 26, entitled A bill for an act to divide the township of Jefferson, in Union county, have had the same under consideration, and have instructed me to report the same back with a substitute therefor, and recommend the passage of the substitute.

R. T. VINSON,
Chairman.

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

MOTIONS AND RESOLUTIONS.

On motion of Mr. Bennett,

Mr. Hewlett was excused for non-attendance on the 19th inst., on account of sickness.

On motion of Mr. Vinson,

Mr. Haggin was excused for non-attendance on the 18th and 19th inst., on account of sickness and death of a relative.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council, to-wit:

COUNCIL CHAMBER,
Tuesday, Dec. 22d, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed house file No. 20, entitled A bill for an act supplementary to chapter 13, session laws of 1867–8, entitled “An act to provide for the opening, vacating and changing of highways,” which bill is herewith returned.

A. F. SHAW,
Secretary.

Ordered, That house file No. 20, entitled A bill for an act supplementary to chapter 13, session laws 1867–8 entitled “An act to provide for the opening, vacating and changing of highways, be enrolled.

SECOND READING OF COUNCIL BILLS.

Council bill No. 12, A memorial to Congress asking an appropriation to erect a capitol building, at the seat of Government, in Dakota Territory,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

Referred to the committee on public buildings.

Council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory,

Was then taken up, and

Read a second time,

Whereupon Mr. Stutsman moved to refer the bill to a select committee, consisting of the Republican members of the house.

The ayes and noes being called for by two members, and being ordered,

It was decided in the negative.

Ayes 11; noes 12, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bradley, Brauch, Curtis, Gregory, Haggin, Hewlett, Jameson, Moulin, Stutsman and Mr. Speaker.

Those voting in the negative, were

Messrs. Bennett, Brooks, Clementson, Eves, Jolley, Keegan, Larson, (Clay,) Larson, (Yankton,) La Roche, Ricker, Somers and Vinson.

So the motion was disagreed to.

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

Mr. Jolley moved that the bill be referred to a select committee, consisting of the Republican members of the house, to be appointed by the chair.

Which motion was agreed to.

SECOND READING OF HOUSE FILES.

House file No. 25, entitled A bill for an act to provide for the partition of lands,

Was then taken up, and

Read a second time, and

On motion of Mr. Bradley,

Referred to the committee on judiciary.

House file No. 30, entitled A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes,

Was then taken up, and

Read a second time, and

On motion of Mr. Bradley,

Referred to the committee on judiciary.

THIRD READING OF HOUSE FILES.

House file No. 26, (substitute,) entitled A bill for an act dividing the township of Jefferson, in Union county, reported back by select committee,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 22; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brauch, Clementson,
Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Jolley,
Keegan, Larson, (Clay,) Larson, (Yankton,) La Roche, Mou-
lin, Ricker, Somers, Statsman, Vinson and Mr. Speaker.

Mr. Brooks voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being
put;

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith,
and request concurrence therein.

On motion of Mr. Moulin,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, Dec. 23d, 1868. }

House met pursuant to adjournment, and was called to or-
der by

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Hamilton, and Schooler.

On motion of Mr. Jolley,

The reading of the journal of the 22d inst. was dispensed with.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration house file No. 25, entitled An act to provide for the partition of lands ; also,

House file No. 30, entitled "An act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes, and have instructed me to report the same with the recommendation that the bill do pass.

On motion of Mr. Bradley,

The report was adopted.

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

MR. SPEAKER :—Your committee on enrollment have examined house file No. 20, entitled An act supplementary to an act to provide for the opening, vacating and change of highways, and have instructed me to report the same as correctly enrolled.

INTRODUCTION OF BILLS.

Mr. Stutsman, by consent, introduced house file No. 32, entitled A memorial to the President of the United States, relative to the Pembina Indians.

Read a first time, and

Ordered to a second reading.

THIRD READING OF HOUSE FILES.

House file No. 25, entitled A bill for an act to provide for the partition of lands,

Reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 80, entitled A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes,

Reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

At 11 o'clock A. M., being the hour designated by the house for the consideration of the general order, the speaker declared the house in committee of the whole house.

Mr. Bradley in the chair.

And after some time spent in consideration of the general order, the committee arose, and through its chairman, reported as follows:

MR. SPEAKER:—The house in committee of the whole house have had under consideration the general order, to-wit:

House file No. 28, entitled A bill for an act to confer upon women the elective franchise and the eligibility to office, and have instructed me to report the bill back to the house, with the recommendation that it do pass.

On motion of Mr. Jolley,

The report was adopted.

On motion of Mr. Stutsman,

The bill was considered engrossed, and

Read a third time.

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

It was decided in the affirmative.

Ayes 14; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Curtis, Eves, Haggin, Hewlett, Jolley, Keith, Moulin, Ricker, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Brauch, Clementson, Jameson, Keegan, Larson, (Clay,) Larson, (Yankton,) La Roche, Somers and Vinson.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Whereupon Mr. Stutsman moved to reconsider the vote by which the bill passed, and moved to lay the motion to reconsider on the table.

Which latter motion was agreed to.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council :

COUNCIL CHAMBER,
Wednesday, Dec. 23d, 1868. }

MR. SPEAKER :—I am instructed to inform the house that the council did, on the 21st inst., pass house file No. 17, entitled A memorial to Congress praying for appropriation to codify the laws of Dakota Territory, with amendments attached, which bill, with amendments attached, is herewith returned to the house.

A. F. SHAW,
Secretary.

COUNCIL CHAMBER,
Wednesday, Dec. 23d, 1868. }

MR. SPEAKER :—I am instructed to inform the house that the council has this day passed house file No. 24, An act in relation to taxing real and personal property, which bill is herewith returned.

I am also instructed to inform the house that the council did this day concur in the house amendment to council bill No. 11, (substitute,) entitled A memorial to Congress protesting against the transfer of the Indian Bureau to the War Department.

A. F. SHAW,
Secretary.

House file No. 17, entitled A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory, returned from the council with amendments,

Was then taken up for consideration, and

On motion of Mr. Jolley,

The amendments were disagreed to.

Ordered, That house file No. 24, entitled An act in relation to taxing real and personal property, be enrolled.

On motion of Mr. Stutsman,

Mr. Haggin was excused from attendance until Tuesday next, Dec. 29th, 1868.

On motion of Mr. Stutsman,

Mr. Keith was excused for non-attendance on Tuesday, Dec. 22d, 1868.

UNFINISHED BUSINESS.

The chair then announced as the special committee, to whom was referred on the 22d inst., council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory,

Messrs. Jolley, Statsman, Bennett, Brauch, Brooks, Jameson, Abbott, Somers, Curtis and Bradley.

On motion of Mr. Brauch,

The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 24th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Curtis, Haggin, Hamilton, Larson, (of Yankton) and Schooler.

The journals of the 22d and 23d inst. were then read and approved.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have exam-

ined house file No. 24, entitled An act in relation to taxing real and personal property, and have instructed me to report the same as correctly enrolled.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the Hon. Wm. L. Joy, member of the Iowa legislature, and Gen. J. L. Foster, be invited to seats within the bar of the house.

Mr. Somers moved the committee on public lands be instructed to report.

House file No. 27, entitled A memorial to Congress asking for the erection of an additional land district on the Missouri River, in Dakota Territory, back to the house immediately.

Mr. Jolley moved to amend the motion of Mr. Somers; by striking out the word "immediately" and inserting in lieu thereof, the word "to-morrow."

Which motion was agreed to.

The question then being on the motion of Mr. Somers as amended, and it being put,

It was agreed to.

On motion of Mr. Eves,

Mr. Curtis was excused from attendance until Tuesday, Dec. 29th, 1868.

INTRODUCTION OF BILLS.

Mr. Vinson introduced house file No. 33, entitled A bill for an act providing for township organizations.

Read a first time, and

Ordered to a second reading.

SECOND READING OF HOUSE FILES.

House file No. 29, entitled A bill for an act providing for the organization of towns, and for other purposes,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

Referred to the committee on towns and counties.

House file No. 31, entitled A bill for an act for the suppression of the sale of spirituous liquors,
 Was then taken up, and
 Read a second time, and
 On motion of Mr. Bennett,
 Referred to a select committee of five.
 The speaker named Messrs. Bennett, Abbott, Eves, Bradley and Jameson, as such committee.

House file No. 32, entitled A memorial to the President of the United States, relative to the Pembina Indians,
 Was then taken up, and
 Read a second time, and
 On motion of Mr. Stutsman,
 The rules were suspended, and under the operation thereof, the bill was

Read a third time.

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

It was decided in the affirmative,

Ayes 20; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Eves, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

On motion of Mr. Bennett,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, Dec. 25th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Curtis, Gregory, Haggin, Hamilton, Jameson, Keegan, Larson (of Yankton,) and Schooler.

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

REPORTS OF COMMITTEES.

Mr. Eves, from the committee on public lands, submitted the following report :

MR. SPEAKER:—Your committee on public lands have had under consideration house file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in Dakota Territory, and have instructed me to report the same with the recommendation that the bill do pass.

J. M. EVES.

On motion of Mr. La Roche,

The report was adopted.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did on Friday, the 25th day of December, A. D. 1868, at 10 o'clock a. m., present to the Governor for his approval, house file No. 13, entitled "An act to increase the fees of county officers in Laramie county;" also house file No.

15, entitled An act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties; also house file No. 20, entitled "An act supplementary to an act to provide for the opening, vacating and change of highways.

Mr. Jolley, from select committee, submitted the following report:

MR. SPEAKER:—Your select committee of ten Republican members of this house, have had under consideration council bill No. 15, A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings, to the office of Governor of Dakota Territory, and have instructed me to report the same with the recommendation that it do pass.

J. L. JOLLEY,
Chairman.

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

MOTIONS AND RESOLUTIONS.

On motion of Mr. La Roche,
Mr. Somers was excused from attendance until Tuesday,
Dec. 29th, 1868.

INTRODUCTION OF BILLS.

Mr. Stutsman, by consent, introduced house file No. 84, entitled A memorial to Congress, for an appropriation to construct a wagon road from Fort Abercrombie, down the Red River of the North,
Read a first time, and
Ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

Council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory, reported back by select committee,

Was then taken up, and
Read a third time.

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

It was decided in the affirmative,

Ayes 16; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Clementson, Eves, Hewlett, Jolley, Keith, Larson, (Clay,) La Roche, Moulin, Ricker, Somers, Stutsman and Vinson.

Those who voted in the negative, were

Mr. Brauch and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

THIRD READING OF HOUSE FILES.

House file No. 27, entitled A memorial to Congress, asking for the erection of an additional land district on the Missouri river in Dakota Territory, reported back by the committee on public lands,

Was then taken up for consideration, and

On motion of Mr. Somers,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative.

Ayes 18; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Eves, Hewlett, Jolley, Keith, Larson, (Clay,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

On motion of Mr. Bennett,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, Dec. 26th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Curtis, Haggin, Hamilton, Keegan, Keith, Larson, (Yankton,) Schooler, Somers and Vinson.

On motion of Mr. Jolley,

The reading of the journal of the 25th inst. was dispensed with.

COMMUNICATION FROM THE GOVERNOR.

The following communication from His Excellency, the Governor, was presented by the speaker, and read as follows :

EXECUTIVE OFFICE, }
Yankton, D. T., Dec. 25, 1868. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to transmit herewith, house bill No. 13, entitled "An act to increase the fees of county officers in Laramie county ;" also,

House bill No. 15, entitled "An act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties;" also,

House bill No. 20, entitled "An act to provide for the opening, vacating and change of highways," which I have approved and signed.

I am, Very Respectfully,
Your Ob't Servant,

A. J. FAULK,
Governor.

REPORTS OF COMMITTEES.

Mr. Brooks, from the committee on public buildings, submitted the following report:

MR. SPEAKER:—Your committee on public buildings have had under consideration council bill No. 12, entitled A memorial to Congress asking an appropriation to erect a capitol building, at the seat of Government, in Dakota Territory; the committee have agreed upon a substitute for the bill, and have instructed me to report the same with the recommendation that it be adopted, and that it do pass.

On motion of Mr. Eves,

The report was adopted.

On motion of Mr. Ricker,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 28th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Curtis, Haggis, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler and Somers.

Mr. Hamilton, member elect from Todd county, being present, came forward and took the oath of office as a member of this house, which was administered by the speaker.

The journals of the 25th and 26th inst. were then read and approved.

MOTIONS AND RESOLUTIONS.

On motion of Mr. La Roche,

Mr. Keegan was excused for non-attendance on Friday and Saturday, Dec. 25th and 26th.

On motion of Mr. Bradley,

Mr. Jameson was excused for non-attendance on Friday, Dec. 25th, 1868.

THIRD READING OF COUNCIL BILLS.

Council bill No. 12, (substitute,) entitled A memorial to Congress asking an appropriation to erect a capitol building at the seat of Government, in Dakota Territory,

Reported back by the committee on public buildings, on the 26th inst.,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 17; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Branch, Clementson, Eves, Hamilton, Hewlett, Jameson, Jolley, Keegan, La Roche, Moulin, Ricker, Stutsman and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

SECOND READING OF HOUSE FILES.

House file No. 32, entitled A bill for an act providing for township organizations,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on towns and counties.

House file No. 34, entitled A memorial to Congress asking an appropriation to construct a wagon road from Abercrombie down the Red River of the North,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

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

It was decided in the affirmative.

Ayes 17; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Eves, Hamilton, Hewlett, Jameson, Jolley, Keegan, La Roche, Moulin, Ricker, Statsman and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

On motion of Mr. Brauch,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec. 29th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Gregory, Haggin and Schooler.

The journal of the 28th inst. was read and approved.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on judiciary, submitted the following report:

MR. SPEAKER:—Your committee on judiciary have had under consideration house file No. 23, entitled "An act defin-

ing the action of mandamus, and prescribing the practice thereof," and have instructed me to report the same back with the recommendation that the bill do pass.

Mr. Eves, from select committee, submitted the following report:

MR. SPEAKER:—Your special committee, to whom was referred house file No. 22, entitled An act to prevent domestic animals from running at large in the organized counties of this Territory, have had the same under consideration, and report it back with the following amendments, and recommend its passage.

J. M. EVES,
G. P. BENNETT,
M. H. SOMERS,
J. SHAW GREGORY,
CHAS. D. BRADLEY,
JACOB BRAUCH.

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

AMENDMENTS REPORTED BY SELECT COMMITTEE.

Strike out 1869 where it occurs in section 1, and insert in lieu thereof, 1870.

Strike out sections 9, 10, 11 and 12, and insert in lieu thereof, new sections, numbered 9, 10, 11 and 12.

Sections recommended to be stricken out:—

Section 9. The Board of County Commissioners of each county in this Territory shall, at a special meeting of such board, to be held on the first Monday in February, A. D. 1869, cause an election to be held by the qualified voters of such county, on the first Monday in March, A. D. 1869, at which election this act shall be submitted to the voters of every organized county in this Territory.

Section 10. That at such special election, the election law of this Territory shall be complied with in every respect.

Section 11. At said special election the voting shall be by ballot either written or printed, and shall contain the words "For keeping up stock," or "Against keeping up stock."

Section 12. If at such election a majority of the ballots contain thereon the words "Against keeping up stock," then the provisions of this act shall not apply to any county in this Territory, but if a majority of the ballots contain thereon the words "For keeping up stock," then proclamation shall be made by the Governor of this Territory, to the effect that the provisions of this chapter shall be in force in all counties in this Territory, from and after the first day of May, A. D. 1868.

Sections recommended to be inserted:—

Section 9. This act shall be submitted to the legal voters of every organized county in this Territory, at the next general election.

Section 10. That the election laws of this Territory shall be complied with in every respect.

Section 11. At said general election the voting shall be by ballot either written or printed, and shall contain the words, "For keeping up stock," or "Against keeping up stock."

Section 12. If at such general election a majority of the ballots contain thereon the words "Against keeping up stock," then the provisions of this act shall not apply to any county in this Territory, but if a majority of the ballots contain thereon the words "For keeping up stock," then proclamation shall be made by the Governor of this Territory, to the effect that a majority of the voters voting at said general election, having cast ballots "For keeping up stock," the provisions of this act shall be in full force and effect in all the counties of this Territory, from and after the first day of May, A. D. 1870.

NOTICES OF BILLS.

Mr. Jolley gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act to organize and discipline the militia.

Mr. Bennett gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill for an act to prevent the obstruction or injury of highways and bridges.

INTRODUCTION OF BILLS.

Mr. Jameson, by consent, introduced house file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate.

Read a first time, and
Ordered to a second reading.

REPORTED BACK BY COMMITTEE.

House file No. 22, entitled An act to prohibit all domestic animals from running at large in the organized counties of this Territory,

Reported back by select committee,
Was then taken up, and
On motion of Mr. Stutsman,
Ordered engrossed for a third reading.

House file No. 23, entitled A bill for an act defining the action of mandamus, and prescribing the practice thereof,

Reported back by the committee on judiciary,
Was then taken up for consideration,

Whereupon Mr. Jolley submitted the following amendment, which was agreed to:

Amend Section 1 by inserting the words "people of the" between the words "the" and "Territory" on line seventeen, of said section.

On motion of Mr. Jolley,
The bill was then considered engrossed, and
Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put;

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER,
Tuesday, Dec. 29th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 19th inst., pass house file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota, with amendments attached, which amendments council insists upon being concurred in by the house, which bill is herewith returned to the house.

I am also instructed to inform the house that the council did, on the 24th inst., pass council bill No. 16, A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved, Jan. 4th, 1866, which bill is herewith transmitted, and the concurrence of the house therein respectfully requested.

I am also instructed to inform the house that the council did, on the 28th inst., pass house file No. 16, A memorial to Congress relative to a U. S. Land Office, in the valley of the Red River of the North, and

House file No. 5, An act concerning Territorial roads, and

House file No. 30, A bill for an act constituting the courts of Albany and Carbon counties, a part of the second judicial district, and for other purposes, and

House file No. 32, A memorial to the President of the United States, relative to the Pembina Indians, which bills are herewith returned.

I am also instructed to inform the house that the council did, on the 28th inst., pass council bill No. 19, A memorial to the Secretary of War, praying for the removal of Fort Dakota, and council bill No. 20, An act to re-locate the Territorial road

from Yankton to James River Bridge, which bills are herewith transmitted and the concurrence of the house therein respectfully requested.

I am also instructed to inform the house that the council did, on the 28th inst., concur in house substitute for council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building in Dakota Territory.

A. F. SHAW,
Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 16, entitled A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4th, 1866,

Was then taken up, and
Read a first time, and
Ordered to a second reading.

Council bill No. 19, entitled A memorial to the Secretary of War praying for the removal of Fort Dakota,

Was then taken up, and
Read a first time, and
Ordered to a second reading.

Council bill No. 20, entitled An act to relocate the Territorial road from Yankton to James River Bridge,

Was then taken up, and
Read a first time, and
Ordered to a second reading.

House file No. 17, entitled A memorial to Congress asking for an appropriation to codify the laws of Dakota Territory, returned from the council "insisting" on council amendments thereto,

Was then taken up for consideration, and
On motion of Mr. Jolley,
A committee of conference was requested,
Whereupon the speaker named
Messrs. Jolley, Bennett and Keegan, as such committee, on
the part of the house.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Ordered, That house file No. 16, entitled A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North,

House file No. 5, entitled An act concerning Territorial roads,

House file No. 30, entitled A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes, and

House file No. 32, A memorial to the President of the United States, relative to the Pembina Indians, be enrolled.

On motion of Mr. Clementson,

The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, Dec. 30th, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Schooler.

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

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 5, entitled An act concerning Territorial roads, also

House file No. 16, entitled A memorial to Congress relative to a U. S. Land Office, in the valley of the Red River of the North, also

House file No. 30, entitled An act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purpose, also

House file No. 32, entitled A memorial to the President of the United States, relative to the Pembina Indians, and find the same correctly enrolled.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Brauch,

Mr. Larson of Yankton was excused for non-attendance, from Wednesday, Dec. 23d, until the present time.

On motion of Mr. Bennett,

Mr. Vinson was excused for non-attendance on Saturday last, on account of sickness.

On motion of Mr. Bennett,

Mr. Keith was excused for non-attendance on Saturday last, on account of sickness.

On motion of Mr. Stutsman,

The committee on engrossment was instructed to report house file No. 22, entitled An act to prohibit all domestic animals from running at large in the organized counties of this Territory, to the house this day.

On motion of Mr. Ricker,

Mr. Larson of Clay was excused for non-attendance, on Monday, Dec. 28th, on account of sickness.

NOTICES OF BILLS.

Mr. La Roche gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to confer the right of citizenship on certain half-breeds in Dakota Territory.

INTRODUCTION OF BILLS.

Mr. Jolley, by consent, introduced house file No. 36, entitled An act authorizing the board of county commissioners of Clay county, Territory of Dakota, to levy and collect a tax to build a bridge across the Vermillion river.

Read a first time, and
Ordered to a second reading.

Mr. Jolley, by consent, introduced house file No. 37, entitled An act to amend an act entitled an act prescribing the general duties of Territorial treasurers.

Read a first time, and
Ordered to a second reading.

Mr. Bennett, introduced house file No. 38, entitled A bill for an act to prevent the obstruction or injury of highways and bridges.

Read a first time, and
Ordered to a second reading.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Wednesday, Dec. 30th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council have appointed as a committee of conference on house file No. 17, to act with a like committee of the house, Messrs. McIntyre, Lewis and Kellogg.

A. F. SHAW,
Secretary

COUNCIL CHAMBER,
Wednesday, Dec. 30th, 1868. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 29th inst., pass council substitute to house file No. 18, A bill defining the right of occupancy of claimants, prescribing the manner of enforcing the same and quieting the titles of land so occupied; also,

House file No. 19, A bill for an act to encourage the planting and growing of timber ; also,

House file No. 21, A bill for an act to prevent the firing of woods, marshes and prairies ; also,

House file No. 25, A bill for an act to provide for the partition of lands, which bills are herewith returned to the house.

I am also instructed to inform the house that the council did, on the 29th inst., pass council bill No. 21, A memorial to Congress praying for the extension of the Sioux City & Pacific Railroad to Yankton, Dakota Territory, which bill is herewith transmitted to the house, and the concurrence of the house respectfully requested therein.

A. F. SHAW,
Secretary.

Ordered, That house file No. 19, entitled A bill for an act to encourage the planting and growing of timber ; also,

House file No. 21, entitled A bill for an act to prevent the firing of woods, marshes and prairies, and

House file No. 25, entitled A bill for an act to provide for the partition of lands, be enrolled.

FIRST READING OF COUNCIL BILLS.

Council bill No. 21, entitled A memorial to Congress praying for the extension of the Sioux City & Pacific Railroad to Yankton, Dakota Territory,

Was then taken up, and

Read a first time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative,

Ayes 22; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hamilton, Hewlett, Jameson,

Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Keegan and Somers.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Mr. Stutsman move to reconsider the vote last taken ; also moved to lay the motion to reconsider on the table.

Which latter motion was agreed to.

SECOND READING OF COUNCIL BILLS.

Council bill No. 16, entitled A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4th, 1866,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on judiciary.

Council bill No. 19, entitled A memorial to the Secretary of War praying for the removal of Fort Dakota,

Was then taken up, and

Read a second time, and

On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

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

It was decided in the affirmative.

Ayes 25, noes none ; as follows :

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett,

Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 20, entitled An act to re-locate the Territorial road from Yankton to James River Bridge,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

Referred to the Yankton county delegation.

UNFINISHED BUSINESS.

House file No. 18, entitled A bill for an act defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to land so occupied, returned from the council with substitute,

Was then taken up, and

On motion of Mr. Stutsman,

The substitute was agreed to.

Ordered, That the bill be enrolled and that the council be informed of the concurrence of the house.

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

MR. SPEAKER:—Your committee on engrossment in conformity with instructions from this house report to the house, house file No. 22, entitled An act to prohibit all domestic animals from running at large in the organized counties of this Territory.

The said bill was then taken up for consideration,

Whereupon Mr. Stutsman submitted the following amendments,

Which was agreed to.

Insert after section 11, *Provided, however,* That the provisions of this act shall not apply to the county of Pembina.

On motion of Mr. Gregory,

The bill was made the general order for Monday, Jan. 4th, 1869.

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, on Wednesday, December 30, A. D. 1868, at 11:30 o'clock A. M., present to the Governor for his approval

House file No. 5, entitled An act concerning Territorial roads; also,

House file No. 16, entitled A memorial relative to a United States Land Office in the valley of the Red River of the North; also,

House file No. 24, entitled An act in relation to taxing real and personal property; also,

House file No. 30, entitled An act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes; also,

House file No. 32, entitled A memorial to the President of the United States, relative to the Pembina Indians.

On motion of Mr. Bennett,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 31st, 1868. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Haggin and Schooler.

The journal of the preceding day was read and approved.

The speaker then presented the report of the Territorial Treasurer, which was read as follows :

The following tabular statements embrace a full and complete exhibit of the condition of the Territorial finances for the two years, commencing January 1st, 1867, and closing January 1st, 1869 :

RECEIPTS.

YANKTON COUNTY.

Jan. 25, 1867, Received of A. G. Fuller, Co. Treas'r	\$	60 00
Feb. 25, " " " "		50 00
June 7, " " " "		44 00
Dec. 20, " " " "		69 29
Jan. 18, 1868, Received of Michael Fisher, Co. Treas'r		130 00
Apr. 23, " " " "		38 98
Total, - - - -		\$392 27

UNION COUNTY.

Jan. 1, 1867, Received of I. T. Gore, Co. Treas'r	\$	60 00
Feb. 1, " Received of Wm. Searls, Co. Treas'r		92 50
Apr. 7, 1868, " " " "		184 25
Total, - - - -		\$336 75

CLAY COUNTY.

Jan. 5, 1867, Rec'd of Ole Bottoffson, Co. Treas'r	\$ 49 82
Apr. 22, 1868, " " " "	101 14
Dec. 24, " " " "	5 25
Total,	<u>\$156 21</u>

BON HOMME COUNTY.

Dec. 3, 1867, Rec'd of Benton Fraley, Co. Treas'r	\$ 10 00
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CLARLES MIX COUNTY.

Dec. 3, 1867, Received of Co. Treasurer	<u>\$ 20 17</u>
Total Receipts for 1867 and '68	\$920 65

DISBURSEMENTS

No. OF WAR'NT	AM'T	DATE OF ISSUE.	DATE OF PAYMENT	TO WHOM ISSUED	TO WHOM PAID.	NATURE OF IND'TNESS
A	50.00	Jan. 3	Jan 3	I. T. Gore	I. T. Gore	Services as Ter. Auditor for 1865-66
1	14.00	" 21	" 21	Chas. F. Rossteuscher	Chas. F. Rossteuscher	Services as witness before Legislature
2	20.00	" 29	" 31	Jas. S. Foster	Jas. S. Foster	Services as Sup't Public Schools.
3	7.00	" 29	Feb. 1	John J. Thompson	Bramble & Miner	Transportation and charges on books
4	2.00	Feb. 5	" 5	Jas. A. Hand	Jas. A. Hand	Blank book for Auditor's office
5	40.00	" 5	" 6	L. Case	L. Case	Serv En. Cl'k and Eng's'g cl'k of council
6	25.00	" 11	" 12	G. W. Kingsbury	G. W. Kingsbury	Prt'ng blank Ter. warrants & school rep.
7	2.00	" 11	" 12	M. K. Armstrong	M. K. Armstrong	Blank books for Treasurer's office
8	10.40	March 13	April 3	John Bradford	John Bradford	Bringing election returns from Union co
9	20.50	" 14	March 15	S. L. Spink	S. L. Spink	Money advanced to pay charges on books
10	12.50	" 25	" 25	I. T. Gore	Geo. H. Hand	First quarters salary as Auditor
11	6.00	" 30	" 30	N. Edmunds	N. Edmunds	Services on Board of Education
12	6 00	" 30	" 30	S. L. Spink	S. L. Spink	" " " "
13	12.50	April 3	April 2	M. K. Armstrong	M. K. Armstrong	First quarters salary as Treasurer
14	20.00	" 10	May 23	Geo. Stickney	Geo. Stickney	Furn. abstract of taxable lands in the Ter.
15	44.00	June 18	June 28	G. W. Kingsbury	G. W. Kingsbury	Printing school blanks.
16	12.50	July 10	July 10	I. T. Gore	I. T. Gore	Second quarters salary as Auditor
17	29.25	" 10	" 10	J. L. Keiley	J. L. Kelley	Money adv'nced for transport'n of arms
18	2.35	Aug. 9	April 13	John Thompson	Bramble & Miner	Transportation on books
19	12.50	Oct. 1	Nov. 18	I. T. Gore	Geo. H. Hand	Third quarters salary as Auditor
20	12.50	" 1	" 18	M. K. Armstrong	M. K. Armstrong	Second quarters salary as Treasurer
21	12.50	Nov. 18	Dec. 23	M. K. Armstrong	"	Third quarters salary as Treasurer

DISBURSEMENTS. (Continued.)

NO. OF WAR'NT	AM'T	DATE OF ISSUE.	DATE OF PAYMENT	TO WHOM ISSUED	TO WHOM PAID	NATURE OF INDEBTEDNESS
22	78.00	Dec. 9	Jan. 10	Jas. S. Foster	Jas. S. Foster	Supt. Public Instruction
23	12.50	Jan. 8	" 18	I. T. Gore	Geo. H. Hand	Fourth quarters salary as Auditor
24	60.00	" 10	" 18	H. J. Brisbine	Chas. Van Epps	Enrolling Clerk of Council
25	60.00	" 14	" 18	"	"	" " House Representatives
26	12 50	" 18	April 7	M. K. Armstrong	M. K. Armstrong	Fourth quarters salary as Treasurer
27	17.25	Feb. 10	" 13	Bramble & Miner	Bramble & Miner	Express charges on books
28	19.50	March 30	" 9	G. W. Kingsbury	G. W. Kingsbury	Blanks for Supt. Public Instruction
29	12.50	" 31	" 9	I. T. Gore	Geo. H. Hand	First quarters salary as Auditor for '68
30	9.70	April 8	" 9	Bramble & Miner	Bramble & Miner	Express charges on books
31	12.50	" 9	" 9	M. K. Armstrong	M. K. Armstrong	First quartets salary as Treasurer, '68
32	40.00	May 22	May 22	Melancthon Hoyt	H. J. Brisbine	Cataloguing Territorial Library
33	52.00	June 23	June 26	A. F. Hayward	W. W. Brookings	Enrolling Clerk of Council, '65
34	12.50	July 13	July 16	M. K. Armstrong	M. K. Armstrong	Second quarters salary as Treas'r, '68
35	12.50	" 15	" 16	I. T. Gore	Geo. H. Hand	Second quarters salary as Auditor, '68
36	30.00	" 20	" 20	Melancthon Hoyt	Jas. Hand	Care of Territorial Library
37	50.00	" 25	" 25	Jas. S. Foster	Jas. S. Foster	Supt. Pub. Instruction
38	5.05	" 29	Oct. 10	Thompson's Express	E. Miner	Express charges on books
39	12.50	Oct. 3	" 10	I. T. Gore	Geo. H. Hand	Third quarters salary as Auditor
40	28 50		Nov. 10	G. W. Kingsbury	G. W. Kingsbury	Printing catalogues, Ter'l Library
Total Disbursements,						\$915 40
Balance in Treasury,						\$5 25

OUTSTANDING WARRANTS.

No. OF WAR'NT	AM'T	DATE OF ISSUE.	TO WHOM ISSUED	NATURE OF INDEBTEDNESS.
No 40	51.50		G. W. Kingsbury	Printing Catalogue Ter. Library
41	12.50	Oct. 9	M. K. Armstrong	Third quarters salary as Treasurer
42	0.75	Dec. 5	J. L. Kelley	Charges on Law Book.
43	25.00	" 30	I. T. Gore	Office rent, fuel, lights, and stationery
44	25.00	" 30	M. K. Armstrong	" " " " " "
45	12.50	" 30	I. T. Gore	Fourth quarters salary as Auditor
46	12.50	" 30	M. K. Armstrong	" " " as Treasurer

ESTIMATES FOR THE YEAR 1869.

COUNTIES	ASS'M'T OF 1868	TER. TAX FOR 1869.
Yankton	\$491,599.00	\$ 491,59.9
Union	292,728.00	292,72.8
Clay	118,338.00	113,33.8
Bon Homme	47,183.00	47,18.3
	\$949,845.00	\$949,84,05

RECAPITULATION.

Total receipts for 1867 and '68.....	\$920 65.
Total disbursements.....	915 40
	<hr/>
Balance in Treasury.....	\$ 5 25
Amount Outstanding Warrants.....	139 75
Estimated Expenditures of 1869.....	600 00
Territorial Tax levied for 1869	949 84 5
Estimated balance over expenditures of '69.	210 09 5

Respectfully submitted,

M. K. ARMSTRONG,

Territorial Treasurer.

SECOND ANNUAL REPORT OF TERRITORIAL TREASURER.

to the Honorable Council and House of Representatives :

GENTLEMEN:—I have the honor to submit herewith my second annual report as Territorial Treasurer. I have delayed making the present annual report until the last day in the year 1868, in order to give time and opportunity to the new [and remote] counties to report to this office, the better to give a full exhibit of the Territorial finances at the close of the year, the date of my turning over the Territorial papers to my successor in office.

My last annual report was submitted Dec. 3, 1867, the time specified by law, and I was not, therefore, able in that report, to present to the legislature the true condition of the Territorial finances of that year. I have therefore incorporated my incomplete report of last year into and [made] it part of my annual report of the present year, thus presenting to you at this time a full statement of the condition of the Territorial finances for the years 1867 and 1868.

I desire again to call the attention of the legislature to the propriety of making some provision by special act, for the liquidation of the six hundred and sixty dollars of outstanding warrants issued before the year 1865. These warrants were issued to J. R. Hanson, W. R. Goodfellow, James Tufts and Daniel Gifford, for services as clerks in the legislature in 1862 and 1863.

The old warrants might be called in and replaced by a new issue on a par with other warrants payable out of the tax of 1869, or they might be made interest bearing.

I would also join with the auditor in recommending a change in the time for submitting the annual reports of Territorial offices, to a day near the close of each year.

I desire also to call the attention of the legislature to the "Indian War Warrants" of 1862, amounting to \$19,325.05.

It is believed that if the legislature would memorialize Congress on this matter, an appropriation could be procured from the federal government to reimburse the Territory for that necessary and timely supply of men, material and substance in defending the frontier against the devastations of the hostile Sioux.

I would also respectfully recommend that the legislature authorize by special act, the expenditure of two hundred dollars annually for the rent of suitable rooms for preserving the Territorial library, and the Territorial arms and ammunition, for which no provision has yet been made.

On motion of Mr. Jolley,

Ordered, That two hundred copies of said report be printed.

The Speaker then presented a communication from the President and Secretary of the National Lincoln Monument Association, which was read as follows :

ROOMS OF THE
NATIONAL LINCOLN MONUMENT ASSOCIATION, }
No. 499 Eleventh Street,
Washington, D. C., Dec. —, 1868.

To Hon. Speaker of the House of Representatives, Dakota Territory.

SIR:—We have the honor herewith to transmit one of the subscription books of this association, which contains the act of incorporation, the names of managers, and the early proceedings of the association and of the board of managers, with such other information as will enable you to form an accurate judgment of the great national enterprise in which we are engaged.

The small paper also enclosed contains information of the progress of the work thus far.

From these, it will appear: 1st, That the proposed monument is national in character and designed to perpetuate the memory of the men and events most prominent in the country's story during the great contest for its preservation now happily closed. 2d, That the United States Government, fully appreciating the importance of national character of the work, has donated to the monument the metal for the construction of the statues to be placed thereon, estimated to be of the value of at least \$100,000. 3d, That collections are being regularly made with every prospect of early and complete success, and that a portion of the work is already under contract and in progress.

It is the desire of the managers that all the citizens of the public, and especially all those engaged in public employments, whether State or National, should have an opportunity to contribute.

It is, therefore, in behalf of the board of managers, that you are requested to bring the matter to the attention of the body over which you preside, with a view to personal contribution by its members, and to the appropriation of such amount as may be proper by the Territorial Government.

We have the honor to be, with great respect,

Your obedient servants,

JAS. HARLAN,

President.

J. M. EDMUNDS,

Secretary.

On motion of Mr. Stutsman,

The communication was referred to a committee of three, with instructions to report as early as convenient.

The speaker named Messrs. Stutsman, Jolley and Bennett as such committee.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 18, (substitute) entitled An act defining the

rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to lands so occupied, and find the same correctly enrolled.

SECOND READING OF HOUSE FILES.

House file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on judiciary.

House file No. 36, entitled An act authorizing the board of county commissioners of Clay county, Territory of Dakota, to levy and collect a tax to build a bridge across the Vermillion River,

Was then taken up, and

Read a second time, and

On motion of Mr. Ricker,

Referred to a select committee, consisting of the Clay county delegation.

House file No. 37, entitled An act to amend an act entitled an act prescribing the general duties of the Territorial Treasurer,

Was then taken up, and

Read a second time, and

On motion of Mr. Jolley,

Referred to the committee on ways and means.

House file No. 38, entitled A bill for an act to prevent the obstruction or injury of highways and bridges,

Was then taken up, and

On motion of Mr. Bennett,

Referred to the committee on highways, bridges and ferries.

On motion of Mr. Brauch,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, Jan. 1st, 1869. }

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

The speaker in the chair.

On motion of Mr. Jolley,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, Jan. 2d, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Eves, Haggin, Hamilton and Schooler.

The journals of the 31st of Dec. 1868, and Jan. 1st, 1869, were then read and approved.

COMMUNICATION FROM THE GOVERNOR.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 29, 1868. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to transmit herewith, house bill No. 5, entitled “ An act concerning Territorial roads,” also

House bill No. 24, entitled “ An act in relation to taxing real and personal property,” also

House bill No. 30, entitled “ An act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes,” also

“ A memorial to Congress relative to a United States Land Office in the valley of the Red River of the North,” and

“ A memorial to the President of the United States, relative to the Pembina Indians,” which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant.

A. J. FAULK,

Governor.

REPORTS OF COMMITTEES.

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, on Saturday, January 2, 1869, at 10 o'clock a. m., present to the Governor for his approval, house file No. 18, entitled “ An act defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to lands so occupied.

Mr. Bennett, from the committee on ways and means, submitted the following report :

MR. SPEAKER :—Your committee on ways and means have had under consideration house file No. 37, entitled “ An act to amend an act entitled an act prescribing the general duties of the Territorial treasurer,” and have instructed me to report the same back and recommend that the bill do not pass.

G. P. BENNETT.

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

Mr. Vinson, from the committee on highways, bridges and ferries, submitted the following report:

MR. SPEAKER:—Your committee on highways, bridges and ferries have had under consideration house file No. 38, For an act to prevent the obstruction or injury of highways and bridges, and instructed me to report the same back and recommend its passage.

R. T. VINSON,
Chairman.

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

Mr. Bennett, from select committee, submitted the following report:

MR. SPEAKER:—Your select committee to whom was referred house file No. 31, entitled "A bill for an act for the suppression of the sale of spirituous liquors," have had the same under consideration, and have instructed me to report same back without recommendation.

G. P. BENNETT,
Chairman.

INTRODUCTION OF BILLS.

Mr. Bradley introduced house file No. 39, entitled A bill for an act to amend an act entitled an act to incorporate the city of Cheyenne, Dakota Territory.

Read a first time, and
Ordered to a second reading.

Mr. Somers introduced, by consent, house file No. 40, entitled A bill for an act to change the name of Charles Mix county.

Read a first time, and
Ordered to a second reading.

Mr. Jolley introduced house file No. 41, entitled A bill for an act to organize and discipline the militia.

Read a first time, and
Ordered to a second reading.

Mr. Gregory, by consent, introduced house file No. 42, entitled A bill for an act to vacate certain streets and alleys in Witherspoon's Yankton, D. T.

Read a first time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and

Referred to the Yankton county delegation.

Mr. Gregory, by consent, introduced house file No. 43, entitled A bill for an act to promote immigration to the Territory of Dakota.

Read a first time, and

Ordered to a second reading.

Mr. Bennett, by consent, introduced house file No. 44, entitled A bill for an act supplementary and amendatory to an act to establish a fence law.

Read a first time, and

Ordered to a second reading.

THIRD READING OF HOUSE FILES.

House file No. 37, entitled An act to amend an act entitled an act prescribing the general duties of the Territorial Treasurer," reported back by the committee on ways and means.

Was then taken up, and

Read a third time.

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

It was decided in the negative.

Ayes 5; noes 16, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Curtis, Jolley, Larson, (Clay) and Mr. Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Gregory, Hewlett, Jameson, Keegan, Keith, Larson, (Yankton,) La Roche, Moulin, Ricker, Vinson and Mr. Speaker.

So the bill was not passed.

House file No. 38, entitled A bill for an act to prevent the obstruction or injury of highways and bridges, reported back by the committee on highways, bridges and ferries.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 21, noes none; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman, Vinson and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

House file No. 31, entitled A bill for an act for the suppression of the sale of spirituous liquors, reported back by select committee, without recommendation,

Was then taken up for consideration, and

On motion of Mr. Keegan,

Ordered engrossed.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Saturday, Jan. 2d, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 31st day of Dec., 1868, pass house file No. 9, (substitute) entitled A bill for an act to provide common schools in Dakota Territory, with amendments attached, which

bill is herewith returned and the concurrence of the house requested in said amendments.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER,
Saturday, Jan. 2d, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 23, A bill to incorporate the city of Yankton, which bill is herewith transmitted and the concurrence of the house respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Bennett,
House file No. 9, (substitute) entitled A bill for an act to provide common schools for Dakota Territory, returned from the council with amendments.

Was then taken up for consideration, and

On motion of Mr. Bennett,

The amendments were concurred in.

Ordered, That the said bill be enrolled.

On motion of Mr. Stutsman,

Council bill No. 23, entitled A bill to incorporate the city of Yankton.

Was then taken up, and

Read a first time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and

Referred to a select committee consisting of the Yankton county members.

On motion of Mr. Gregory,

The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
 Monday, Jan. 4th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Haggin, Hamilton and Schooler.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined House file No. 9, entitled An act to provide schools for the Territory of Dakota; also,

House file No. 19, entitled An act to encourage the planting and growing of timber; also,

House file No. 21, entitled An act to prevent the firing of woods, marshes and prairies; also,

House file No. 25, entitled An act to provide for the partition of lands, and have instructed me to report the same as correctly enrolled.

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

MR. SPEAKER:—Your committee on engrossment, to whom was referred house file No. 31, entitled An act for the suppression of the sale of spirituous liquors, beg leave to report the same back as correctly engrossed.

J. SHAW GREGORY.

Mr. Stutsman, from select committee, submitted the following report :

MR. SPEAKER:—Your select committee, appointed to so-

licit from the members of this house, subscriptions to aid in the erection of a national monument to Abraham Lincoln, under the auspices of the "National Lincoln Monument Association," have to report the following as the result of their labors :

Gilbert P. Bennett, of Union,	\$ 5 00
C. M. Brooks, " "	5 00
Jonathan T. Hewlett, " "	5 00
John L. Jolley, of Clay,	5 00
James M. Eves, " "	5 00
Charles H. Ricker, " "	1 00
G. C. Moody, of Yankton,	10 00
Jacob Brauch, " "	5 00
Alfred Abbott, of Bon Homme,	5 00
James Keegan, " "	5 00
C. L. Hamilton, of Todd,	5 00
Joseph La Roche, of Charles Mix,	5 00
Marvin Somers, " "	10 00
Charles D. Bradley, of Laramie,	5 00
Enos Stutsman, of Pembina,	10 00
Total,	\$86 00

All of which is respectfully submitted.

ENOS STUTSMAN,
JOHN L. JOLLEY,
G. P. BENNETT,

Committee.

Mr. Jameson, from select committee, consisting of the Yankton county delegation, submitted the following report :

MR. SPEAKER — Your committee, consisting of the Yankton county delegation, to whom was referred house file No. 42, have had the same under consideration, and report the same back, with the recommendation that the bill do pass.

SECOND READING OF HOUSE FILES.

House file No. 39, entitled A bill for an act to amend an act entitled "An act to incorporate the City of Cheyenne,"

Was then taken up, and

Read a second time, and

On motion of Mr. Bradley,

Referred to the committee on judiciary.

House file No. 40, entitled A bill for an act to change the name of Charles Mix County,

Was then taken up, and

Read a second time, and

On motion of Mr. Somers,

Referred to a select committee of three.

The speaker appointed as such committee, Messrs. Somers, Stutsman and La Roche.

House file No. 41, entitled A bill for an act to organize and discipline the militia,

Was then taken up, and

Read a second time, and

On motion of Mr. Jolley,

Referred to the committee on military affairs.

House file No. 43, entitled A bill for an act to promote immigration to the Territory of Dakota,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to a select committee of five.

The speaker named as such committee, Messrs. Bennett, Curtis, Larson, (Yankton,) Keegan and Gregory.

House file No. 44, entitled A bill for an act supplementary and amendatory to "An act to establish a fence law."

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on agriculture.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER, }
Monday, Jan. 4th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day appointed a committee, consisting of

Messrs. Rossteuscher, Austin and Lewis, on the part of the council, to act with a like committee on the part of the house, to revise our revenue and fee laws, and report to one of the houses by bill or otherwise.

A. F. SHAW,
Secretary.

REPORTED BACK BY COMMITTEE.

House file No. 31, entitled A bill for an act for the suppression of the sale of spirituous liquors,

Reported back by the committee on engrossment,

Was then taken up for consideration,

Whereupon Mr. Brauch moved to indefinitely postpone the bill.

The ayes and noes being called for by two members, were ordered,

Pending which,

It being 11 o'clock, the hour designated by the house for the consideration of the general order of the day, the speaker announced the house in committee of the whole house in the general order.

Mr. Jolley in the chair.

And after some time spent therein, the committee arose, and through their chairman, reported that the house in committee of the whole house had had under consideration the general order, to-wit:

House file No. 22, entitled An act to prevent domestic animals from running at large in the organized counties of this Territory, and have instructed me to report the bill to the house, with the recommendation that it be indefinitely postponed.

Whereupon Mr. Brauch moved the adoption of the report. Which motion was disagreed to.

Mr. Jolley moved to recommit the bill to a select committee of one member from each county.

Which motion was agreed to.

Whereupon the speaker named as such committee, Messrs. Jolley, Bennett, Larson, (Yankton,) Abbott, Somers, Gregory, Bradley and Stutsman.

Mr. Ricker moved that Mr. Jolley be excused from acting on said committee.

Which motion was disagreed to.

The question then recurred to the motion of Mr. Brauch to indefinitely postpone house file No. 31, entitled A bill for an act for the suppression of the sale of spirituous liquors,

And it being put,

It was decided in the negative.

Ayes 11; noes 11, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bradley, Brauch, Gregory, Jameson, Keegan, Larson, (Clay,) Larson, (Yankton,) La Roche, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Brooks, Clementson, Curtis, Eves, Hewlett, Keith, Moulin, Ricker, Vinson and Mr. Speaker.

So the motion to indefinitely postpone was disagreed to.

Whereupon Mr. Gregory moved to lay the bill on the table.

The ayes and noes being called for by two members, and ordered,

The motion was agreed to.

Ayes 13; noes 10, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bradley, Brauch, Curtis, Gregory, Jameson, Jolley, Keegan, Larson, (Clay,) Larson, (Yankton,) La Roche, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Brooks, Clementson, Eves, Hewlett, Keith, Moulin, Ricker, Vinson and Mr. Speaker.

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

THIRD READING OF HOUSE FILES.

House file No. 42, entitled A bill for an act to vacate certain streets and alleys in "Withersoon's," Yankton, D. T.,

Reported back by select committee,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 18 ; noes 5, as follows :

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Clementson, Curtis, Eves, Somers and Vinson.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, on Monday, January 4th, A. D. 1869, at 12 o'clock M., of said day, present to the Governor for his approval,

House file No. 9, entitled An act to provide schools for the Territory of Dakota ; also,

House file No. 19, entitled An act to encourage the planting and growing of timber ; also,

House file No. 21, entitled An act to prevent the firing of woods, marshes and prairies ; also,

House file No. 25, entitled An act to provide for the partition of lands.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 4, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to transmit herewith, house bill No. 18, entitled "An act defining the right of occupying claimants,

prescribing the manner of enforcing the same and quieting the titles of land so occupied," which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

On motion of Mr. Brauch,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, Jan. 5th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Haggin and Hamilton.

Mr. Schooler, member elect from Union county, being present, came forward and took the oath of office, which was administered by the speaker.

The journals of the 2d and 4th insts. were then read and approved.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows:

EXECUTIVE OFFICE,)
Yankton, D. T., Jan. 5, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith, house bill No.

9, entitled "An act to provide schools for the Territory of Dakota;" also,

House bill No. 19, entitled "An act to encourage the planting and growing of timber;" also,

House bill No. 25, entitled "An act to provide for the partition of lands;" also,

House file No. 21, entitled "An act to prevent the firing of woods, marshes and prairies, which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration council bill No. 10, entitled A bill for an act to establish a code of criminal procedure for Dakota Territory, and have instructed me to report the accompanying bill as a substitute for said bill, and recommend its adoption, and that the substitute bill do pass.

On motion of Mr. Bennett,

The report was adopted.

Mr. Jolley, from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary have had under consideration council bill No. 16, entitled A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4th, 1866 ; also

House file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate ; and also,

House file No. 89, entitled A bill for an act to amend an act entitled an act to incorporate the City of Cheyenne, and the committee have instructed me to report the same back with the recommendation that the bills do pass.

NOTICES OF BILLS.

Mr. Bennett gave notice that he will on to-morrow, or some subsequent day of the session, ask leave to introduce a bill entitled "An act to prohibit the importation of Texan, Cherokee or Mexican cattle; also, a bill entitled an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein.

INTRODUCTION OF BILLS.

Mr. Gregory, by consent, introduced house file No. 45, entitled A bill for an act to establish a Territorial library and cabinet.

Read a first time, and
Ordered to a second reading.

Mr. Gregory, by consent, introduced house file No. 46, entitled A bill for an act to vacate a portion of the alley running through block No. 16, in "Witherspoon's," Yankton, D. T.

Read a first time, and
Ordered to a second reading.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

The communication from the council of Jan. 4th, relative to a joint committee of the two houses in the matter of "our revenue and fee laws,"

Was then taken up for consideration,

Whereupon Mr. Bennett submitted the following resolution, which was read considered and agreed to :

Resolved, That a committee of three be appointed by the speaker, to act in conjunction with a similar committee on the part of the council, to revise our revenue and fee laws, and report by bill or otherwise to one of the houses.

The speaker named as such committee :
Messrs. Bennett, Stutsman and Eves.

THIRD READING OF COUNCIL BILLS.

Council bill No. 10, (house substitute) entitled A bill for an act to establish a code of criminal procedure, reported back by the committee on judiciary.

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 22; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hewlett, Jameson, Jolley, Keegan, Larson, (of Clay) Larson, (of Yankton) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, and Mr. Vinson.

Those voting in the affirmative, were

Mr. Keith and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Council bill No. 16, entitled A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, reported back by the committee on judiciary.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

THIRD READING OF HOUSE FILES.

House file No. 39, entitled A bill for an act to amend an act entitled an act to incorporate the City of Cheyenne,

Reported back by the committee on judiciary,

Was then taken up, and

On motion of Mr. Bradley,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

House file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate.

Reported back by the committee on judiciary,

Was then taken up for consideration,

Whereupon Mr. Jameson moved that the further consideration of the bill be indefinitely postponed.

Which motion was disagreed to.

Mr. Bradley submitted the following amendments to the bill, which were agreed to:

Amendment 1—Section 1. The provisions of this act shall not apply in any manner to, or effect actions heretofore commenced, or proceedings heretofore had under any mortgage or deed of trust, nor to any bonds or contracts heretofore given for the sale of real property.

Amendment 2. That section 10 of this act be changed to section 11.

On motion of Mr. Jolley,

The bill was considered engrossed.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council :

COUNCIL CHAMBER,
Tuesday, Jan. 5th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed house file No. 34, A memorial to Congress asking for an appropriation to construct a wagon road from Fort Abercrombie down the Red River of the North ; also,

House file No. 38, A bill for an act to prevent the obstruction or injury of highways and bridges, which bills are herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered, That the said bills be enrolled.

COUNCIL CHAMBER,
Tuesday, Jan. 5th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 31st day of December last, pass house file No. 7, A bill for an act repealing chapter 47, of the Territorial laws of Dakota of 1862-3, and that the council did, on the 4th inst., pass

House file No. 6, (substitute,) An act concerning lost goods and estrays ; also,

House file No. 26, (substitute,) A bill for an act to divide the township of Jefferson, in Union county, with amendments attached, which bills, with amendments, are herewith returned.

I am also instructed to inform the house that the council did, on the 4th inst., pass council bill No. 14, A bill for the relief of the poor, which bill is herewith transmitted, and the concurrence of the house therein is respectfully requested.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Bennett,

House file No. 26, (substitute,) entitled A bill for an act to divide the township of Jefferson, in Union county, returned from the council with amendments,

Was then taken up for consideration, and

On motion of Mr. Bennett,

The amendments were concurred in.

Ordered, That the said bill be enrolled ; also, that

House file No. 7, entitled A bill for an act repealing chapter 47, of the Territorial laws of Dakota of 1862-3, and

House file No. 6, (substitute,) entitled An act concerning lost goods and estrays, be enrolled.

Council bill No. 14, entitled A bill for the relief of the poor,

Was then taken up, and

Read a first time, and

Ordered to a second reading.

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

Whereas, The Hon. Secretary of the Territory has ordered his messenger, while distributing stationery to the members of this house, to withhold from the member from Pembina his portion, or reasonable allowance of such stationery, and

Whereas, This house believes that said stationery was purchased for the use of all the members of this legislative assembly, without regard to locality, or opinion on railroad charters ; therefore,

Resolved, That the chief clerk be instructed to address a note to the Hon. Secretary, S. L. Spink, respectfully request-

ing an explanation of the strange and utterly unaccountable official conduct above alluded to.

On motion of Mr. Brauch,
The house adjourned.

Approved :

G. C. MOODY,
Speaker.

Attest :

GEO. I. FOSTER,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
Wednesday, Jan. 6th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Haggin and Hamilton.

The journal of yesterday was read and approved.

PRESENTATION OF PETITIONS.

Mr. Vinson presented a petition from citizens of Clay county, asking that a portion of Clay county be detached from Clay county and attached to Union county, which was

On motion of Mr. Bennett,

Referred to a select committee consisting of one member from each county.

Messrs. Bennett, Larson (of Clay,) Larson (of Yankton,) Abbott, Gregory, La Roche, Bradley and Stutsman, were named as such committee.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined House file No. 34, entitled A “memorial to Congress, for an appropriation to construct a wagon road from Fort Abercrombie, down the Red River of the North, and find the same correctly enrolled.

Mr. Ricker from the committee on agriculture, submitted the following report:

MR. SPEAKER:—Your committee on agriculture to whom was referred house file No. 44, entitled “A bill for an act supplementary and amendatory to chapter 15, laws 1865-6 entitled an act to establish a fence law,” have had the same under consideration and have instructed me to report the same back with the following amendment and recommend that the bill as amended do pass:

1st, Strike out section five.

2d, Change section six to section five; section seven to section six; section eight to section seven; section nine to section eight; section ten to section nine.

Strike out that portion of section between the words “exceed” in the first line, and the words “the wires” in the third line and insert in lieu thereof “sixteen feet apart, and by firmly securing thereto, four strands of common fence wire—with wire or swing post eight feet from each post, firmly fastened to the four strands of wire aforesaid.”

On motion of Mr. Eves,

The report was adopted.

Mr. Jameson, from select committee, submitted the following report:

MR. SPEAKER—Your select committee, consisting of the Yankton county delegation, have had under consideration, council bill No. 20, and have instructed me to report the same back, with the recommendation that the bill do pass.

Mr. Stutsman, from the select committee on house file No. 22, submitted the following report:

MR. SPEAKER:—Your select committee on house file No. 22, entitled “An act to prevent domestic animals from running at large in the organized counties of this Territory,” have agreed upon a substitute for the bill, and have instructed me to report the same, with the recommendation that it be adopted, and that the bill do pass.

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

Mr. Bennett, from select committee, submitted the following report:

MR. SPEAKER:—Your select committee to whom was referred house file No. 43, entitled “A bill for an act to promote immigration to the Territory of Dakota,” have had the same under consideration and have instructed me to report the same back with the following amendments, and recommend their adoption, and that the bill do pass.

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

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

MR. SPEAKER:—Your committee on engrossment, to whom was referred house file No. 35, entitled “An act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate, have instructed me to report the bill correctly engrossed.

J. SHAW GREGORY,
Chairman.

INTRODUCTION OF BILLS.

Mr. Vinson, by consent, introduced house file No. 47, entitled A bill for an act to provide for the auditing of the public accounts and to create a board of county auditors in each organized county of Dakota Territory.

Read a first time, and
Ordered to a second reading.

Mr. Bennett introduced house file No. 48, entitled A bill for an act to prohibit the importation of Texan, Cherokee or Mexican cattle.

Read a first time, and
Ordered to a second reading.

Mr. Bennett introduced house file No. 49, entitled A bill for an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein.

Read a first time, and
Ordered to a second reading,

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER,
Wednesday, Jan. 6th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 5th inst., pass house file No. 42, A bill for an act to vacate certain streets and alleys in Witherspoon's Yankton, D. T., which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered that the said bill be enrolled.

SECOND READING OF COUNCIL BILLS.

Council bill No. 14, entitled A bill for the relief of the poor.
Was then taken up, and
Read a second time, and
On motion of Mr. Stutsman,
Referred to the committee on ways and means.

THIRD READING OF COUNCIL BILLS.

Council bill No. 20, entitled An act to re-locate the Territorial road from Yankton to James River Bridge, reported back by select committee,

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 22; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Branch, Clementson, Curtis, Eves, Gregory, Hewlett, Jameson, Jolley, Kee-

gan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, and Vinson,

Those who voted in the negative, were
Mr. Stutsman and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

SECOND READING OF HOUSE FILES.

House file No. 45, entitled A bill for an act to establish a Territorial library and cabinet.

Was then taken up, and
Read a first time, and
On motion of Mr. Gregory,
Referred to the committee on education.

House file No. 46, entitled a bill for an act to vacate a portion of the alley running through block No. 16, in "Witherspoon's" Yankton D. T.

Was then taken up, and
Read a second time, and
On motion of Mr. Gregory,
Referred to a select committee consisting of the Yankton county members.

THIRD READING OF HOUSE FILES.

House file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estates, reported as correctly engrossed.

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 16; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Clementson, Curtis, Eves, Hewlett, Jolley, Keith, Larson, (Clay,) Moulin, Ricker, Somers, Stutsman and Vinson,

Those who voted in the negative, were

Messrs. Brauch, Gregory, Jameson, Keegan, Larson, (Yankton,) La Roche, Schooler and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 22, (substitute) entitled An act to prohibit all domestic animals from running at large in the organized counties of this Territory, reported by select committee.

Was then taken up, and

On motion of Mr. Jolley.

Considered engrossed, and

Read a third time.

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

It was decided in the negative.

Ayes 10; noes 14, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Curtis, Eves, Gregory, Jolley, Keegan, Moulin, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Bradley, Brooks, Brauch, Clementson, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Ricker, Schooler, Somers and Vinson.

So the bill was not passed.

House file No. 44, entitled A bill for an act supplementary and amendatory to an act to establish a fence law, reported back by the committee on agriculture.

Was then taken up, and

On motion of Mr. Bennett,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative,

Ayes 24, noes none; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 43, entitled A bill to promote immigration into the Territory of Dakota, reported back by select committee.

Was then taken up, and

On motion of Mr. Gregory,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative,

Ayes 20; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brauch, Clementson, Gregory, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Brooks, Curtis, Eves and Schooler.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Mr. Stutsman, by consent, submitted the following resolution, which was read considered and agreed to :

Resolved, That the select committee on council bill No. 23, be instructed to report the same back to the house to-morrow, when the order for reports from select committees be called.

On motion of Mr. Larson of Yankton,
The house adjourned.

Approved :

G. C. MOODY,

Speaker.

Attest :

GEO. I. FOSTER,

Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 7th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Haggin.

The journal of yesterday was read and approved.

COMMUNICATION FROM THE GOVERNOR.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 6, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to transmit herewith, house bill No. 34, entitled "A memorial to Congress for an appropriation to

construct a wagon road from Fort Abercrombie down the Red River of the North," which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

REPORTS OF COMMITTEES.

Mr. Brauch, from the committee on towns and counties, submitted the following report :

MR. SPEAKER :—Your committee on towns and counties, to whom was referred house file No. 29, entitled An act specifying the manner of subdividing counties into townships, and for other purposes, have had the same under consideration, and beg leave to report it back, with recommendation that the bill be indefinitely postponed ; also,

House file No. 33, entitled A bill for an act providing for township organization, is herewith returned without recommendation.

JACOB BRAUCH,

Chairman.

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

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, at 12 o'clock M., on Wednesday, January 6, 1869, present to the Governor for his approval, house file No. 34, entitled A memorial to Congress for an appropriation to construct a wagon road from Fort Abercrombie down the Red River of the North.

Mr. Jameson, from select committee, submitted the following report :

MR. SPEAKER :—Your select committee, consisting of the Yankton county delegation, have had under consideration council bill No. 23, and have instructed me to report the same back with recommendation that the bill do pass.

Mr. Ricker, from the special committee, consisting of the Clay county delegation, submitted the following report :

MR. SPEAKER:—Your special committee, consisting of the Clay county members of this house, have had under consideration house file No. 36, entitled A bill for an act authorizing the board of county commissioners of Clay county, Territory of Dakota, to levy and collect a tax to build a bridge across the Vermillion River, and have instructed me to report the accompanying bill as a substitute for said bill, and recommend its adoption, and that the substitute bill do pass.

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

MOTIONS AND RESOLUTIONS.

Mr. Bennett moved to reconsider the vote by which house file No. 44, A bill for an act supplementary and amendatory to "An act to establish a fence law,"

Was passed on the 6th inst.

Which motion was agreed to.

On motion of Mr. Curtis,

Messrs. Eves and Hamilton were excused for non-attendance on Saturday last, on account of sickness.

THIRD READING OF COUNCIL BILLS.

Council bill No. 23, entitled A bill to incorporate the city of Yankton, Dakota Territory,

Reported back by select committee,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 25; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

SECOND READING OF HOUSE FILES.

House file No. 48, entitled "A bill for an act to prohibit the importation of Texan, Cherokee and Mexican cattle,"

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on agriculture.

House file No. 49, entitled A bill for an act dividing the Territory of Dakota into council and representative districts, and apportioning the councilmen and representatives therein,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

Referred to the committee on elections.

THIRD READING OF HOUSE FILES.

House file No. 36, (substitute,) entitled An act authorizing the county commissioners of each county in this Territory, to levy a tax for bridges,

Reported back by select committee,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Curtis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (of Yankton) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

Those who voted in the negative, were
Messrs. Clementson and Larson, (Clay.)

So the bill was passed.

The question then being on agreeing to its title, and it being
put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council there
with, and request concurrence therein.

Mr. Jolley moved to recommit the vote last taken, and moved
to lay the motion to recommit on the table.

Which latter motion was agreed to.

UNFINISHED BUSINESS.

House file No. 33, entitled A bill for an act providing for
township organizations,

Reported back by the committee on towns and counties,
without recommendation,

Was then taken up, and

On motion of Mr. Vinson,

Recommitted to a select committee consisting of the Union
county members.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the coun-
cil:

COUNCIL CHAMBER, }
Thursday, Jan. 7th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that
the council did, on the 6th inst., pass house file No. 23, An act
defining the action of mandamus, and prescribing the practice
thereof; also,

House file No. 39, A bill for an act to amend an act entitled—
an act to incorporate the City of Cheyenne, which bills are
herewith returned.

I am also instructed to inform the house that the council did,
on the 6th inst., concur in house substitute to council bill No.
10, A bill to establish a code of criminal procedure.

W. S. SMITH,
Assistant Secretary.

Ordered, That said house files be enrolled.

COUNCIL CHAMBER,
Thursday, Jan. 7th, 1869. }

M.R. SPEAKER:—I am instructed to inform the house that the council did, on this day, pass council bill No. 26, A memorial to Congress asking a land grant to aid in the construction of a railroad from Yankton to Columbus, which bill is herewith transmitted and the concurrence of the house respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Stutsman,

Council bill No. 26, entitled A memorial to Congress asking a land grant to aid in the construction of a railroad from Yankton to Columbus,

Was then taken up, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a first, second and third time.

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

It was decided in the affirmative.

Ayes 19; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Hamilton, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Keegan, Somers and Vinson.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

On motion of Mr. Jolley,

The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
 Friday, Jan. 8th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

None absent.

The journal of yesterday was read and approved.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 6, entitled An act concerning lost goods and estrays: also,

House file No. 7, entitled An act repealing chapter 47, of the general laws of Dakota of 1862-3; also,

House file No. 42, entitled An act to vacate certain streets and alleys in "Witherspoon's" Yankton, Dakota Territory, and have instructed me to report said bills as correctly enrolled.

Mr. Gregory, from the committee on education, submitted the following report:

MR. SPEAKER:—Your committee on education, to whom was referred house file No. 45, entitled An act to establish a Territorial library and cabinet, have had the same under consideration, and have directed me to report the same back, with the recommendation that the bill do pass.

J. SHAW GREGORY,
Chairman.

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

Mr. Ricker, from the committee on agriculture, submitted the following report:

MR. SPEAKER:—Your committee on agriculture, to whom was referred house file No. 48, entitled a bill for an act to prohibit the importation of Texan, Cherokee or Mexican cattle, have had the same under consideration and have instructed me to report the accompanying bill as a substitute for said bill, and recommend its adoption, and that the substitute bill do pass.

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

Mr. Jameson, from select committee, consisting of the Yankton county members, submitted the following report:

MR. SPEAKER:—Your select committee, consisting of the Yankton county members, have had under consideration house file No. 46, entitled A bill for an act to vacate a portion of the alley running through block No. 16, in "Witherspoon's," Yankton, D. T., and have instructed me to report the same back, with the recommendation that the bill do pass.

Mr. Bennett, from select committee, to whom was referred the petition of B. W. Hill and others, submitted the following report:

MR. SPEAKER:—Your select committee, to whom was referred the petition of B. W. Hill, T. F. Hill, James Cairn, Alfred Horner, Alfred Vergira and others, praying that that portion of Clay county, known as the pan-handle, be attached to Union county, and have instructed me to present a bill in accordance with the prayer of the petitioners.

G. P. BENNETT,
Chairman.

INTRODUCTION OF BILLS.

Mr. Somers, by consent, introduced house file No. 50, entitled A memorial to Congress asking for the survey of the vacated portion of the Fort Randall military reserve.

Read a first time, and

On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 26; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Mr. Bennett introduced house file No. 51, entitled A bill transferring certain lands from the jurisdiction of Clay to Union county.

Read a first time, and

Ordered to a second reading.

SECOND READING OF HOUSE FILES.

House file No. 47, entitled A bill for an act to provide for the auditing of the public accounts and to create a board of county auditors in each organized county of Dakota Territory,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Indefinitely postponed.

THIRD READING OF HOUSE FILES.

House file No. 45, entitled A bill for an act to establish a Territorial library and cabinet.

Reported back by the committee on education,
Was then taken up, and
Read a third time.

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

It was decided in the affirmative,
Ayes 22; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Curtis,
Eves, Gregory, Haggin, Hamilton, Jameson, Jolley, Keegan,
Keith, Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler,
Somers, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Clementson, Larson, (Clay,) Hewlett and Vinson.
So the bill was passed.

The question then being on agreeing to its title, and it being
put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council there-
with, and request concurrence therein.

House file No. 46, entitled a bill for an act to vacate a por-
tion of the alley running through block No. 16, in "Wither-
spoon's" Yankton D. T.

Reported back by select committee, consisting of the Yank-
ton county members,

Was then taken up, and
Read a third time.

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

It was decided in the affirmative.

Ayes 26; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clem-
entson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett,
Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson,
(Yankton,) La Roche, Moulin, Ricker, Schooler, Somers,
Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

House file No. 48, (substitute,) entitled A bill for an act to prohibit the importation of Texan, Cherokee or Mexican cattle, into the Territory of Dakota.

Reported back by the committee on agriculture,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 21; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton) La Roche, Moulin, Ricker, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Gregory, Hamilton, Schooler, Somers and Stutsman.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

House file No. 44, entitled A bill for an act supplementary and amendatory to "An act to establish a fence law."

Was then taken up,

Whereupon Mr. Bennett submitted the following amendment, which was agreed to:

Strike out section one and insert in lieu thereof, the following:

Sec. 1. That a fence, constructed by placing the end of posts firmly in the ground, not to exceed twelve feet apart, and by firmly securing thereto on board or pole at the top, and three strands of common fence wire below, or by placing the end of posts firmly in the ground, not to exceed sixteen feet apart, and by firmly securing thereto four strands of common fence wire, with a swing post half way between the standing posts, the wires to be not more than twelve inches apart on the posts, and the lower wire to be not more than twenty inches above the average surface of the ground, along each joint or length of fence, the top of said fence shall not be less than four and a half feet above the average surface of the ground.

On motion of Mr. Bennett,

The bill was considered engrossed, and

Read a third time.

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

It was decided in the affirmative,

Ayes 26, noes none; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did, at 11 o'clock A. M., on Friday, January 8, 1869, present to the Governor for his approval, house file No. 6, entitled An act concerning lost goods and estrays; also,

House file No. 7, entitled An act repealing chapter 47, of the General laws of Dakota of 1862-3 ; also,

House file No. 42, entitled An act to vacate certain streets and alleys in "Withersoon's," Yankton, Dakota Territory.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council :

COUNCIL CHAMBER, }
Friday, Jan. 8th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 27, An act defining the boundaries of the different counties in the Territory, which bill is herewith transmitted, and the concurrence of the house therein respectfully requested.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Friday, Jan. 8th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 6th inst., pass council bill No. 18, A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same, which bill is herewith transmitted and the concurrence of the house respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Somers,
The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
Saturday, Jan. 9th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The journal of yesterday was read and approved.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows:

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 8, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith, house bill No. 6, entitled "An act concerning lost goods and estrays," also House bill No. 7, entitled "An act repealing chapter 47 of the general laws of Dakota 1862-3," also

House bill No. 42, entitled "An act to vacate certain streets and alleys in "Witherspoon's Yankton," Dakota Territory," which I have approved and signed.

I am, Very Respectfully,
Your Ob't Servant,

A. J. FAULK,

Governor.

The speaker then presented a communication from the Superintendent of Public Instruction, which was read as follows:

OFFICE SUP'T. PUBLIC INSTRUCTION, }
Yankton, D. T., Dec. 21, 1868. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I herewith present to your Hon. body, the annual report of the Superintendent of Public Instruction for Dakota, for the year 1868.

Respectfully Yours,

JAMES S. FOSTER,

Supt. Pub. Inst. Dakota Ter.

On motion of Mr. Stutsman,
Ordered, That 500 copies of said report be printed for the use of the members of this house.

REPORTS OF COMMITTEES.

Mr. Bennett, from the committee on ways and means, submitted the following report:

MR. SPEAKER:—Your committee on ways and means to whom was referred council bill No. 14, entitled "A bill for the relief of the poor," have had the same under consideration, and have instructed me to report it back and recommend its passage.

G. P. BENNETT,
Chairman.

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

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 28, entitled An act defining the action of mandamus, and prescribing the practice therein; also

House file No. 38, entitled An act to prevent the obstruction or injury of highways and bridges, also

House file No. 26, entitled An act to divide the township of Jefferson, in the county of Union, also

House file No. 39, entitled "An act to amend an act to incorporate the City of Cheyenne," and have instructed me to report the same as correctly enrolled.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Brooks,
 Mr. Haggin was excused for non-attendance, on account of sickness.

INTRODUCTION OF BILLS.

Mr. Jameson introduced house file No. 52, entitled A bill for an act to amend section 16 of chapter 19, of the session laws of 1867-8.

Read a first time, and
 On motion of Mr. Jameson,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 22; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keith, Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Stutsman, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Gregory, Keegan, Larson, (Clay) and Somers.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Mr. Jolley in the chair.

Mr. Moody, by consent, introduced house file No. 53, entitled A bill for an act to provide for the service of processes in counties where no district courts are held, and for other purposes.

Read a first time, and

On motion of Mr. Moody,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 25; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La-

Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative,

So the bill was not passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

The speaker in the chair.

FIRST READING OF COUNCIL BILLS.

Council bill No. 13, entitled A bill for an act to re-organize the judicial districts of this Territory, and fixing the time for holding the courts in the same.

Was then taken up, and

Read a first time, and

Ordered to a second reading.

Council bill No. 27, entitled An act defining the boundaries of the different counties in the Territory of Dakota, and apportioning the representation therein.

Was then taken up, and

Read a third time.

Whereupon Mr. Brauch moved that the rules be suspended, and the bill

Read a second time.

Which motion was disagreed to.

The bill was then ordered to a second reading.

THIRD READING OF COUNCIL BILLS.

Council bill No. 14, entitled A bill for the relief of the poor, reported back by the committee on ways and means.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 24; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hewlett, Jameson, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

SECOND READING OF HOUSE FILES.

House file No. 57, entitled A bill transferring certain lands from the jurisdiction of Clay county, to Union county.

Was then taken up, and

Read a second time.

Whereupon Mr. Bennett moved that the rules be suspended, and under the operation thereof, the bill be read a third time, and put upon its passage.

Which motion was disagreed to.

The bill was then ordered to a third reading.

Mr. Ricker moved that the house do now adjourn.

The ayes and noes being called for by two members, and ordered,

And the question being put.

It was decided in the negative,

Ayes 10; noes 15, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jolley, Keegan, Larson, (Clay,) La Roche, Moulin and Ricker.

Those who voted in the negative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Haggin, Hewlett, Jameson, Keith, Larson, (Yankton,) Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

So the motion to adjourn was disagreed to.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER, }
Saturday, Jan. 9th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 24, A bill for an act to prohibit certain male animals from running at large.

I am also instructed to inform the house that the council has this day passed house file No. 50, A memorial to Congress asking for the survey of the vacated portion of Fort Randall military reserve, which bill is herewith returned.

I am also instructed to inform the house that the council did, on the 9th inst., pass house file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company, with amendments attached, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Saturday, Jan. 9th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 9th inst., pass house file No. 27, A memorial to Congress asking for the creation of an additional land district on the Missouri river, in Dakota Territory, with amendments attached, which bill is herewith returned, and the concurrence of the house in said amendments is respectfully requested.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Saturday, Jan. 9th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day, pass council bill No. 31, A memorial to Congress asking for a grant of land to aid in the construction of the M. & M. R. R., which bill is herewith transmitted, and the concurrence of the house respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Bennett,
Council bill No. 31, entitled A memorial to Congress asking
for a grant of land to aid in the construction of the M. & M.
R. R.,

Was then taken up, and

Read a first time, and

On motion of Mr. Bennett,

The rules were suspended, and under the operation thereof,
the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 23; noes 1, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Clementson, Cur-
tis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Kee-
gan, Keith, Larson (Clay,) Larson (Yankton,) La Roche, Mou-
lip, Ricker, Schooler, Stutsman, Vinson and Mr. Speaker.

Mr. Somers voting in the negative.

So the bill was passed.

The question then being on agreeing to the title of the bill,
and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

On motion of Mr. Stutsman,

Council bill No. 24, entitled A bill for an act to prohibit cer-
tain male animals from running at large,

Was then taken up, and

Read a first time, and

Ordered to a second reading.

On motion of Mr. Bennett,

House file No. 14, entitled A bill for an act repealing the
charter of the Dakota & Northwestern Railroad Company, re-
turned from the council amended,

Was then taken up, and

On motion of Mr. Bennett,

The amendments were concurred in.

Ordered, That the said bill be enrolled.

On motion of Mr. Somers,

House file No. 27, entitled A memorial to Congress asking for the erection of an additional land district on the Missouri river, in Dakota Territory, returned from the council amended,

Was then taken up, and

On motion of Mr. Sumers,

The amendments were concurred in.

Ordered, That the said bill be enrolled.

It was also ordered that house file No. 50, entitled A memorial to Congress asking for the survey of the vacated portion of Fort Randall military reserve, returned from the council, be enrolled.

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

MR. SPEAKER:—Your committee on enrollment, have to report that they did, at 11 o'clock a. m., Saturday, Jan. 9th, 1869, present to the Governor for his approval, house file No. 23, entitled An act defining the action of mandamus and prescribing the practice therein, also

House file No. 38, entitled An act to prevent the obstruction or injury of highways and bridges, also

House file No. 39, entitled An act to amend an act to incorporate the city of Cheyenne, also

House file No. 26, entitled An act to divide the township of Jefferson, in the county of Union.

On motion of Mr. Bennett,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 11th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Haggin.

The journal of the 9th inst. was then read and approved.

PETITIONS AND COMMUNICATIONS.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 9, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith, house bill No. 28, entitled "An act defining the action of mandamus, and prescribing the practice therein;" also,

House bill No. 38, entitled "An act to prevent the obstruction or injury of highways and bridges;" also,

House bill No. 39, entitled "An act to amend an act to incorporate the City of Cheyenne," which I have signed and approved.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

Mr. Bradley presented a communication from the mayor and aldermen of the City of Cheyenne, which was read as follows:

To the Honorable the Legislature of the Territory of Dakota:

The undersigned, the mayor and board of aldermen of the City of Cheyenne, would respectfully represent, that the char-

ter under which the citizens of this place was organized into a body corporate for municipal purposes, is entirely inadequate to the purpose.

Drafted at a time of sudden emergency, when the advent of the U. P. R. R. impulsively brought a number of people from all parts of the world, as temporary residents of this place; we are aware that your Honorable body had not a sufficient time in which to consider the requirements of our people, and the thorough adaptability of a charter as their rule of local government. We would therefore, most respectfully request that you will, before you adjourn, and with a sufficient time for them to receive the executive consideration, pass the amendments recommended by the city council, as barely calculated to attain the end in view, the raising of revenue, (as the only means in our power at present is derived from tax on saloons and fines of criminals)—and the means of consolidating our floating indebtedness, together with an additional officer, as a legal adviser in adopting the ordinances necessary for our government, to the charter which defines and limits them, and for the performance of other duties common to a city attorney.

We request these few amendments, with a full knowledge that your Honorable body, has but a short time, within which to consider and act upon the legislation required.

Respectfully,

W. H. SLAUGHTER,

Mayor.

Attest:

EDWARD OPEN,

City Clerk.

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 14, entitled An act repealing the charters of the Dakota & Northwestern Railroad Company and Missouri River & Niobrara Valley Railroad Company; also,

House file No. 27, entitled A memorial to Congress, asking for the creation of an additional land district on the Missouri river in Dakota Territory; also,

House file No. 50, entitled A memorial to Congress asking for the survey of the vacated portion of the Fort Randall military reserve, and find the same correctly enrolled.

Mr. Bennett, from select committee, submitted the following report:

MR. SPEAKER:—Your joint committee appointed to examine the revenue and fee laws of this Territory, with instructions to report by bill, or otherwise, ask leave to report that they have agreed on bills, which are introduced for the consideration of the council, your committee recommend that the bills do pass.

CHAS. F. ROSSTEUSCHER, <i>Ch'n on the part of Council.</i>	}	Joint Com.
G. P. BENNETT, <i>Ch'n on the part of House.</i>		

INTRODUCTION OF BILLS.

Mr. Stutsman, by consent, introduced house file No. 54, entitled A bill for an act supplementary to an act entitled an act in relation to townsites, entered as such under the act of Congress, approved December 18, 1869.

Read a second time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 25; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) LaRoche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative,

So the bill was not passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Mr. Bradley, by consent, introduced house file No. 55, entitled A bill for an act authorizing the City of Cheyenne to fund its floating debt.

Read a first time, and

On motion of Mr. Bradley,

Read a second time, and

Referred to a select committee of three.

Messrs. Bradley, Eves and Brooks were named as such committee.

Mr. Brooks in the chair.

Mr. Moody, by consent, introduced house file No. 56, entitled A bill for an act providing for the holding of special terms of the district courts, and for other purposes.

Read a first time, and

On motion of Mr. Moody,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative,

Ayes 25, noes none; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

The speaker in the chair.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER,
Monday, Jan. 11th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did, on the 9th inst., pass council bill No. 18, A bill relative to county commissioners and county clerks; also,

Council bill No. 28, A bill to regulate the fees of certain officers, which bills are herewith transmitted, and the concurrence of the house respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 18, entitled A bill relative to county commissioners and county clerks,

Was then taken up, and

Read a first time, and

Ordered to a second reading.

Council bill No. 28, entitled A bill to regulate the fees of certain officers,

Was then taken up, and

Read a first time, and

Ordered to a second reading.

SECOND READING OF COUNCIL BILLS.

Council bill No. 13, entitled A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same,

Was then taken up, and

Read a second time, and

On motion of Mr. Keegan,

Referred to a committee of three, with instruction to report to-morrow.

Messrs. Keegan, Bennett and Brauch were named as such committee :

Council bill No. 24, entitled A bill to prevent certain male animals from running at large,

Was then taken up, and

Read a second time, and

On motion of Mr. Bennett,

Referred to the committee on judiciary.

Council bill No. 27, entitled An act defining the boundaries of the different counties in the Territory of Dakota, and for other purposes,

Was then taken up, and

Read a second time.

Mr. Jolley in the chair.

Mr. Moody submitted a substitute bill, as an amendment thereto, and moved its adoption.

Whereupon Mr. Stutsman moved that the house do now adjourn.

The ayes and noes being desired by two members, were ordered,

And it being put,

It was decided in the negative,

Ayes 11; noes 14, as follows :

Those voting in the affirmative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jolley, Keegan, La Roche, Moulin, Ricker, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

So the motion to adjourn was disagreed to.

Mr. Stutsman arose to a point of order, as follows :

That the substitute bill can not be moved as an amendment to the original bill on its second reading, when the said bill has not been referred to a committee.

Which point the chair, (Mr. Jolley, of Clay,) decided as well taken.

Whereupon Mr. Moody appealed from the decision of the chair.

And the question being put, "shall the decision of the chair stand as the decision of the house?"

The ayes and noes were called for by two members, and ordered,

It was decided in the negative.

Ayes 12; noes 12, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Curtis, Eves, Gregory, Hamilton, Keegan, Larson (Clay,) La Roche, Moulin, Ricker, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Hewlett, Jameson, Keith, Larson (Yankton,) Schooler, Vinson and Mr. Speaker.

So the decision of the chair was not sustained.

Mr. Ricker moved that the house do now adjourn.

The ayes and noes being desired by two members, and ordered,

And it being put,

It was decided in the negative.

Ayes 11; noes 14, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jameson, Keegan, La Roche, Moulin, Ricker, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Hewlett, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

So the motion to adjourn was disagreed to.

Mr. Moody then moved the previous question.

The ayes and noes being desired by two members, and ordered,

And it being put,

It was decided in the affirmative.

Ayes 17; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Schooler, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Gregory, Hamilton, Abbott, Keegan, La Roche, Ricker, Somers and Stutsman.

So the call for the previous question was seconded.

The question then being on the adoption of the amendment submitted by Mr. Moody.

The ayes and noes were called for by two members, and ordered,

And it being put,

It was decided in the affirmative,

Ayes 14; noes 11, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jolley, Keegan, La Roche, Moulin, Ricker, Somers and Stutsman.

So the motion to adopt the amendment was agreed to.

The speaker in the chair.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER,
Monday, Jan. 11th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed substitute for house file No. 48, A bill for an act to prevent the importation of Texas or Cherokee cattle, into the Territory of Dakota, and for other purposes, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered, That the said bill be enrolled.

COUNCIL CHAMBER,
Monday, Jan. 11th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 37, An act concerning revenue, which bill is herewith transmitted, and the concurrence of the house is respectfully requested therein.

I am also instructed to inform the house that the council has this day passed house file No. 54, An act supplementary to an act entitled an act in relation to townsites, entered as such under the act of Congress, approved March 2, 1867, approved December 18, 1867, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered, That said house bill be enrolled.

On motion of Mr. Larson, of Clay,
The house adjourned.

Approved:

G. C. MOODY,
Speaker.

Attest:

GEO. I. FOSTER,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
Tuesday, Jan. 12th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Haggin.

On motion of Mr. Jolley,

The reading of the journal of the 11th inst. was dispensed with.

REPORTS OF COMMITTEES.

Mr. Jolley, from the committee on judiciary, submitted following report:

MR. SPEAKER:—Your committee on judiciary have had under consideration, house file No. 8, entitled A bill for an act granting to Hiram Stratton and H. Collins the right to erect and maintain a milldam and mill on the Big Sioux river, and have instructed me to report the same back with the recommendation that the bill be indefinitely postponed.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did, at 9 o'clock a. m., on Tuesday, January 12th, A. D. 1869, present to the Governor for his approval, house file No. 14, entitled An act repealing the charters of the Dakota & Northwestern Railroad Company, and Missouri River and Niobrara Valley Railroad Company, also

House file No. 27, entitled A memorial to Congress asking for the creation of an additional land district on the Missouri river, in Dakota Territory, also

House file No. 50, entitled A memorial to Congress asking for a survey of the vacated portion of the Fort Randall military reserve.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 48, entitled An act to prevent the importation of Texan or Cherokee cattle into the Territory of Dakota and for other purposes, also

House file No. 54, entitled An act supplemental to an act entitled An act in relation to town-sites, entered as such under the act of Congress approved March 2d, 1867, approved December 18th, 1867, and find the same correctly enrolled.

Mr. Keegan, from select committee, submitted the following report:

MR. SPEAKER :—Your special committee of three to whom was referred council bill No. 13, have had the same under consideration and have instructed me to report the same back without recommendation.

JAMES KEEGAN,
Chairman.

Mr. Bradley, from special committee submitted the following report :

MR. SPEAKER :—Your special committee to whom was referred house file No. 55, entitled A bill for an act "authorizing the city of Cheyenne to fund its floating debt, have had the same under consideration and beg leave to report the same back to the house with the annexed substitute, with the recommendation that the substitute bill do pass.

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

FIRST READING OF COUNCIL BILLS.

Council bill No. 37, entitled An act concerning revenue.
Was then taken up, and
Read a first time, and
On motion of Mr. Bennett,
The rules were suspended, and under the operation thereof,
the bill was
Read a second time, and
On motion of Mr. Jolley,
Made the general order for half-past eleven o'clock to-day.

SECOND READING OF COUNCIL BILLS.

Council bill No. 18, entitled A bill in relation to county commissioners and county clerks.
Was then taken up, and
Read a second time, and
On motion of Mr. Stutsman,
Referred to the committee on towns and counties.
Council bill No. 28, entitled A bill to regulate the fees of certain officers.
Was then taken up, and
Read a second time, and
On motion of Mr. Brooks,
Referred to the committee on ways and means.

THIRD READING OF COUNCIL BILLS.

Council bill No. 18, entitled A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same, reported back by select committee, without recommendation.

Was then taken up for consideration,

Whereupon Mr. Jolley submitted the following amendment thereto, which was agreed to:

Amend section 1, by striking out "third Monday in October," on the tenth and eleventh line of said section, and insert in lieu thereof "first Monday in September."

On motion of Mr. Bennett,
The bill was considered engrossed, and
Read a third time.

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

It was decided in the negative.

Ayes 11; noes 14, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Hewlett, Jameson, Keith, Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Bradley, Curtis, Eves, Gregory, Hamilton, Jolley, Keegan, Larson, (Clay) La Roche, Moulin, Ricker, Somers and Stutsman.

So the bill was not passed.

Council bill No. 27, (house substitute) entitled A bill for an act fixing the apportionment of certain counties therein named.

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 13; noes 12 as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis,

Hewlett, Jameson, Keith, Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jolley, Keegan, Larson, (Clay,) La Roche, Moulin Ricker, Somers, and Stutsman.

Mr. Bradley not voting.

Mr. Keegan moved that Mr. Bradley be excused from voting.

The ayes and noes being desired by two members, and ordered

And it being put,

It was decided in the negative.

Ayes 11; noes 13, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Eves, Gregory, Hamilton, Jolley, Keegan, La Roche, Moulin, Ricker, Somers and Stutsman.

Those voting in the negative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Cutis, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

So the motion was disagreed to.

Whereupon Mr. Bradley voted in the affirmative.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

THIRD READING OF HOUSE FILES.

House file No. 51, entitled A bill transferring certain lands from the jurisdiction of Clay county, to Union county.

Was then taken up, and

Read a third time.

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

It was decided in the negative.

Ayes 8; noes 17, as follows:

Those who voted in the affirmative, were

Messrs. Bennett, Bradley, Clementson, Hewlett, Jameson, Keith, Schooler and Speaker.

Those who voted in the negative, were

Messrs. Abbott, Brooks, Brauch, Curtis, Eves, Gregory, Hamilton, Jolley, Keegan, Larson, (Clay) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman and Vinson.

So the bill was not passed.

House file No. 55, (substitute) entitled A bill for an act authorizing the city of Cheyenne to fund its floating debt, reported by select committee.

Was then taken up, and

On motion of Mr. Bradley,

Considered engrossed, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes 1, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Ricker, Schooler, Stutsman, Vinson and Speaker.

Mr. La Roche voted in the negative.

Mr. Somers asked to be excused from voting.

Whereupon Mr. Bradley moved that Mr. Somers be excused from voting.

Which motion was agreed to.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council there with, and request concurrence therein.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did at 10,15 o'clock a. m., on Tuesday, Jan-

uary 12th, 1869, present to the Governor for his approval, house file No. 48, entitled An act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes, also

House file No. 54, entitled An act supplemental to an act entitled an act in relation to town-sites entered as such under the act of Congress, approved March 2d, 1867, approved December 18th, 1867.

UNFINISHED BUSINESS.

House file No. 8, entitled A bill for an act granting to Hiram Stratton and H. Collins the right to erect and maintain a mill-dam and mill across the Big Sioux river, reported back by the committee on judiciary.

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

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council:

COUNCIL CHAMBER, }
Tuesday, Jan. 12th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did on the 11th inst. pass council bill No. 82, A bill for an act to protect the citizens of Dakota Territory, and elevate the standard of the medical profession; also,

Council bill No. 33, A bill for an act to prevent the sale of spirituous liquors in certain localities; also,

Council bill No. 35, A bill for an act to prohibit certain animals from running at large in certain seasons of the year, in Lincoln county, which bills are herewith transmitted, and the concurrence of the house respectfully requested therein.

I am also instructed to inform the house that the council did, on the 11th inst. pass house file No. 46, A bill for an act to vacate a portion of the alley running through block No. 16, in "Witherspoon's," Yankton, D. T., with amendments attached,

which bill is herewith returned, and the concurrence of the house in said amendments is respectfully requested.

I am also instructed to inform the house that the council did, on the 11th inst. pass house file No. 53, A bill for an act to provide for the service of process in counties where no district courts are held, and for other purposes, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Tuesday, Jan. 12th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 36, A bill to provide for the payment of Territorial warrants; also,

Council bill No. 38, An act vacating the lower Territorial road from Yankton to James River, which bills are herewith transmitted, and the concurrence of the house is respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Tuesday, Jan. 12, 1869. }

I am instructed to inform the house that the council have disagreed to house substitute to council bill No. 27, A bill for an act fixing the apportionment of certain counties therein named.

W. S. SMITH,
Assistant Secretary.

House file No. 46, entitled a bill for an act to vacate a part of the alley running through block No. 16, in "Witherspoon's" Yankton, D. T., returned from the council with amendments attached,

Was then taken up, and

On motion of Mr. Gregory,

The amendments were agreed to.

Ordered, That the said bill be enrolled.

House file No. 53, entitled A bill for an act to provide for the service of processes in counties where no district courts are held, and for other purposes, returned from the council,
Was ordered enrolled.

Council bill No. 32, entitled A bill for an act to protect the citizens of Dakota Territory, and elevate the standard of the medical profession,
Was then taken up, and
Read a first time, and
Ordered to a second reading.

Council bill No. 33, entitled A bill for an act to prevent the sale of spirituous liquors in certain localities,
Was then taken up, and
Read a first time.
Whereupon Mr. La Roche moved that the bill be rejected. The question then being put, "shall this bill be rejected?" It was decided in the affirmative.
So the bill was rejected.

Council bill No. 35, entitled A bill for an act to prohibit certain animals from running at large in certain seasons of the year, in Lincoln county,
Was then taken up, and
Read a first time, and
On motion of Mr. Stutsman,
The rules were suspended, and under the operation thereof the bill was
Read a second and third time.
The question then being on its passage, and it being put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 13; noes 12, as follows:
Those who voted in the affirmative, were
Messrs. Abbott, Bennett, Bradley, Brauch, Curtis, Eves, Gregory, Hewlett, Keegan, Keith, Larson, (Yankton,) Schooler and Stutsman.
Those who voted in the negative, were
Messrs. Brooks, Clementson, Hamilton, Jameson, Jolley,

Larson, (Clay,) La Roche, Moulin, Ricker, Somers, Vinson and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 36, entitled A bill to provide for the payment of Territorial warrants,

Was then taken up, and

Read a first time, and

On motion of Mr. Gregory,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and

Referred to the committee on ways and means.

The hour designated by the house for the consideration of the general order having arrived, the speaker announced the house in committee of the whole house on the general order.

Mr. Brooks in the chair.

And after some time spent therein, the committee arose, and through its chairman reported that the committee of the whole house, having had under consideration the general order, to-wit :

Council bill No. 37, entitled An act concerning revenue, have instructed me to report the bill to the house, with the recommendation that it do pass.

On motion of Mr. Bennett,

The report was adopted.

Accordingly the bill was

Read a third time.

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

It was decided in the affirmative.

Ayes 20; noes 4, as follows :

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Eves, Gregory, Hewlett, Jameson, Keegan, Keith, Larson, (Yankton,) Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Speaker.

Those who voted in the negative, were

Messrs. Curtis, Hamilton, Larson, (Clay) and La Roche.
So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Mr. Somers moved that the house do now adjourn.
Which motion was disagreed to.

Council bill No. 38, entitled 'An act vacating the lower Territorial road from Yankton to James River.

Was then taken up, and
Read a first time, and
On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and
Referred to the Yankton county members.

Mr. Brooks in the chair.

Mr. Moody, by consent, introduced house file No. 57, entitled A bill for an act to provide for the registration of the voters of this Territory.

Read a first time, and
On motion of Mr. Moody,

The rules were suspended, and under the operation thereof, the bill was

Read a second time, and
Referred to the committee on elections.

The speaker in the chair.

On motion of Mr. Bennett,

The house receded from its amendment to council bill No. 27, entitled A bill for an act fixing the apportionment of certain counties therein named.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER, }
Tuesday, Jan. 12th, 1869. }

MR. SPEAKER:—I am instructed to inform the house, that the council has this day passed (council substitute) to house file No. 28, A bill for an act to confer upon women the elective franchise and the eligibility to office, which bill and substitute is herewith returned, also

House file No. 36, (substitute,) A bill for an act authorizing the county commissioners of each county in this Territory, to levy a tax for bridges, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

On motion of Mr. Jolley,
The house adjourned.

Approved:
G. C. MOODY,
Speaker.

Attest:
GEO. I. FOSTER,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
 Wednesday, Jan. 13th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Haggin.

The journals of the 11th and 12th insts. were then read and
 approved.

COMMUNICATIONS FROM THE GOVERNOR.

The speaker presented the following communications from
 His Excellency, the Governor, which were read as follows:

EXECUTIVE OFFICE, }
 Yankton, D. T., Jan. 12, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith, house bill No.
 54, entitled "An act supplemental to an act entitled an act in
 relation to townsites, entered as such, under the act of Con-
 gress, approved March 2d, 1867, approved December 18th,
 1867; also,

House file No. 27, entitled A memorial to Congress asking
 for the creation of an additional land district on the Missouri
 river, in Dakota Territory; also,

House file No. 50, entitled A memorial to Congress asking
 for the survey of the vacated portion of the Fort Randall mili-
 tary reserve, which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 13, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to transmit herewith, house bill No. 26, entitled An act to divide the township of Jefferson, in the county of Union, which I have approved and signed.

I am, Very Respectfully,

Your Ob't Servant,

A. J. FAULK,

Governor.

REPORTS OF COMMITTEES.

Mr. Bennett, from the committee on ways and means, submitted the following report :

MR. SPEAKER :—Your committee on ways and means to whom was referred council bill No. 28, entitled A bill to regulate the fees of certain officers, have had the same under consideration, and have instructed me to report the bill back to the house, and recommend its passage.

On motion of Mr. Brooks,

The report was adopted.

Mr. Brauch, from the committee on towns and counties, submitted the following report :

MR. SPEAKER :—Your committee on towns and counties, to whom was referred council bill No. 18, A bill relative to county commissioners and county clerks, have had the same under consideration, and instructed me to report the same back, with recommendation that the bill do pass.

JACOB BRAUCH.

On motion of Mr. Brauch,

The report was adopted.

Mr. Keith, from the committee on elections, submitted the following report :

MR. SPEAKER :—Your committee on elections, to whom was referred house file No. 57, have had the same under consideration, beg leave to report the same back, and recommend that it do pass.

H. KEITH,
JACOB BRAUCH,
J. M. EVES.

On motion of Mr. Bennett,

The report was adopted.

Mr. Bennett, from the committee on ways and means, submitted the following report:

MR. SPEAKER:—Your committee on ways and means, to whom was referred council bill No. 36, entitled A bill to provide for the payment of certain Territorial warrants, have had the same under consideration, and have instructed me to report by substitute bill, and recommend that the substitute bill do pass.

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

Mr. Brauch, from select committee, consisting of the Yankton county members, submitted the following report:

MR. SPEAKER:—Your select committee, consisting of the Yankton county delegation, to whom was referred council bill No. 38, being A bill for an act vacating the lower Territorial road from Yankton to James River, have had the same under consideration, and beg leave to report the same back without amendment, and do recommend its passage.

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

Mr. Jolley, from the committee on judiciary, submitted following report:

MR. SPEAKER:—Your committee on judiciary have considered council bill No. 24, entitled A bill for an act to prohibit certain male animals from running at large, and as the bill is so full of errors that the committee have not time to correct the same, the committee have instructed me to report the bill without recommendation.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 36, entitled An act authorizing the county commissioners of each county in this Territory, to levy a tax for bridges; also,

House file No. 46, entitled An act to vacate the alley running through block No. 16, in "Witherspoon's," Yankton, Dakota Territory, and other purposes: also,

House file No. 53, entitled An act to provide for the service of process in counties where no district courts are held, and for other purposes, and find the same correctly enrolled.

MR. SPEAKER:—Your committee of conference on the part of the house on house file No. 17, entitled A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory, beg leave to report that in conjunction with a like committee on the part of the council, we have conferred in reference to the matters of difference between the two houses on said bill, and the joint committee have agreed that the house should recede from non-concurring to the amendment of the council to said bill, and your committee have instructed me to report the bill back, with the recommendation that the house do concur in the council amendment to the same.

JOHN L. JOLLEY,

Ch'n on the part of the House.

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

Ordered, That said house file No. 17 be enrolled.

MOTIONS AND RESOLUTIONS.

Mr. Stutsman moved to reconsider the vote by which the house receded from its amendment to council bill No. 27, entitled A bill to define the boundaries of the counties of this Territory, and for other purposes,

And it being put,

The ayes and noes were called for by two members, and ordered,

It was decided in the negative.

Ayes 9; noes 15, as follows:

Those who voted in the affirmative, were

Messrs. Bradley, Jolley, Keegan, La Roche, Moulton, Ricker, Somers, Stutsman and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Keith, Larson, (Clay,) Larson, (Yankton,) Schooler and Vinson.

So the motion to reconsider was not agreed to.

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

MR. SPEAKER:—Your committee on enrollment have to report that they did, at 10:40 o'clock a. m., on Wednesday, January 13, 1869, present to the Governor for his approval, house file No. 36, entitled An act authorizing the county commissioners of each county in the Territory to levy a tax for bridges; also,

House file No. 46, entitled An act to vacate the alley running through block No. 16, in "Witherspoon's" Yankton, Dakota Territory, and other purposes; also,

House file No. 53, entitled An act to provide for the service of process in counties where no district courts are held, and for other purposes.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER,
Wednesday, Jan. 13, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council did on the 12th inst. pass house file No. 44, A bill for an act supplementary and amendatory to an act to establish a fence law, with amendments attached, which bill is herewith returned, and the concurrence of the house is respectfully requested in said amendment.

I am also instructed to inform the house that the council has this day passed council bill No. 40, An act authorizing the county commissioners of Union county, Dakota Territory, to keep in repair the military bridge across the Big Sioux River, which bill is herewith transmitted, and the concurrence of the house is respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 40, entitled An act authorizing the county commissioners of Union county, Dakota Territory, to keep in repair the military bridge across the Big Sioux River,

Was then taken up, and
 Read a first time, and
 On motion of Mr. Bennett,
 The rules were suspended, and under the operation thereof,
 the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 23, noes 1; as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauth, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Somers, Stutsman, Vinson and Mr. Speaker.

Mr. Schooler voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

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

Amend the title by inserting after the word "the," and before the word "Big," the words "west half of the"

The question then being on agreeing to the title as amended, and it being put,

It was agreed to.

SECOND READING OF COUNCIL BILLS.

Council bill No. 32, entitled A bill for an act to protect the citizens of Dakota Territory, and elevate the medical profession,

Was then taken up, and

Read a second time, and

On motion of Mr. Jolley,

Referred to the committee on ways and means.

THIRD READING OF COUNCIL BILLS.

Council bill No. 18, entitled A bill in relation to county commissioners and county clerks.

Reported back by the committee on towns and counties,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 22; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Cutis, Eves, Gregory, Hamilton, Hewlett, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Stutsman, Vinson and Mr. Speaker.

Mr. Jolley voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 36, (house substitute,) entitled A bill to provide for the payment of certain Territorial warrants.

Reported back by the committee on ways and means,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative,

Ayes 23; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Stutsman Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 28, entitled A bill to regulate the fees of certain officers,

Reported back by the committee on ways and means,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 38, entitled An act vacating the lower Territorial road from Yankton to James River,

Reported back by select committee, consisting of the Yankton county members,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 23; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jolley,

Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 24, entitled A bill to prevent certain male animals from running at large,

Reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

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

It was decided in the negative.

Ayes 11; noes 12, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Bradley, Curtis, Gregory, Hewlett, Jolley, Larson, (Yankton,) Ricker, Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Brooks, Brauch, Clementson, Eves, Hamilton, Keegan, Keith, Larson, (Clay) La Roche, Moulin, and Stutsman.

So the bill was not passed.

THIRD READING OF HOUSE FILES.

House file No. 57, entitled A bill for an act to provide for the registration of the voters of this Territory, reported back by the committee on elections,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 17; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis,

Eves, Gregory, Hewlett, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin Ricker, Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Bradley, Hamilton, Keegan, La Roche and Stutsman.

So the bill was passed.

The question then being on agreeing to the title of the bill, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

UNFINISHED BUSINESS.

House file No. 44, entitled A bill for an act supplementary and amendatory to an act to establish a fence law, returned from the council amended.

Was then taken up, and

On motion of Mr. Bennett,

The amendments were agreed to.

Ordered, That the said bill be enrolled.

House file No. 28, entitled A bill for an act to confer upon women the elective franchise and the eligibility to office, returned from the council with substitute.

Was then taken up for consideration,

Whereupon Mr. Gregory moved that the house do concur in said amendment.

And the question being put,

The ayes and noes being desired by two members, and ordered,

And a vote being taken,

It was decided in the negative.

Ayes 8; noes 16, as follows:

Those who voted in the affirmative, were

Messrs. Bradley, Eves, Gregory, Hamilton, Keegan, La Roche, Moulin and Mr. Speaker.

Those who voted in the negative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Clementson,

Curtis, Hewlett, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Ricker, Schooler, Somers, Stutsman and Vinson.

So the motion to concur in the amendment was disagreed to.

Ordered, That the chief clerk acquaint the council therewith.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council :

COUNCIL CHAMBER,
Wednesday, Jan. 18th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 41, A joint resolution for an appropriation for the enrolling clerks, which bill is herewith transmitted, and the concurrence of the house is respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER,
Wednesday, Jan. 18th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day concurred in house substitute to council bill No. 36, also in house amendments to council bill No. 40.

W. S. SMITH,
Assistant Secretary.

Council bill No. 41, entitled Joint resolution for an appropriation for the enrolling clerks:

Was then taken up, and

Read a first time, and

On motion of Mr. Jolley,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 22; nays 2, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Hamilton, Hewlett, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers and Vinson.

Those who voted in the negative, were

Mr. Stutsman and Mr. Speaker.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

On motion of Mr. Gregory,

The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 14th, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Jolley,

The reading of the journal of the 13th inst. was dispensed with.

REPORTS OF COMMITTEES.

Mr. Vinson, from select committee, consisting of the Union county members submitted the following report :

MR. SPEAKER ;—Your committee consisting of the Union county delegation, have had under consideration house file No. 33, A bill for an act providing for township organizations, and have instructed me to report the same back and recommend the same be indefinitely postponed.

R. T. VINSON,
Chairman.

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

Mr. Jolley, from the committee on judiciary, submitted the following report :

MR. SPEAKER :—Your committee on judiciary, have had under consideration house file No. 11, entitled “ A bill for an act concerning coroners and other county officers.”

An act containing the same provisions has passed both house and has been approved by the Governor. Therefore your committee have instructed me to report said bill back to the house with the recommendation that the bill be indefinitely postponed.

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

Mr. Bennett, from the committee on ways and means, submitted the following report :

MR. SPEAKER :—Your committee on ways and means have had council bill No. 32, entitled “ A bill for an act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession,” have had the same under consideration and have instructed me to report the same back to the house and recommend its passage.

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

Mr. Jameson, from the committee on military affairs, submitted the following report:

MR. SPEAKER:—Your committee on military affairs have had under consideration house file No. 41, and have instructed me to report the same back with the recommendation that the bill be indefinitely postponed.

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

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council:

COUNCIL CHAMBER,
Thursday, Jan. 14th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed the following council bills to-wit:

Council bill No. 42, A memorial to the Congress of the United States asking for the establishment of a wagon road, from Yankton via Canton, to Spirit Lake, Iowa; also

Council bill No. 43, A bill to attach all these portions of Dakota, not included in any other judicial district, to the second district for judicial purposes; also

Council bill No. 44, A joint resolution making an appropriation to pay for publishing an act entitled an act concerning revenue; also

Council substitute for house file No. 55, A bill for an act authorizing the city of Cheyenne to fund their floating debt, which bills are herewith transmitted, and the concurrence of the house therein is respectfully requested.

I am also instructed to inform the house that the council did, on the 13th inst., pass house file No. 56, A bill for an act providing for the holding of special terms of the district courts, and for other purposes, which bill is herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered, That said house file No. 56 be enrolled.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Bradley,

Council substitute to house file No. 55, entitled A bill for an act authorizing the City of Cheyenne to fund its floating debt, was concurred in.

Ordered, That the said bill be enrolled.

On motion of Mr. Bennett,

Mr. Haggin was excused for non-attendance, on account of sickness.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 17, entitled “A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory;” also

House file No. 44, entitled “An act supplementary and amendatory to chapter fifteen, laws 1865–6, entitled an act to establish a fence law; also

House file No. 56, entitled An act providing for the holding of special terms of the district court and for other purposes, and find the same correctly enrolled.

INTRODUCTION OF BILLS.

Mr. Bennett, by consent, introduced house file No. 58, entitled A bill for an act fixing the time for the Territorial Auditor and Territorial Treasurer to make their annual reports.

Read a first time, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 26; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

Mr. Gregory, by consent, introduced house file No. 59, entitled A memorial and joint resolution to the Hon. Secretary of the Interior, asking relief for certain destitute Indians.

Read a first time, and

On motion of Mr. La Roche,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 26; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Gaggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith, and request concurrence therein.

COMMUNICATIONS FROM THE COUNCIL.

The following communications were received from the council :

COUNCIL CHAMBER, }
Thursday, Jan. 14th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 39, A bill to repeal certain acts of the several Legislatures of Dakota, which bill is herewith transmitted and the concurrence of the house therein respectfully requested.

W. S. SMITH,
Assistant Secretary.

COUNCIL CHAMBER, }
Thursday, Jan. 14th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council does insist upon their amendment to house file No. 28.

W. S. SMITH,
Assistant Secretary.

FIRST READING OF COUNCIL BILLS.

Council bill No. 39, entitled A bill to repeal certain acts of the several Legislatures of Dakota.

Was then taken up, and
Read a first time, and
Ordered to a second reading.

Council bill No. 42, entitled A memorial to the Congress of the United States, asking for the establishment of a wagon road from Yankton, via Canton, to Spirit Lake, Iowa.

Was then taken up, and
Read a first time, and
On motion of Mr. Brooks,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative.

Ayes 26; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 43, entitled A bill to attach all that portion of Dakota not included in any other judicial district, to the second judicial district for judicial purposes.

Was then taken up, and

Read a first time.

On motion of Mr. Bennett,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time.

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

It was decided in the affirmative,

Ayes 26; noes none, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Stutsman, Vinson and Mr. Speaker.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

Council bill No. 44, entitled A joint resolution making an appropriation to pay for publishing an act entitled an act concerning revenue,

Was then taken up, and

Read a first time, and

On motion of Mr. Bennett,

The rules were suspended, and under the operation thereof, the bill was

Read a second and third time,

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

It was decided in the affirmative.

Ayes 25; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Abbott, Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Gregory, Haggin, Hamilton, Hewlett, Jameson, Jolley, Keegan, Keith, Larson, (Clay,) Larson, (Yankton,) La Roche, Moulin, Ricker, Schooler, Somers, Vinson and Mr. Speaker.

Mr. Stutsman voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

THIRD READING OF COUNCIL BILLS.

Council bill No. 32, entitled A bill for an act to protect the citizens of Dakota Territory and to elevate the standing of the medical profession,

Reported back by the committee on ways and means,

Was then taken up, and

Read a third time.

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

It was decided in the affirmative.

Ayes 16; noes 10, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bennett, Brooks, Brauch, Eves, Gregory, Jameson, Jolley, Keegan, Larson, (Clay) Larson, (Yankton,) La Roche, Moulin, Ricker, Stutsman and Mr. Speaker.

Those who voted in the negative, were

Messrs. Bradley, Clementson, Curtis, Haggin, Hamilton, Hewlett, Keith, Schooler, Somers and Vinson.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the chief clerk acquaint the council therewith.

COMMUNICATION FROM THE GOVERNOR.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 14, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR:—I have the honor to return herewith, house bill No. 48, entitled An act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes.

This bill, in its present shape, is objectionable for the reason that it imposes oppression, unjust, cruel and unusual punishments,—not alone for the introduction of disease into the Territory, but also for the bare act of “owning or having in possession” cattle of a particular description, at the times named in this act, whether diseased or otherwise. Thus, an act of the citizen, altogether worthy and commendable in itself, is, by his legislation, converted into a heinous crime, by a law retro-active in its operation, and spring upon a community, “owning or in possession” of healthy, as well as diseased stock, and without regard to any mitigating circumstances whatever.

The bill is objectionable also, inasmuch as it provides no punishment for the infamous crime of perjury. The individual whose cupidity or malice may prompt him to originate unfounded lawsuits against his neighbor, under the provisions of this bill, through the process of deliberate perjury, has no risk to incur except the insignificant one of "costs and expenses." This would be practically to exempt an infamous crime of its demerits, if not to furnish a pecuniary reward for the commission of the deed, and at the same time imposing causeless expenses and cruel and ignominious punishments for acts which are not only honest in themselves, but sanctioned by the law of God, and the moral sense of all christendom.

The bill is further objectionable inasmuch as it seems clearly to be in conflict with the provisions of the 8th section of the 1st article of the Federal Constitution, which reserves to Congress the exclusive right to regulate commerce among the several States, and with the Indian tribes. And, also, that it makes no provision guarding the rights of those who may, at the time, be filling important, and even indispensable contracts with the civil or military departments of the Government. If this bill should be enacted into a law, not only the enterprise of the citizen, but the business of the Government would be interrupted and paralyzed, while those in employment would be visited with unjustifiable expenses, vexatious and perhaps ruinous delays, and cruel and ignominious punishments.

It certainly would be well to make some provision guarding against the introduction of disease among cattle. But why confine the benefits of the act, even then, to a particular breed or locality? Contagious diseases among cattle have been known to exist in other States besides Texas, and extensively in foreign countries, especially in England, whence our best live stock have been imported. Would this fact justify legislation against Durhams, Devonshires, or the Ayrshire breed of stock cattle, which, between the times named in the bill, or at any other time, might be "owned or in possession" of the unguarded emigrant residing on, or just arriving in the Territory, with the intention to reside on the public lands? Yet this is the legitimate logic of the bill under consideration, in its present shape.

The hasty and crude manner in which I am compelled, for want of time, to present my objections to this bill, will not, I trust, seriously impede the force of the positions taken, or the reasoning urged. But that some suitable and well digested legislation may be induced thereby, prospective in its operation, and which shall guard against the introduction of disease, without offering impediments to the introduction and rearing of healthy live stock on our ample prairies, or obstructing the supplies required for the support of the Indian tribes, and the civil and military employees of the Government.

In this connection I would most respectfully suggest the appointment of a committee, whose duty it shall be to consider, and report at your next session, on the history, nature and character of the disease among cattle, which occasionally develops itself in different localities, known as the Texas Fever. This duty, if carefully discharged, would enable the ensuing legislature to draft a bill which would secure the most perfect protection to all parties alike, whose rights, interest, or reputation might be involved, and without entailing on the Territory the evils manifestly existing under the provisions of the one under consideration.

I have the honor to be,
Your Ob't Servant,
A. J. FAULK,
Governor.

Ordered, That said objections be spread upon the journal.

The house then proceeded to reconsider the bill, and the question being put, "shall the bill pass, notwithstanding the objections of the Governor?"

It was decided in the negative.

Ayes 17; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Haggin, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Ricker, Schooler, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Abbott, Bradley, Gregory, Hamilton, Keegan, La-Roche, Moulin, Somers and Stutsman.

So the bill was not passed over the objections of the Governor, two-thirds not voting in favor thereof.

The speaker then presented the following communication from His Excellency, the Governor, which being read, the objections therein contained were ordered spread upon the journal :

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 14, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR:—I have the honor to return herewith, house bill No. 14, entitled "An act repealing the charters of the Dakota & Northwestern Railroad Company, and Missouri River and Niobrara Valley Railroad Company."

I am constrained to withhold my signature from this bill, on the ground that the repeal of the charter of the Dakota & Northwestern Railroad Company, would, in my opinion, be in joint contravention of the constitution of the United States, and the organic act of this Territory. My views on this subject were briefly given to the last legislature, Jan. 4, 1868, on returning to the council the bill entitled an act to amend an act entitled an act to incorporate the Dakota & Northwestern Railroad Company, and I will not now trouble the house with a repetition of them in this message, but respectfully refer to the printed journal of that session. Additional reasons now exist for the conclusion arrived at on that occasion, viz: that the franchise secured under their charter has become a vested right, and is now beyond the jurisdiction of the legislature. I am officially notified, by the legal attorney of said company, that the provisions of the act of incorporation have been fully complied with; that the capital stock of the company has all been taken, and the books closed; that a survey has been made, and the right of way secured; and that deeds therefor have been taken, which were on record in the counties of Union, Clay and Yankton, at the date of the passage of this bill. It is evident, therefore, that until by the act or dereliction of the company itself, the rights, privileges, or immunities secured, under their charter, are as effectually protected from the whims of legislation, as are the title deeds to our in-

dividual estates. I cannot believe that any portion of the citizens of Dakota are interested in opposing its own prosperity; or that they would not hail the completion of a railroad up the valley of the Missouri, with unmingled joy and satisfaction. Why then should we seek to obstruct or jeopardize, by unauthorized legislation, the greatest of our Territorial enterprises? Shall individual interests or jealousies drive us to the extreme of trampling upon the vested rights of an organized company, and by endless litigation, which is all I apprehend that can be accomplished by this repeal, delay for years the improvement of the Missouri Valley? This would not be worthy of the legislative power and authority of the Territory, but would be most disastrous to the best hopes formed for our universal growth and prosperity as a people.

As regards the repeal of the charter of the Missouri River & Niobrara Valley Railroad, I have no opinion to express, on account of the limited information within my reach, on the present occasion. If separated from the bill repealing the charter above named, I have no hesitation to say that, from my present light on the subject, it would meet my approbation.

I have the honor to be,

Your Ob't Servant,

A. J. FAULK,

Governor.

The house then proceeded to reconsider the bill and the question being put, "shall the bill pass notwithstanding the objections of the Governor?"

It was decided in the negative.

Ayes 14; noes 12, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Haggin, Hewlett, Jameson, Keith, Larson, (Clay) Larson, (Yankton,) Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Bradley, Eves, Gregory, Hamilton, Jolley, Keegan, La Roche, Moulin, Ricker, Somers and Stutsman.

So the bill was not passed over the Governor's objections, two-thirds not voting in favor thereof.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER,
Thursday, Jan. 14, 1869. }

MR. SPEAKER :—I am instructed to inform the house that the council has this day passed council bill No. 29, A bill to relocate the penitentiary, which bill is herewith transmitted, and the concurrence of the house therein respectfully requested.

W. S. SMITH,
Assistant Secretary.

Council bill No. 29, entitled A bill to relocate the penitentiary,

Was then taken up, and

Read a first time,

Whereupon Mr. Bennett moved that the rules be suspended, and under the operation thereof, the bill be

Read a second time.

Which motion was disagreed to, two-thirds not voting in favor thereof.

The following communication was received from the council :

COUNCIL CHAMBER,
Thursday, Jan. 14th, 1869. }

MR. SPEAKER :—I am instructed to inform the house that the council has this day passed the following house file, to-wit :

House file No. 59, A memorial and joint resolution to the Hon. Secretary of the Interior, asking relief for certain destitute Indians ; also,

House file No. 58, A bill for an act fixing the time for the Territorial Auditor and Territorial Treasurer to qualify and make their annual report, which bills are herewith returned.

W. S. SMITH,
Assistant Secretary.

Ordered, That said bills be enrolled.

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, at 11:45 o'clock A. M., Thursday, Janu-

ary 14, 1869, present to the Governor for his approval, house file No. 17, entitled A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory; also,

House file No. 44, entitled An act supplementary and amendatory to chapter 15, laws of 1865-6, entitled an act to establish a fence law; also,

House file No. 56, entitled An act providing for the holding of special terms of the district courts, and for other purposes.

On motion of Mr. Larson, of Yankton,
The house adjourned.

Approved:

G. C. MOODY,

Speaker.

Attest:

GEO. I. FOSTER,

Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES, }
Friday, Jan. 15, 1869. }

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

The speaker in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

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

REPORTS OF COMMITTEES.

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

MR. SPEAKER:—Your committee on enrollment have examined house file No. 55, entitled "An act authorizing the city of Cheyenne to fund its floating debt, and for other purposes;" also

House file No. 58, entitled "An act fixing the time for the Territorial Auditor and Territorial Treasurer to make their annual report;" also

House file No. 59, entitled "A memorial and joint resolution to the Hon. Secretary of the Interior, asking relief for certain destitute Indians," and find the same correctly enrolled.

MOTIONS AND RESOLUTIONS.

Mr. Moulin moved to reconsider the vote by which house file No. 48, entitled An act to prevent the importation of Texas or Cherokee cattle, into the Territory of Dakota, was lost on its passage over the Governor's objections, on the 14th inst.

Whereupon Mr. Stutsman moved to lay the motion to reconsider on the table, and it being put

The ayes and noes being desired by two members, and ordered,

It was decided in the negative,

Ayes 9; noes 17, as follows:

Those who voted in the affirmative, were

Messrs. Abbott, Bradley, Gregory, Haggin, Hamilton, Keegan, La Roche, Somers and Stutsman.

Those who voted in the negative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Ricker, Schooler, Vinson and Mr. Speaker.

So the motion to lay the motion to reconsider on the table was not agreed to.

The question then being upon the motion to reconsider, And it being put,

The ayes and noes being desired by two members, and ordered,

It was decided in the affirmative,

Ayes 17; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson,

(Yankton,) Moulin Ricker, Schooler, Vinson and Mr. Speaker
These voting in the negative, were

Messrs. Abbott, Bradley, Gregory, Haggin, Hamilton, Keegan, La Roche, Somers and Stutsman.

So the motion to reconsider was agreed to.

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

It was decided in the negative.

Ayes 17; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Bennett, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Jolley, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Ricker, Schooler, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Abbott, Bradley, Gregory, Haggin, Hamilton, Keegan, La Roche, Somers and Stutsman.

So the bill was not passed over the objections of the Governor, two-thirds not voting in favor thereof.

SECOND READING OF COUNCIL BILLS.

Council bill No. 39, entitled A bill to repeal certain acts of the several legislatures of Dakota,

Was then taken up, and

Read a second time, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

Council bill No. 29, entitled A bill to relocate the Penitentiary,

Was then taken up, and

Read a second time.

Whereupon Mr. Stutsman moved that the bill be referred to the committee on public buildings.

Mr. Bennett moved to amend the motion of Mr. Stutsman, by instructing the committee to report in one-half hour,

Which latter motion was agreed to.

The question then being upon the motion of Mr. Stutsman as amended,

And it being put,

It was agreed to.

Mr. Stutsman in the chair.

Mr. Jolley, by consent, submitted the following resolution, which was read, considered and agreed to :

Resolved, That the thanks of this house are hereby tendered to our Speaker, Hon. G. C. Moody, for the ability, dignity, promptness and impartiality with which he has, during this session, discharged the duties of the presiding officer of this house. His uniform courtesy has commanded our respect—his impartiality and kindness have won our warmest personal regard.

That our thanks are hereby tendered to our gentlemanly, faithful and efficient Chief Clerk, George I. Foster, for his promptness in attending to the duties of his office; his obliging deportment, and the correctness of the journals of the proceedings of this body.

That our thanks are due to our Assistant Clerk, E. D. Barker, for his industry in the duties of his office.

That the Rev. J. C. Damon, Chaplain of this house, by his unostentatious piety and gentlemanly deportment has gained our sincere respect, confidence and esteem; and that Edwin Gillham, Enrolling Clerk, George W. Owen, Sergeant-at-arms, Andrew Erickson, Messenger, and C. B. Larson, Fireman, for their faithfulness in the discharge of the duties of their respective offices, and their obliging conduct, merit our thanks, which are hereby freely tendered; and that towards our officers, one and all, we return the kindest feelings, and in closing our official connection with them and theirs, health, happiness and prosperity.

The speaker in the chair.

Mr. Larson, of Clay, according to instructions, submitted the following report from the committee on public buildings:

MR. SPEAKER:—Your committee on public buildings, to whom was referred council bill No. 29, entitled A bill to relocate the Penitentiary, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it do pass.

On motion of Mr. Clementson,

The report was adopted.

Mr. Bennett moved that the rules be suspended, and under the operation thereof, the bill be read a third time and put upon its passage.

Which motion was disagreed to.

COMMUNICATION FROM THE GOVERNOR.

The speaker then presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 15, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives :

SIR :—I have the honor to return herewith, house bill No. 36, entitled An act authorizing the county commissioners of each county in this Territory, to levy a tax for bridges ; also,

House bill No. 44, entitled An act supplementary and amendatory to chapter 15, laws of 1865-6, entitled an act to establish a fence law ; also,

House bill No. 46, entitled An act to vacate the alley running through block No. 16, in "Witherspoon's" Yankton, Dakota Territory, and other purposes ; also,

House bill No. 53, entitled An act to provide for the service of process in counties where no district courts are held, and for other purposes ; also,

A bill entitled An act providing for the holding of special terms of the district court, and for other purposes ; also,

House file No. 17, entitled A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory, which I have approved and signed.

I have the honor to be,

Your Ob't Servant,

A. J. FAULK,

Governor.

COMMUNICATION FROM THE COUNCIL.

The following communication was received from the council :

COUNCIL CHAMBER,
Friday, Jan. 15th, 1869. }

MR. SPEAKER:—I am instructed to inform the house that the council has this day passed council bill No. 45, A bill for constituting the counties of Lincoln, Minnehaha, Brookings, Deuel, Todd and Gregory, in the same council and representative district, which bill is herewith transmitted, and the concurrence of the house is respectfully requested therein.

W. S. SMITH,
Assistant Secretary.

Council bill No. 45, entitled A bill for constituting the counties of Lincoln, Minnehaha, Brookings, Deuel, Todd and Gregory, in the same representative district,

Was then taken up, and

Read a first time, and

On motion of Mr. Bennett,

The rules were suspended, and under the operation thereof, the bill was

Read a second time.

Whereupon Mr. Stutsman submitted the following substitute as an amendment to the bill,

And moved its adoption.

A BILL TO CREATE THE EIGHTH LEGISLATIVE DISTRICT.

Be it enacted by the Legislative Assembly of the Territory of Dakota.

Section 1. All that portion of Dakota Territory embraced within the limits of the counties of Lincoln, Minnehaha, Brookings and Deuel, shall constitute the Eighth Representative District, and shall be entitled to one representative in the Legislative Assembly of the Territory.

Sec. 2. This act shall take effect immediately upon the permanent organization of that portion of Dakota known as "Wyoming Territory," or upon the date of the said Wyoming being attached by Congress to any other State or Territory.

Mr. Brooks in the chair.

Mr. Moody submitted the following amendment to the amendment submitted by Mr. Stutsman, and moved its adoption :

Strike out all after the enacting clause and insert in lieu thereof, the following :

Sec. 1. The Representative District, composed of the counties of Union, Lincoln, Minnehaha, Brookings and Deuel, shall hereafter be entitled to eight representatives in the legislative assembly of the Territory of Dakota.

Sec. 2. This act shall take effect and be in force from and after its passage and approval.

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

And it being put,

The ayes and noes being desired by two members, and ordered,

It was decided in the affirmative,

Ayes 16 ; noes 10, as follows :

Those voting in the affirmative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Schooler, Vinson and Mr. Speaker.

Those voting in the negative, were

Messrs. Abbott, Gregory, Haggin, Hamilton, Jolley, Keegan, La Roche, Ricker, Somers and Stutsman.

So the amendment to the amendment was agreed to.

The question then being on the amendment submitted by Mr. Stutsman as amended,

And it being put,

It was agreed to.

Whereupon Mr. Bennett moved that the rules be suspended, and under the operation thereof, the bill be

Read a third time, and

Put upon its passage,

And the question being put,

The ayes and noes were desired and ordered.

It was decided in the negative.

Ayes 17 ; noes 9, as follows :

Those who voted in the affirmative, were

Messrs. Bennett, Bradley, Brooks, Brauch, Clementson, Curtis, Eves, Hewlett, Jameson, Keith, Larson, (Clay,) Larson, (Yankton,) Moulin, Ricker, Schooler, Vinson and Mr. Speaker.

Those who voted in the negative, were

Messrs. Abbott, Gregory, Haggin, Hamilton, Jolley, Keegan, La Roche, Somers and Stutsman.

So the motion to suspend the rules was not agreed to, two-thirds not voting in favor thereof.

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

MR. SPEAKER :—Your committee on enrollment have to report that they did, at 11 o'clock A. M., on Friday, January 15, A. D. 1869, present to the Governor for his approval, house file No. 55, entitled "An act authorizing the city of Cheyenne to fund its floating debt, and for other purposes;" also,

House file No. 58, entitled "An act fixing the time for the Territorial Auditor and Territorial Treasurer to make their annual report;" also

House file No. 59, entitled "A memorial and joint resolution to the Hon. Secretary of the Interior, asking relief for certain destitute Indians."

The speaker presented a communication from His Excellency, the Governor, which was read as follows :

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 15, 1869. }

Hon. G. C. Moody, Speaker of the House of Representatives:

SIR :—I have the honor to return herewith, house bill No. 55, entitled "An act authorizing the City of Cheyenne to fund its floating debt, and for other purposes;" also

House bill No. 58, entitled "An act fixing the time for the Territorial Auditor and Territorial Treasurer to make their annual reports;" also

A "memorial and joint resolution to the Honorable Secretary of the Interior, asking relief for certain destitute Indians;" which I have signed and approved.

I have the honor to be,

Your Ob't Servant,

A. J. FAULK,

Governor.

The speaker then presented a communication from the Rev James C. Damon, which was read as follows:

YANKTON, D. T., }
January 15th, 1869. }

To the Hon. Speaker and Members of the House of Representatives:

GENTLEMEN:—Permit me to return to your Honorable body, my sincere thanks, for the gentlemanly bearing, warm friendship and liberality extended to me during the present session of the Legislature, and in return let me say that you will ever share my warmest regards and most fervent prayers, for your temporal and spiritual welfare.

I Remain, Gentlemen,

Your Ob'dt. Servant,

JAS. C. DAMON.

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

Resolved, That a committee of three be appointed to wait upon His Excellency, the Governor, to ascertain whether he has any further communications to transmit to this house.

Messrs. Gregory, Vinson and Eves were named as such committee.

After a brief absence the committee returned and reported:

That the committee have discharged their duty as required, and have to report that His Excellency, the Governor, has no further communications to make to this house.

A committee of the council being announced, through their chairman reported that the council have adopted a resolution to adjourn *sine die* at two o'clock this p. m.

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

Resolved, That this house adjourn *sine die* at two o'clock this p. m., and that the chief clerk acquaint the council therewith.

At the hour of two o'clock the speaker declared the house adjourned, *sine die*.

Approved :

G. C. MOODY,
Speaker.

Attest :

GEO. I. FOSTER,
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