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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

THIRD SESSION.

MONDAY, FEBRUARY 1st, 1864.

BEGUN AT GOLDEN CITY, ON THE 1ST DAY OF FEBRUARY, 1864.

ADJOURNED TO DENVER ON THE 4TH DAY OF FEBRUARY.

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HOUSE JOURNAL  
OF THE  
LEGISLATIVE ASSEMBLY OF COLORADO

THIRD SESSION.

MONDAY, FEBRUARY 1st, 1864.

At the third session of the Legislative Assembly of the Territory of Colorado,

The House of Representatives met, at Golden City, the seat of government of said Territory, on Monday, the 1st day of February, A. D. 1864, pursuant to law.

There were present the following gentlemen, members elect, to wit:

Messrs. D. A. Chever, J. A. Koontz, J. H. Eames, David Ripley, James Kelley, L. D. Judd, J. B. Chaffee, Alvin Marsh, E. F. Holland, J. E. Leeper, M. C. White, J. T. Lynch, Henry H. Henson, Joel Wood, J. McCannon, Pablo Ortega, Victor Garcia, N. W. Welton, L. D. Webster, and A. Z. Sheldon; in all twenty members.

The House was called to order by Wm. Train Muir, clerk of the House of the second session of the Legislative Assembly of the Territory of Colorado.

On motion of Mr. Chaffee,  
M. C. White was appointed Speaker, *pro tem.*

Also,

On motion of Mr. Chaffee,  
A. Z. Sheldon was appointed Clerk, *pro tem.*

On motion of Mr. Chaffee,

The Speaker, *pro tem.*, appointed J. B. Chaffee, J. T. Lynch and Alvin Marsh as committee on credentials.

On motion,

The House took a recess for half an hour.

House again called to order.

Speaker, *pro tem.*, in the chair.

Whereupon,

The committee on credentials, through their chairman, Mr. Chaffee, made the following report:

MR. SPEAKER: Your committee appointed on credentials would beg leave to make the following report of the names of members elected and present, and entitled to be sworn in as members of this Legislative Assembly:

- |               |                                |
|---------------|--------------------------------|
| 1st District, | D. A. Chever,                  |
| 2d            | " J. A. Koontz, J. H. Eames.   |
| 3d            | " David Ripley.                |
| 4th           | " James Kelley.                |
| 5th           | " L. D. Judd.                  |
| 6th           | " J. B. Chaffee, Alvin Marsh.  |
| 7th           | " E. F. Holland, J. E. Leeper. |
| 8th           | " M. C. White, J. T. Lynch.    |
| 9th           | " Henry H. Henson.             |
| 10th          | " Joel Wood, J. McCannon.      |
| 11th          | " Pablo Ortega, V. Garcia.     |
| 12th          | " N. W. Welton.                |
| 13th          | " L. D. Webster.               |
| 14th          | " A. Z. Sheldon.               |

J. B. CHAFFEE, Ch'n,  
A. MARSH,  
JOHN T. LYNCH.

On motion of J. A. Koontz,  
The report was received and  
Adopted.

On motion of Mr. Chaffee,

The following resolution was adopted:

*Resolved*, That the Judges of the Supreme Court, members of the Executive Department, Attorney General, the Colonel commanding this district, ex-members of the previous Legislature of this Territory, and newspaper reporters, be invited to seats on the floor of this House.

The oath was then administered to the members of the House, by the Hon. Stephen S. Harding, Chief Justice of the Supreme Court of the Territory of Colorado.

The House then adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, FEBRUARY 2d, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker, *pro tem.*, in the chair.

Roll called.

There being a quorum present,

The journal of the previous day was

Read and approved.

Mr. Marsh moved

That the House do now proceed to elect a Speaker.

Carried.

Mr. Judd moved

That the vote be taken by calling the roll.

Lost.

Mr. Lynch moved

The vote be taken by ballot, which was

Carried.

J. B. Chaffee was nominated by Mr. Henson.

Moved, by Mr. Lynch,

That the first ballot be an informal one.

Carried.

Messrs. Marsh and Koontz were appointed tellers.

The first informal ballot resulted as follows:

J. B. Chaffee received 9 votes,

E. F. Holland received 4 votes,

M. C. White received 3 votes,

H. H. Henson received 1 vote,

James Kelley received 1 vote,

Blank received 2 votes.

Whole number of votes, 20.

On motion of Mr. Marsh,

The House proceeded to a formal ballot, which resulted as follows:

Whole number of votes cast, 20.

Necessary to a choice, 11.

J. B. Chaffee, 14; E. F. Holland, 3; A. Marsh, 1; H. H. Henson, 1; J. Kelley, 1.

Mr. Chaffee having received a majority of all the votes cast, was declared duly elected permanent Speaker of this House.

Mr. Ripley moved

That the election of Speaker be considered unanimous.

Carried.

Mr. Ripley moved

A committee of two be appointed to conduct the Speaker elect to the chair.

Messrs. Ripley and Lynch were appointed such committee.

The Speaker having taken the chair, after making some appropriate remarks announced the next regular order of business the election of a chief clerk.

On motion of Mr. Marsh,

A vote of thanks was tendered by the House to the Speaker *pro tem.*, for the able manner in which he had presided over the deliberations of the House during its organization.

On motion of Mr. Lynch,

The House then proceeded to an informal ballot for chief clerk.

B. B. Stiles was nominated by Mr. Marsh.

The vote resulted as follows:

Whole number of votes, 20.

B. B. Stiles received 15 votes,

L. L. Robinson received 1 vote,

John Walker received 3 votes,

J. McMillon received 1 vote.

Moved by Mr. Ripley,

That the House do now proceed to the first formal ballot for chief clerk.

Carried.

The first formal ballot resulted as follows:

Whole number of votes, 19.

Necessary to a choice, 10.

B. B. Stiles received 18 votes,

John Walker received 1 vote, and,

On motion of Mr. Ripley,

The election of B. B. Stiles was made unanimous.

Mr. Stiles came forward and took the oath required.

On motion of Mr. White,

The House proceeded to an informal ballot for assistant clerk.

Mr. Leeper nominated L. L. Robinson.

Mr. Judd nominated John Walker.

The first informal ballot resulted as follows:

Whole number of votes cast, 20.

Necessary for a choice, 11.

L. L. Robinson received 16 votes,

John Walker received 4 votes, and

On motion,

The House proceeded to a formal ballot, which resulted as follows:

Whole number of votes, 20.

L. L. Robinson received 16 votes.

John Walker received 4 votes,

Mr. Ripley moved the election of Mr. Robinson be made unanimous.

Carried.

Mr. Robinson came forward and took the oath required.

On motion of Mr. Judd,

The House proceeded to an informal ballot for sergeant-at-arms.

Mr. Koontz nominated R. Sopris, and

Moved that the first vote be an informal one.

Carried.

The first informal ballot resulted as follows:

Whole number of votes cast, 20.

Necessary to a choice, 11.

R. Sopris received 19 votes,

J. K. Howard received 1 vote.

Mr. Koontz moved that the House proceed to a formal ballot for sergeant-at-arms.

Carried.

The first formal ballot was as follows:

R. Sopris received 18 votes,

J. K. Howard received 2 votes.

R. Sopris having received a majority of all the votes cast, was declared duly elected, and,

On motion,

The election of R. Sopris was declared unanimous, and he took the required oath.

A verbal communication was received by a committee from the Council, that that body had effected an organization, and had adjourned until 2 o'clock p. m. to-morrow, at which time they would be ready to receive any communications from the House.

Communication received.

J. B. Stansell, member elect from the 9th district, appeared upon the floor of the House, and

Upon a favorable report from the committee on credentials,

On motion of Mr. Henson,

Was sworn in, and took his seat as a member of the House.

Mr. Koontz moved that the House do now proceed to the election of a foreman.

Carried.

Mr. Chever nominated C. A. Dickman.

Mr. Holland nominated Mr. Bishop, and

Mr. Koontz nominated Mr. Howard.

Mr. Ripley moved the ballot be an informal one, which motion was carried, and the vote resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

J. K. Howard received 14 votes,

C. A. Dickman received 5 votes,

T. G. Bishop received 2 votes.

On motion,

The House proceeded to the first formal ballot, as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

J. K. Howard received 14 votes,

C. A. Dickman received 7 votes.

On motion,

The election of Mr. Howard was made unanimous.

Mr. Howard came forward and took the required oath.

Mr. Henson moved that the House do now proceed to a formal ballot for messenger.

Carried.

Mr. Lynch nominated master C. A. Dickman, and

Mr. Kelley nominated master R. T. Hutchinson.

The ballot resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

Master Hutchinson received 12 votes,

Master Dickman received 8 votes.

Master Hutchinson having a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Henson moved that the House proceed to a formal ballot for chaplain.

Carried.

Mr. Henson nominated Rev. Mr. Potter.

Mr. White nominated Rev. G. C. Betts.

The ballot resulted as follows:

Whole number of votes cast, 21.

Rev. G. C. Betts received 11 votes,

Rev. Mr. Potter received 5 votes,

L. D. Dennis received 1 vote,

J. B. Wolff received 1 vote,

Blank, 3 votes.

Rev. G. C. Betts having received a majority of all the votes cast, was declared duly elected.

Mr. Henson moved that the House proceed by formal ballot to the election of an engrossing clerk.

Carried.

Mr. Koontz nominated John Walker, and

Mr. Leeper nominated J. R. Devor.

The vote resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

John Walker received 17 votes,

J. R. Devor received 1 vote,

Blank, 3 votes, and

On motion,

The election was made unanimous, and Mr. Walker came forward and took the oath of office.

On motion of Mr. Henson,

The House proceeded by formal ballot to the election of an enrolling clerk.

J. Lake and C. C. Carpenter were nominated, and

The ballot resulted as follows:

Whole number of votes, 21.

C. C. Carpenter received 18 votes,

John Walker received 1 vote,

J. Lake received 1 vote.

C. C. Carpenter having received a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Chever moved that the House do now proceed to the election of a second messenger, and nominated master C. A. Dickman.

Mr. Judd moved that the ballot be a formal one.

Carried.

The ballot resulted as follows:

Whole number of votes, 21.

Master Dickman received 20 votes,

John Lake received 1 vote.

Master Dickman having received a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Stansell moved the House do now adjourn until 2 o'clock p. m. to-morrow.

Carried.

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### WEDNESDAY, FEBRUARY, 3rd, 1864.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll of the House called.

Quorum present.

Rev. Geo. C. Betts, Chaplain.

Elect of the House appeared and took the required oath.

Prayer by the Chaplain.

Journal of the preceding day read and approved.

Mr. White moved that a committee of three be appointed to notify the Council that the House is now organized and ready to proceed to business.

Carried.

Messrs. White, Koontz and Leeper were appointed such committee.

Mr. Marsh moved that a committee of three be appointed to

wait on the Governor and inform him that this House is now organized and ready to receive any communication which he may be pleased to make.

Carried.

Messrs. Marsh, Stansell and Webster were appointed such committee.

The committee appointed to notify the Council of the organization of this House, reported that they had discharged the duties imposed upon them.

The committee appointed to notify the Governor reported that they had discharged the duties of their appointment.

Mr. White moved that a committee of three be appointed to wait upon the Council and invite them to meet with this House in joint convention at 3 o'clock p. m., to hear the message of the Governor.

Carried.

Messrs. White, Lynch and Henson were appointed such committee.

Mr. Holland moved that ladies be invited to seats within the bar of this House,

Which said motion was carried.

Mr. Koontz moved that the rules of order of the last House be adopted for the government of this House until further ordered.

Carried.

Mr. Marsh moved that a committee of three be appointed on rules and joint rules for the government of this body during this session.

Carried.

Messrs. Marsh, Chever and Welton were appointed such committee.

The Secretary of the Council appeared with the following communication:

COUNCIL CHAMBER,  
Feb'y. 3, 1864.

MR. SPEAKER: I am instructed to inform your honorable body that the Council have appointed Messrs. Whitsett and Van Deren as a committee to wait upon His Excellency, the Governor, and respectfully ask your honorable body to appoint a like committee on the part of the House for the same purpose.

Also,

The Council have accepted the invitation of the House to meet in joint session at 3 o'clock p. m.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Stansell moved that a committee of three be appointed to act in conjunction with the Council committee to wait on the Governor and inform him that the Council and House are now in joint convention and ready to hear any communication he may be pleased to make.

Carried.

Messrs. Stansell, Judd and Sheldon were appointed such committee.

Mr. White moved

That Mr. E. B. Smith be employed by this House as Spanish interpreter.

Mr. Leeper moved *in*

To amend the motion by authorizing the sergeant-at-arms to employ an interpreter,

Which amendment was accepted, and

The motion so amended was

Carried.

The committee appointed to wait upon the Council and invite them to meet the House in joint assembly to hear the message of the Governor returned, and

The sergeant-at-arms announced the presence of the Council, and

They were admitted to seats upon the floor of the House.

The two Houses then went into joint convention, the Hon. Charles W. Mather, President of the Council, in the Chair.

Mr. Stansell moved

That a joint committee of three be appointed to wait upon the Governor and escort him to this House.

Carried.

The President appointed Messrs. Stansell, Jones and Judd such committee.

The committee then retired and soon thereafter returned into the hall with His Excellency, John Evans, Governor of the Territory of Colorado, who was conducted to the Speaker's chair and delivered to the joint assembly the following message :

### GOVERNOR'S MESSAGE.

*Gentlemen of the Legislative Assembly of the Territory of Colorado :*

It is an occasion for profound gratitude to God, that we are permitted to enter upon the duties of the third annual session of your honorable body under such favorable auspices as those that now surround us to-day.

Since your last meeting, our national arms have gained the vantage ground over the rebellion, and the power and integrity of our general government has been maintained; domestic

peace throughout our territorial limits has been preserved; general good health has prevailed; our mines have produced more and more abundantly; our agriculture has given certain yield and profitable return; trade and commerce have been prospered, and, in fact, the general tide of our prosperity has continued to swell with a steadily increasing rapidity, and a regularly accumulating volume.

#### TERRITORIAL FINANCE.

The financial condition of the Territory, as shown by the report of the Territorial Auditor and Treasurer herewith submitted, showing our Territory free from public debt, must be very gratifying to every citizen of Colorado.

With the continuance of that strict economy in regard to public expenditures which has restored the Territorial credit to soundness, and a careful adjustment of the sources of revenue to the necessary demands of an economical administration, it is hoped that the credit of the Treasury may never again be allowed to depreciate; the best economy being found in maintaining a sound credit under all circumstances.

The inauguration of a government upon economical principles has a higher virtue than the simple diminution of the burthens imposed upon the people for its support. To a certain extent, economy and integrity in public expenditures have come to be associated together, as parts of the idea of good government. And as precedents are powerful in their influence upon the management of affairs of State, it is no small source of congratulation to the future of Colorado, that at this early day her finances have been reduced to a compact and safe system of economical administration.

The recommendations of the Auditor, with a view to harmonizing the different parts of the revenue law, are commended to your careful consideration.

#### PUBLIC SCHOOLS.

For the condition of the "Public Schools" of the Territory, I respectfully refer to the accompanying report of the superintendent.

It is very desirable that there should early be founded, upon a firm basis, a broad and liberal system of public instruction, that shall meet the just demands of every citizen whose child is to be educated, and that shall, at the same time, provide for the education of every youth in the Territory. As an enlightened people form the only firm basis for a permanent liberal government, it is eminently proper and necessary for such government to provide for popular education.

And as the basis for carrying on public schools without irregularity or imposing onerous burthens, is to be found in a

liberal school fund; it is hoped that your special and earnest attention may be directed to the means of securing such a boon for the people of the great permanent State, that will sooner or later supplant our present temporary government.

As the usual grant of school lands by the general government will be comparatively valueless for such a purpose in Colorado, it is important that the means of supplying the deficiency should be secured at an early day.

To meet this indication, the last session of your honorable body enacted a law providing for the reservation of one claim on each quartz lode that might be discovered after its passage, for the purpose of creating a school fund.

The wisdom of such a measure, if properly carried out, securing, as it will, such large public benefits, without making any demand or tax upon any of our citizens, is too apparent to need any comment at this time.

But to render the law permanently effective, and to secure to the Territory absolute title to such claims, it will require the sanction of Congress. I would, therefore, respectfully suggest the propriety of your memorializing Congress for an approval and confirmation of its provisions.

As to the operation of the school law, and the amendments required to render it more perfect, I respectfully call your attention to the suggestions of the superintendent, on these points.

#### TERRITORIAL CABINET AND LIBRARY.

The condition of the Territorial library and cabinet, will be found fully represented in the report of the librarian herewith submitted.

The importance of securing a collection of geological and mineralogical specimens that shall fully represent the mineral characteristics of our country is plain. Such a collection would be the means of giving to the scientific enquirer a knowledge of the country in a day, that otherwise might take months to acquire.

What may be deemed necessary to facilitate the rapid collection of such a cabinet, is respectfully commended to your consideration.

#### MILITIA.

The report of the Adjutant General, when presented, will give a full statement of the condition of the militia. Its organization under the law of last session, has been carried forward as rapidly as has been found practicable. Eight companies, in different parts of the Territory, have been organized, armed, and equipped, which have rendered efficient service in maintaining the peace, and by giving a consciousness of secu-

city to the remote settlements. An abundant supply of arms and ammunition are provided for further extension of its organization, and to meet any emergency that may arise.

Our remoteness from the centres of military operations in the States, would render the prompt arrival of additional troops from the army of the United States impracticable, in case of Indian hostilities, and therefore our dependence for re-inforcements would necessarily be upon the militia, whose readiness to respond to such a call, and whose reliability cannot be doubted. Measures have been taken to procure from Washington all necessary authority and assistance in such an emergency, should it arise.

Any legislation that may tend to perfect and strengthen the organization of our militia, will be of great benefit to the Territory, and will also add to the military strength of the nation. I therefore commend the subject to your careful consideration.

#### SOLDIERS' VOTE.

The soldiers sent to the army of the United States by Colorado, have won a high reputation for gallantry, bravery, and undaunted courage on the field of battle. Having honored the Territory from which they went forth, our people justly regard them with sentiments of gratitude and pride.

If there is one citizen more worthy of the rights and privileges of our government than another, it is certainly that one who has forsaken home, and its comforts, to go forth in the face of privation and danger, to defend and to serve that government.

I therefore, earnestly recommend that you make plain and definite provisions, whereby our brave soldiers, both at home and in the field, may vote at all our elections, in the future, both for territorial and county officers.

#### INDIAN AFFAIRS.

A treaty with the Tabeguache band of Utah Indians, was made on the 7th of October last, by which, when ratified, the Indian title to all of the settled portions of the mountains of Colorado, and most of the San Louis Valley, will be extinguished; and the right to mine in any part of the country of said Indians, not included in the said cession, is granted to the people, with perpetual covenants of peace and friendship.

It is hoped that all questions affecting the Indian title to such parts of the Territory as are susceptible of settlement, will be definitely and permanently settled at an early day.

## GENERAL INCORPORATION LAW.

The "General Incorporation Law" of last session is thought to be defective in some of its features, and too limited in its scope, not directly providing even for the most important interest of the Territory, in the organization of companies for purposes of mining.

To save special legislation, and to afford equal privileges and protection to all, it is recommended that the provisions of the law be extended to include all lawful pursuits; and that its defects, so far as they may have been ascertained, be obviated.

There may be particular instances where special privileges may be necessary to secure the means to accomplish important public improvements, yet such cases will be found to be rare, and such grants should be made with great caution; for the great fundamental principle, and cardinal doctrine of our political system of "equal rights and privileges to all," upon which must be based all correct legislation, remains the same.

I cannot, therefore, be too earnest in my recommendation, that each of our legislative acts may be carefully tested by the standard of its popular benefits, equality of rights, and exactness of justice.

## MINING INTERESTS.

The improvement in the modes of saving gold from the ores of our mines, that have been made during the past year, have given a new impulse to our mining operations. By these new processes, ores that paid but \$25 per ton by the old process, are readily made to yield \$100 per ton, while many varieties produce much more largely, and this without greatly increasing the expenses. It may fairly be estimated, therefore, that most of our mines have been quadrupled in their value during the past year by the improvements made in the processes of saving gold.

Prospecting has also been carried on successfully during the past year, some of the richest mines in the country having been discovered and opened within that period; and from the attention that is being directed to the subject, we have reason to expect the results of prospecting in our Territory the coming year will be of the most important character. That there are yet undiscovered, within Colorado, extensive and rich mines, is a general belief, founded upon the similarity of vast districts of unprospected and almost unexplored country, to those regions that are now the most productive of the precious metals. The quartz gold mines of Colorado already tested, are found to be in better defined ledges, occurring more closely together, extending over a wider district of country, surrounded

by better facilities for working, and yield much richer ores than have been found in any other country in the world. These facts are becoming known to capitalists, and we may expect a very large increase in the machinery and appliances devoted to the development of mines during the coming year.

Mining is the most important interest of the Territory. Any legislation therefore that may be calculated to foster and protect it, to encourage its more rapid development, or to render more secure the rights and privileges of miners, shall receive my hearty approval, and have my earnest co-operation in carrying it into execution.

#### AGRICULTURE.

While the mining interests of Colorado are of the greatest importance and promise, her agriculture offers very strong inducements to enterprise and labor.

It is estimated that not over one half of the supplies of provisions for the Territory are yet produced from our own soil, and the increase in our population will probably maintain this relation between supply and demand for years to come.

The arable lands of Colorado, except for purposes of grazing, are limited exactly by the quantity of water that may be found applicable to purposes of irrigation, for all the lands of the Territory are found to be fertile and highly productive when irrigated. The numerous streams coming down from the mountains to the plains have their flood tide from the melting snows, at the period of the year when irrigation is most demanded for the production of crops, which will increase the amount of arable lands of the Territory beyond what has been generally estimated.

The extent of fertile uplands susceptible of irrigation at a small expense, lying open to pre-emption, in the midst of the settled portions of the Territory, offer inducements to parties to combine, under the general law for irrigation, and improve them. No better field for successful enterprise is open within my knowledge. In all parts of the Territory there are opportunities for such colonies to pre-empt or settle under the Homestead Law, thousands of acres of lands that are, with the slight expense of improvements, more valuable than any farming lands in the western States. This is proved by the profitable character of our agriculture.

To illustrate, I will draw a comparison between the profits of farming in Illinois and Colorado.

One man will attend by his own labor, in Colorado, ten acres of corn and fifteen acres of wheat, which, at the average prices since the country has been settled, and those ruling the present year, would yield as follows, viz :

10 acres corn, 40 bushels per acre—400 b. @ \$3	\$1,200
15 acres wheat, 30 bushels per acre—450 b. @ \$3	1,350
Corn fodder: from 10 acres, @ \$10 per acre,	100
Wheat straw from 15 acres—20 tons, at \$10	200
<b>Total</b>	<b>\$2,850.</b>

In Illinois, one man will cultivate thirty acres of corn and fifteen acres of wheat, which, at the general average of crops and prices, would yield as follows, viz :

30 acres corn, 60 bsh'ls per acre—1,800 b. @ 20 cts.	\$360.00
15 acres wheat, 15 bsh'ls per acre—225 b. @ 75 cts.	168.75
Straw and fodder, (estimated);	100.00
<b>Total</b>	<b>\$628.75.</b>

Profits in Colorado over those in Illinois on the annual labor of one man, \$2,221.25.

All other products of the farm yield as liberal a return in Colorado as those above cited.

Ten acres in Colorado will produce as large a return for its cultivation as one hundred and sixty acres in Iowa or Illinois, when you have deducted the additional expenses of production and marketing, in the latter case.

According to these figures, ten acres of land properly irrigated, in Colorado, are actually worth more than one hundred and sixty acres under cultivation in Iowa or Illinois.

And this must continue to be the case so long as the consumption exceeds the production, or until some cheaper mode of transportation across the plains is provided.

The pastoral agriculture of the Territory has greatly increased in the extent and rapidity of its development the past year, and its great profits will maintain this increase for years to come.

Any legislation that may have a tendency to increase the attention paid to agriculture in the Territory, whereby the price of living may be cheapened, will have a tendency to encourage the mining interest and foster the general prosperity.

#### EMIGRATION.

The great impediment to the more rapid development and greater prosperity of these interests is found in the scarcity of capital and labor.

The fact that such rich mines lie dormant when they might be made to pay enormous profits on capital invested in their development—and that such opportunities for profitable farming are left idle, while thousands toil from year to year for a bare subsistence, call for an effort on your part to diffuse information in this behalf.

If reliable lines of transportation from New York and New Orleans, by emigrant cars, steamboats, and trains on the plains were established, which might be done without much expense by securing the co-operation of existing companies, and emigrants could be assured of the cost and time required in moving to Colorado from those great centres for emigration, I feel confident that a very large tide of capital and labor might be directed to our Territory.

I would therefore recommend such legislation as you may deem necessary to secure this result.

#### PACIFIC RAILROAD.

The great national enterprise of connecting the Atlantic with the Pacific States by railroad across the continent, seems likely to be commenced in good faith at an early day; and for the good of our common country it is to be hoped that its completion will soon afford the means of an intimate fraternal intercourse, active commercial relations and proper military protection and defense, between these remote parts of our country, to bind them together with indissoluble bands.

Occupying an intermediate point between the settlements of the Western and Pacific States, and an important position on what is believed to be the most feasible route for said road, it is to be expected that the people of Colorado will take an active and deep interest in its location and early completion.

The route is yet a matter to be determined, and it is confidently hoped that Colorado may be favored with a location through her entire extent from east to west.

On this point, however, our Territory is not to be regarded in the light of a suppliant for the favor, for she has quite as many benefits to confer as to receive, in consideration of such location.

I would therefore recommend your honorable body to offer every proper inducement to influence the location of the road through your settlements; and should they fail to secure it, I would recommend that the entire energies of the Territory be brought to bear, in co-operation with the branches from Kansas City and Atchison for their extension to the heart of our Territory.

Their Congressional grants will enable these branches to build a line to within 250 miles of your Capitol, and the construction of the remaining portion of the road over a favorable route can doubtless be secured at no distant day.

The extension of those branches as suggested, would doubtless be aided by land grants from Congress, with which, and the growing importance of the trade of Colorado and New Mexico,

the work of its completion would be a matter of comparatively easy accomplishment.

In whatever way it may be deemed best to labor for the important object of a direct railroad connection with the States, I would assure you of my earnest co-operation.

#### DIRECT ROAD TO SALT LAKE.

Among the most important enterprises to the Territory is the early completion of the wagon road, now in process of construction via the head waters of South Clear Creek, the hot sulphur springs in the Middle Park, and the valleys of Bear River, the Uintah and the Timpanogas Rivers, to Provo in Utah Territory.

It is estimated that this line will shorten the road from here to Provo over one hundred miles, passing through a succession, almost continuous, of fertile valleys and a well timbered and watered country the entire route.

Its completion at an early day will secure the transfer to it of the overland mail line, and the immense tide of emigration and travel to Utah and the country of the Pacific coast, the diversion of which, to a line running through the entire extent of our Territory from east to west, will bring to our doors a vast amount of trade, and direct hither a large increase to our population.

Any encouragement that you can properly offer to the early construction and proper maintenance of this important national highway, will redound to the general prosperity of the Territory and more certainly bring to the knowledge of the Union Pacific Railroad Company the great advantages of this route for the location of their line.

#### CAPITOL BUILDINGS AND PENITENTIARY.

The course pursued by the General Government towards other Territories, in making appropriations for the erection of Capitol and penitentiary buildings for them, would inspire confidence in making an appeal for these objects for Colorado Territory.

The urgent necessity to the ends of justice for a prison, and the fact that the expenses imposed upon the General Government by the long route of transportation of her prisoners to the States from the Rocky Mountain country generally, or the worse alternative of keeping them idle and at great expense, with imperfect security against their escape, would seem to make it a National as well as a Territorial benefit for Congress to provide for a penitentiary in Colorado at once.

I would respectfully suggest the propriety of your memorializing Congress for appropriations for both Capitol and Penitentiary buildings.

#### RIGHTS OF WATER FOR IRRIGATION.

As the quantity of water applicable to purposes of irrigation on the several streams of the Territory is likely to be all claimed for use in course of time, and the question of priority of right to the water during seasons of drouth is likely to be one of great difficulty and embarrassment, I would commend to your careful consideration the propriety of a law that shall define the rights to be acquired hereafter in the course of the settlement of the country, to the water applicable to irrigation.

A just and equitable enactment of the kind, at this early day, may save much difficulty and litigation hereafter.

#### PRINTING THE LAWS IN SPANISH.

A portion of our citizens, who are Mexicans, comprising most of the inhabitants of those counties originally belonging to New Mexico, have been unable to understand or properly enforce our laws, because they have not been printed in the only language which they speak.

An appeal of the Secretary of the Territory, to the Treasury Department at Washington, for authority to print our laws in Spanish, having been denied for want of Congressional authority; and an earnest effort on the part of our Delegate in Congress, Hon. H. P. Bennett, to secure the necessary Congressional action for the purpose, having failed, the alternative seems to be presented you of providing for printing the laws in Spanish at the Territorial expense, or of leaving those citizens uninformed as to the nature and requirements of the laws they are expected both to enforce and to obey.

In justice to a worthy portion of our people, whose disposition to perform the part of good citizens cannot be doubted, I therefore most earnestly recommend that an appropriation be made for the publication of our laws in the Spanish language.

#### FEDERAL RELATIONS.

During the eighteen months that have elapsed since the close of your last session, our country has passed through a terrible ordeal, which has tested to the utmost the ability of our General Government to maintain itself.

The most wicked and powerful rebellion that has ever occurred in any country in the world, has passed the zenith of its power and is fast declining to an utter and disgraceful overthrow.

It is believed that no other nation, either of the past or present time, could have maintained its own integrity and put forth

efforts adequate to subdue such a formidable and united power as the present rebellion.

The spectacle here presented establishes the fact that the strongest as well as the freest and the best government that can be devised by man, is that which is founded in the represented will of an intelligent and virtuous people.

While this conflict has cost us rivers of blood and mountains of treasure—while it has brought sorrow to almost every hearthstone, and filled our country with mourning,—while the maimed and the decrepid from the carnage of the battle-field meet us at every turn to testify of its horrors; the patriot and the christian can see through the dispelling smoke of the conflict, through the parting of the clouds of darkness that overcast our sky, the dawning of the light of that higher civilization which is to be the priceless purchase of the war.

Nor will the results of our national triumph and purification be less marked and beneficial upon our temporal prosperity. All over the countries of the old world has the fame of our land and the spirit of freedom been diffused among the people, and hundreds of thousands of strong arms and stout hearts but await this purification of our political system to fly to our shores.

Our prowess on land and sea will command the respect of the world, while the pure patriotism and devoted loyalty of our people, inspired by a higher appreciation of the worth of a good government, because they know how much it cost to maintain it, will unite to put down disorder and preserve the peace, until life and property shall be more secure than in any other country in the world.

In view of the bright promise of the future—in view of the great interests of humanity that are involved, and the terrible consequences of failure in this war, let us then rally to the support of our national government in this time of her great peril, and with united hearts and the pure devotion of a consecrated patriotism, let us implore the blessings of Almighty God upon our country.

JOHN EVANS.

After hearing which the President declared the joint convention dissolved.

The Speaker then called the House to order.

Mr. Webster moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Motion lost.

Mr. Judd moved that the House adjourn until 2 o'clock p. m. to-morrow.

Motion lost.

Mr. Marsh moved that a committee of three be appointed to procure the printing of 2,000 copies of the Governor's message in English, and 1,000 copies in the Spanish language.

Mr. Chever moved to amend by striking out 2,000 and inserting 1,000; and by striking out 1,000 and inserting 500.

Amendment lost.

Original motion carried.

Mr. White offered the following resolutions:

*Resolved*, by the House of Representatives, the Council concurring, That when this House adjourns this afternoon, they adjourn to meet at Denver, on Monday, February 8th, 1864, at 10 o'clock a. m.

*Resolved*, That the vote on adjournment be by ballot.

Mr. Kelley moved to amend the last resolution by striking out "by ballot," and inserting "by ayes and nays."

Amendment adopted.

Mr. Stansell moved to amend the first resolution by inserting after the word "adjourn," the words "on Friday next."

The question recurring on the amendment,

The ayes and nays being called, there were,

Ayes—Messrs. Chever, Eames, Koontz, Sheldon, Stansell, and White—6.

Nays—Messrs. Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Ripley, Webster, Welton and Wood—12.

Excused—Messrs. Garcia and Ortega—2.

So the amendment was lost.

Mr. Marsh moved to lay the resolutions on the table.

The ayes and nays being called, there were

Ayes—Messrs. Eames, Henson, Judd, Kelley, Marsh, Ortega, Ripley, Webster, Welton. Garcia and Leeper—11.

Nays—Messrs. Chever, Holland, Koontz, Lynch, McCannon, Sheldon, Stansell and White—9.

Ayes, 11; nays, 9.

So the resolutions were laid on the table.

Mr. Holland moved that the House proceed to draw for choice of seats.

Mr. Marsh moved the following amendment, to wit:

That the members keep the seats they now occupy.

Motion, as amended, adopted.

Mr. Marsh moved to adjourn until 10 o'clock a. m., tomorrow.

Lost.

Mr. Webster moved to adjourn until 2 o'clock p. m. to-morrow.

Lost.

On motion of Mr. Koontz,

The House adjourned until 10 o'clock a. m. to-morrow.

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THURSDAY, FEBRUARY 4th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Quorum present.

Journal of the preceding day read and approved.

Mr. Marsh, from the committee on credentials, reported as follows:

*To the Speaker and the House of Representatives of Colorado:*

Your committee on credentials beg leave to submit to your honorable body the following additional report:

That we have examined the credentials of the following members, who are absent from this House, and find them entitled to seats in the same, to wit:

Hon. B. J. McComas, from the 13th district,

Hon. John Kip, from the 6th district,

Hon. O. A. Patterson and Hon. John A. Nye, from the 1st district, and

Hon. Samuel Mallory, from the 6th district.

Having no other business before them, your committee ask to be discharged from further duties on the same.

A. MARSH,

J. T. LYNCH,

Majority of said committee,

Mr. Koontz moved that the report of the committee be received and the committee discharged.

Carried.

Mr. White moved that the report and the names of the members placed by the clerk upon the roll be adopted.

Carried.

Mr. Marsh, from special committee on rules and joint rules, reported as follows:

*To the Honorable House of Representatives:*

Your committee on rules and joint rules beg leave to report the joint rules of the Council and House of Representatives of the second session for adoption,

Also, the House rules of the second session with the following amendments, viz :

1st. That the call of the roll shall be second in the order of the day.

2nd. That a committee on Indian affairs be added to the list of standing committees.

A. MARSH, Ch'n.  
D. A. CHEVER,  
N. W. WELTON.

Report accepted.

Mr. Stansell moved that the report be adopted.

Carried.

Mr. White moved that two hundred copies of the rules reported by the committee be printed for the use of the House.

Carried.

Mr. Kelley gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to authorize Probate Judges to do certain things.

Mr. Marsh gave notice that on to-morrow, or some subsequent day, he would introduce an act entitled an "act regulating proceedings in attachment in the District Court."

The Speaker announced the following standing committees :

*Judiciary*—Messrs. Marsh, Henson, Ripley, Wood and Sheldon.

*Ways and Means*—Messrs. White, Koontz, Holland, Kelley and Garcia.

*Elections and Apportionments*—Messrs. Holland, Judd, Chever, Stansell and Webster.

*Incorporations*—Messrs. Stansell, Eames, Leeper, McCannon and Welton.

*Federal Relations*—Messrs. Lynch, Ripley, Sheldon, Marsh and Kelley.

*Mines and Minerals*—Messrs. Leeper, Lynch, Henson, Wood and Judd.

*Agriculture and Manufactures*—Messrs. Eames, Kelley, Webster, Ortega and Koontz.

*Territorial Affairs*—Messrs. Chever, Stansell, White, Garcia and Webster.

*Counties and County Lines*—Messrs. Sheldon, Ripley, Wood, Koontz and Ortega.

*Military Affairs*—Messrs. Judd, Welton, Holland, Lynch and Garcia.

*Education*—Messrs. Ripley, Chever, Wood, Kelly and Ortega.

*Roads and Bridges*—Messrs. Webster, McCannon, Stensell, Leeper and Koontz.

*Printing*—Messrs. Kelley, Judd, Lynch, Holland and Ortega.

*Rules and Joint Rules*—Messrs. Henson, Chever, Marsh, Welton and Ripley.

*Engrossment*—Messrs. Koontz, White and Eames.

*Enrollment*—Messrs. Chever, Lynch and Holland.

*Indian Relations*—Messrs. Webster, Ripley, Garcia, Koontz and Kelley.

Mr. Stansell offered the following joint resolution :

*Resolved by the House of Representatives, the Council concurring,*  
That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet in Denver City on Monday, the 8th inst., at 2 o'clock p. m., which was

Read the first and second time and considered engrossed.

Mr. White moved that the rules be suspended and the resolutions read the third time.

Carried.

Resolutions read the third time and being placed upon its passage the ayes and noes having been called were :

Ayes—Chever, Eames, Garcia, Henson, Koontz, Leeper, Lynch, McCannon, Ortega, Ripley, Sheldon, Stansell and White—13.

Noes—Holland, Judd, Kelley, Marsh, Webster, Welton; Wood and Mr. Speaker—8.

Ayes 13, noes 8.

So the resolution passed, and ordered to be enrolled.

The Sergeant-at-arms announced a communication from the Hon. Secretary of the Territory, which was received and read as follows :

SECRETARY'S OFFICE, C. T.,  
February 3rd, A. D., 1864.

*To the Honorable, the Speaker of the House of Representatives :*

SIR:—I beg leave to call your attention to the following extract from instructions sent me by the Treasury Department :

“This Department claims and exercises the right, under existing laws, to regulate the price and quantity of Territorial printing. The limits of the annual appropriation, aside from any other consideration, would not admit of any indefinite action in this respect by the Assembly; you will, therefore, suggest to the presiding officer of each House that, memorials, petitions and documents having no necessary connection with the duties of legislation or the dissemination of useful information among the people will be excluded and not printed at the expense of the United States.”

The proprietors of the *Commonwealth* have been employed by me to do the incidental printing of the session, and will do such printing as your committee on printing, with a proper regard to the above instructions, may order.

I am also authorized by the Department to furnish each member of the Legislature with one newspaper during the session. The members will oblige me by giving their names to the Clerk, with the name of the paper published in our Territory which they desire.

I am also instructed by the Department to pay the postage of members during the session. Letters and papers which they desire to mail, they will please frank and place in the hands of the Sergeant-at-arms.

The Department have declined paying an interpreter for our Mexican members, and if one be employed it must be at the expense of the Territory.

With great respect,

Your obedient servant,

SAM'L H. ELBERT,

Secretary of Colorado Territory.

The Speaker called Mr. Ripley to the chair.

Mr. Chaffee gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill to repeal an act to provide for stay of proceedings on Foreign indebtedness.

The Speaker resumed the chair.

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

A bill entitled an act to secure the title to actual and *bona fide* owners of lodes and lode mining claims.

Mr. Koontz gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for the protection of farms against the trespassing of stock.

Mr. Stansell gave notice that, on to-morrow or some subsequent day, he would introduce

A bill to legalize the records of Musquito and other mining districts in Park county up to a given date.

Mr. Sheldon gave notice that, on to-morrow or some subsequent day, he would introduce

A bill for the protection of sheep.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for a general fence law.

Mr. Leeper gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to further protect and legalize the local laws of the several mining districts of this Territory.

Mr. Holland asked that the communication from the Secretary of the Territory be again read, which was done.

Mr. Holland moved that so much of the communication from the Secretary as refers to printing, be referred to the committee on public printing.

Carried.

Mr. Stansell offered the following resolution:

*Resolved*, That this House employ an interpreter at the expense of the Territory for the convenience of the House and the members from the eleventh district, which resolution was adopted.

Mr. Henson gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the protection of ranchmen in Park county.

Mr. Leeper gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to facilitate the prospecting for mineral lodes in the Territory of Colorado.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to legalize the records of Fremont county.

Mr. Judd gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to aid and encourage emigration to this Territory.

Mr. Koontz gave notice that he would, on to-morrow or some subsequent day, introduce

A bill prohibiting gambling within Colorado Territory.

Mr. Welton moved that a special committee of three be appointed by the Speaker to present the name of some suitable person or persons to this House for the appointment of interpreter.

Carried.

The Speaker appointed Messrs. Welton, Chever and Garcia such committee.

Mr. Sheldon gave notice that he would, on to-morrow or some subsequent day, introduce

A bill defining the manner of subdividing sections under the United States surveys in this Territory.

Mr. Welton gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the protection of farmers and ranchmen against the herding of sheep on or near occupied grounds.

Mr. Holland moved that this House do now adjourn until 2 o'clock p. m.

Carried.

## AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll of the House called.

Quorum present.

The Sergeant-at-arms announced a message from the Council :

COUNCIL CHAMBER,  
Feb'y. 4, 1864.

MR. SPEAKER : I am instructed to inform the House that the Council have concurred in the following joint resolution :

*Resolved by the House of Representatives, the Council concurring,*  
That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet in Denver City, on Monday, the 8th inst., at 2 o'clock p. m.

Very respectfully,

C. B. HAYNES,

Sec'y. of the Council.

Mr. White offered the following resolution :

*Resolved,* That the Sergeant-at-arms be authorized to furnish conveyances for all the members of the House of Representatives who desire to go to Denver, to be done without expense to the Territory, which resolution was adopted.

Mr. Marsh offered the following resolution :

*Resolved,* That this House do extend a vote of thanks to the citizens of Golden City for the kind and hospitable manner in which the members thereof have been treated during their stay among them ; and that this resolution be spread upon the journal of the House, which resolution was adopted unanimously.

Mr. Chever, from committee on enrollment, reported that they had examined

House joint resolution No. 1 and found the same correctly enrolled.

Report accepted.

Mr. Ripley asked to be excused from attendance upon the sessions of this House during next week, and,

On motion of Mr. White, Mr. Ripley was excused.

The Sergeant-at-arms announced a communication from His Excellency, the Governor, which was received and read as follows:

*To the Honorable, the House of Representatives of the Territory of Colorado:*

GENTLEMEN: I have the honor to inform you that I have this day approved and signed House joint resolution No. 1.

Respectfully, your

Obedient servant,

JOHN EVANS,

Governor C. T.

Mr. Stansell moved that this House do now adjourn.

Carried.

MONDAY, FEBRUARY 8th, 1864.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, McComas, Mallory, Nye, Patterson and Ripley.

Quorum present.

Mr. Chever, from special committee to recommend some suitable person to the House for interpreter, reported as follows:

MR. SPEAKER: Your select committee, appointed to present the name of an interpreter for election in this House, respectfully recommend that Mr. E. P. Parker be elected to fill that office.

N. W. WELTON, Ch'n.

Report received.

Mr. White gave notice that, on to-morrow or some subsequent day, he would introduce resolutions endorsing the Administration of Abraham Lincoln and recommending his re-election in 1864 as President of the United States.

Mr. Marsh gave notice that, on to-morrow or some subsequent day, he would introduce a bill to secure a lien to mechanics and others.

Also,

An act to amend an act entitled "an act concerning judgments and executions."

Mr. Kelley according to previous notice, asked leave to introduce

House Bill No. 1, entitled "an act to enable Probate Judges to do certain things," which was read the first time by its title.

Mr. Marsh moved that a committee of three be appointed to analyze and assign the different parts of the Governor's message to the several appropriate committees of this House.

Carried.

Messrs. Marsh, Lynch and Koontz were appointed such committee.

Mr. Lynch moved that a committee of three be appointed to procure a flag at the expense of the Territory, or otherwise, as this House may determine, to be raised over this hall with public honors, on to-morrow evening, immediately after adjournment.

Carried.

The speaker appointed Messrs. Lynch, Stansell and Judd such committee.

Mr. White moved that that portion of the Governor's message relating to the Pacific Railroad be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. White, Lynch and Marsh such committee.

Mr. Lynch moved that that portion of the Governor's message referring to emigration, be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Lynch, Judd and Webster such committee.

Mr. Stansell gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill amendatory of the general incorporation act.

Mr. Leeper moved that a committee of three be appointed to obtain the services of an interpreter for the time being.

Carried.

The Speaker appointed Messrs. Leeper, Welton and Garcia such committee.

Mr. Sheldon gave notice that on to-morrow, or some subsequent day, he would introduce a bill concerning immigration.

Mr. Sheldon, in accordance with previous notice, asked leave to introduce

House bill No. 2, entitled "an act to facilitate the sub-division of sections under United States surveys in Colorado Territory, which was

Read first and second time by its title, and referred to committee on counties and county lines.

Mr. Webster gave notice that, on to-morrow or some subsequent day, he would introduce a bill to legalize the assessment of property in Fremont county.

Mr. Lynch gave notice that, on to-morrow or some subsequent day, he would introduce a bill for the incorporation of the Swan River Flaming Company, in Summit county, and Territory of Colorado.

Mr. Holland called for the second reading of

House bill No. 1, which was

Read by its title and referred to committee on judiciary.

Mr. Leeper, from special committee to procure an interpreter, reported that they had secured the services of Mr. E. P. Parker.

Mr. Chever moved that the House do now proceed to elect an interpreter *pro tem*.

Carried.

Mr. Leeper nominated Mr. E. P. Parker, and the votes being taken were, for Mr. Parker:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker.

Ayes—20.

So Mr. Parker was declared duly elected interpreter *pro tem*, and came forward and was sworn into office by the Speaker.

Mr. Judd gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill to incorporate the town of Black Hawk Point, Gilpin county, C. T.

Mr. Welton gave notice that, on to-morrow or some subsequent day, he would introduce a bill for a charter of the town of Pueblo.

Mr. Webster asked leave, in pursuance to previous notice, to introduce

House bill No. 3, entitled "an act to legalize the records of Fremont county," which was

Read a first and second time by its title, and referred to committee on Territorial affairs.

Mr. Holland offered the following resolution:

*Resolved*, That the Honorable, the Secretary of the Territory, be respectfully requested to communicate to the House an abstract of the vote polled in the several districts and counties for members of the Legislative Assembly and county officers, at the last general election, at as early date as may be convenient, which resolution was

Adopted.

Mr. Marsh asked leave, in pursuance to previous notice, to introduce

H. B. No. 4, entitled an act to amend an act entitled "an act regulating the mode of proceedings in attachment in certain cases," which was

Read a first and second time by its title and referred to the committee on judiciary.

Mr. Stansell moved that in House rule No. 38, the word "nine" in second line be stricken out and the word "ten" be inserted in lieu thereof.

The ayes and noes being called, were :

Ayes—19, noes—1, as follows :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, Webster, Welton, Woods and Mr. Speaker—19.

Noes—Mr. White—1.

So the motion prevailed.

On motion of Mr. White,

The House adjourned until 10 o'clock a. m. to-morrow.

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## TUESDAY, FEBRUARY 9th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Garcia, Kipp, McComas, Mallory, Nye, Ripley and Patterson.

Quorum present.

The journal of the preceding day read and approved.

Mr. Garcia appeared and took his seat.

Mr. Judd presented a communication from the Hon. Charles Lee Armour, as follows :

CENTRAL CITY,

Feb'y 8th, 1864.

*To the Honorable, the House of Representatives of Colorado Territory :*

I respectfully recommend the enactment of a law creating the office of inspector of weights and measures—one for each county—to be appointed by the Governor or County Commissioners.

I also recommend the amending of the 122nd section of the practice act, by striking out the words "in writing," in division eleven.

CHARLES LEE ARMOUR,

Associate Justice of the  
Supreme Court of C. T.

Mr. Holland moved that the first section of the communication from Judge Armour be referred to the committee on Territorial affairs, and the second to the judiciary committee.

Mr. Marsh, from special committee on the Governor's message, made the following report:

MR. SPEAKER: The undersigned special committee, to whom was referred the Governor's message, beg leave to report that they have discharged the duties assigned them, and beg leave to recommend that,

So much of said message as relates to Territorial finances, be referred to the committee on ways and means.

So much as refers to schools, to the committee on education.

So much as refers to the military, be referred to the committee on military affairs.

That part requesting this body to make plain and definite provisions, whereby our brave soldiers at home and in the field may vote, be referred to the committee on judiciary.

So much as refers to Indian affairs be referred to the committee on Indian affairs.

So much as refers to incorporations, to be referred to the committee on incorporations.

So much as refers to mining interest, to be referred to the committee on mines and minerals.

So much as refers to agriculture, to the committee on agriculture.

So much as refers to Salt Lake Road, to be referred to the committee on roads and bridges.

So much as refers to Capitol building and Penitentiary, to be referred to the committee on Territorial affairs.

So much as refers to water for irrigation, to be referred to the committee on agriculture.

Respectfully submitted,

A. MARSH, Ch'n.

Mr. Marsh offered the following resolution:

*Resolved*, That the committee on judiciary be authorized to employ the services of the Enrolling Clerk while not engaged in his regular duties, which resolution was

Adopted.

Mr. Marsh asked leave, previous notice having been given, to introduce

H. B. No. 5, entitled an act to amend an act entitled "an act concerning judgments and executions," which was

Read the first and second time by its title, and referred to committee on judiciary.

Mr. Marsh gave notice that, on to-morrow or some subsequent day, he will ask leave to introduce a bill entitled an act to amend an act entitled "an act concerning jurors."

Mr. Holland moved that the report of the select committee on the Governor's message be adopted.

Carried.

And so the matters were referred.

Mr. Marsh, in accordance with previous notice, asked leave to introduce

H. B. No. 6, entitled "an act creating a lien in favor of mechanics and others, in certain cases," which was

Read the first time by its title.

Mr. Webster, pursuant to previous notice, asked leave to introduce

H. B. No. 7, entitled "an act to legalize a certain assessment of property in Fremont county."

Read first time by its title.

Mr. Marsh called for the second reading of

H. B. No. 6, which was

Read second time by its title and referred to the committee on judiciary.

Mr. Webster called for the second reading of

H. B. No. 7, which was

Read a second time by its title and referred to the committee on Territorial affairs.

The Sergeant-at-arms announced a communication from the Council, which was received and

Read as follows:

COUNCIL CHAMBER,

Feb'y. 9, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 1, a bill for an act to amend an act entitled "an act concerning practice in civil cases," herewith transmitted, and the concurrence of your Honorable body is respectfully requested therein.

Very respectfully,

C. BRUCE HAYNES,

Secretary of Council.

Mr. Marsh moved that the House do now take up and consider

C. B. No. 1.

Carried.

C. B. No. 1 was then taken up,

Read the first and second time by its title and referred to the committee on judiciary.

Mr. Koontz asked leave of absence until to-morrow evening.

On motion of Mr. Leeper,

Mr. Koontz was excused.

Mr. White offered the following resolution :

*Resolved*, That His Excellency, the Governor of the Territory, Hon. Samuel H. Elbert, Secretary, Colonel J. M. Chivington, commanding the district, and the Honorable, the members of the Council, be invited to attend at the raising of the United States flag over the House of Representatives, this afternoon, at 4 o'clock, which resolution was

Adopted.

Mr. Holland moved that the reports of the Auditor and Treasurer of the Territory be referred to the committee on ways and means.

Carried.

Mr. Stansell moved that a committee of three be appointed to wait upon His Excellency, Governor Evans, the Honorable Samuel H. Elbert, Colonel Chivington, and also the Council, to invite them to be present at the raising of the United States flag this p. m., at 4 o'clock; in accordance with the resolution just passed.

Carried.

The Speaker appointed Messrs. Stansell, Judd and Sheldon as such committee.

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

MR. SPEAKER: Your committee, to whom was referred

C. B. No. 1. beg leave to report that they have examined the provisions of the law, and recommend its passage.

Report accepted.

Mr. Stansell moved that the House do now go into committee of the whole, and consider

C. B. No. 1.

Carried.

The House then went into committee of the whole, Mr. Stansell in the chair,

Whereupon, the committee took into consideration

C. B. No. 1, which was

Read by sections, and,

On motion of Mr. Chaffee,  
Its passage recommended to the House.  
On motion of Mr. Chaffee,  
The committee of the whole then arose.  
The Speaker resumed the chair.  
Mr. Stansell, chairman of the committee of the whole,  
reported as follows :

MR. SPEAKER : I am instructed by the committee of the whole  
to make the following report :

That they have had  
C. B. No. 1 under consideration, and recommend its passage  
without amendment.

J. B. STANSELL, Ch'n.

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

Carried.

Mr. Chever moved that the rules be suspended and

C. B. No. 1 be taken up and

Read the third time.

Carried.

The ayes and noes being called were :

Ayes—Chever, Eames, Garcia, Holland, Henson, Judd,  
Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega,  
Sheldon, Stansell, White, Welton, Webster, Wood and Mr.  
Speaker—20.

Ayes—20.

Noes—0.

Absent—Kipp, McComas, Mallory, Nye, Patterson and  
Ripley—6.

So the rules were suspended.

Mr. Marsh moved that

C. B. No. 1 be considered,

Read the third time and placed upon its final passage.

Carried.

The ayes and noes being called were :

Ayes—Chever, Eames, Garcia, Holland, Henson, Judd,  
Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega,  
Sheldon, Stansell, White, Welton, Webster, Woods and Mr.  
Speaker—20.

Absent—Kipp, McComas, Mallory, Nye, Patterson and  
Ripley.

Ayes—20.

Noes—0.

Absent—6.

So the bill passed and title agreed to.

Mr. Garcia moved that the rules of the House be translated into Spanish and printed.

Carried.

Mr. Sheldon offered the following resolution:

*Resolved*, That the committee on printing be instructed to make arrangements, at the expense of the Territory, for the printing of bills for the use of this House, when such printing shall be ordered.

Carried.

On motion of Mr. Koontz,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson, Ripley and Stansell.

Mr. Stansell appeared and took his seat.

Mr. Stansell, from the committee to wait on the Governor and others, reported verbally:

That they had discharged the duties assigned them.

Report accepted, and

Committee discharged.

Mr. White having given previous notice, asked leave to introduce

House joint resolutions No. 2, which were

Read 1st and 2nd time and considered engrossed and read 3rd time.

Mr. Stansell moved that the rules be suspended and the resolutions read the third time and placed upon their final passage.

Carried.

The ayes and noes being called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton and Wood—18.

Noes—Mr. Speaker—1.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson and Ripley.

So the rules were suspended and the resolutions placed on their final passage.

The ayes and noes having been called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Ortega, Stansell, White, Welton, Wood and Mr. Speaker—15.

Noes—Marsh, McCannon, Sheldon and Webster—4.

Absent—Kipp, McComas, Nye, Mallory, Patterson and Ripley.

Ayes—15.

Noes—4.

Absent—7.

So the resolution passed.

Mr. Webster moved to amend the title to House joint resolutions No. 2, so as to read "joint resolution endorsing the course of Abraham Lincoln, as President of the United States, and nominating him for re-election."

Lost.

So the title was agreed to.

Mr. Marsh gave notice that, on to-morrow or some subsequent day, he would introduce a bill entitled an act concerning Justices of the Peace and Constables.

Also,

An act to repeal an act entitled "an act relating to forcible entry and detainer, and unlawful detainer."

On motion of Mr. Marsh

The House adjourned until 10 o'clock a. m., to-morrow.

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### WEDNESDAY, FEBRUARY 10th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson, Ripley.

Quorum present.

Journal of the preceding day read and approved.

Mr. Marsh from judiciary committee, reported as follows:

MR. SPEAKER: Your committee to whom was referred House Bill Nos. 5 and 6, beg leave to report that they have examined the provisions of the same, and recommend the passage thereof.

Report accepted.

Mr. Sheldon from committee on Counties and County Lines, reported as follows:

MR. SPEAKER: The committee on Counties and County Lines, to whom was referred House Bill, No. 2, having had said bill under consideration, do respectfully recommend its passage.

A. L. SHELDON, Ch'n.

Report accepted.

Mr. Sheldon gave notice that to-morrow or on some subse-

quent day he would introduce a bill amending sections 2 and 4 of an Act entitled An Act, to define County boundaries, and to locate County seats in Colorado Territory.

Mr. Welton gave notice that he would on to-morrow or some subsequent day introduce a bill for an act for the protection of farmers, in certain locations.

Mr. Lynch gave notice that he would on to-morrow or some subsequent day introduce a bill for a general Sabbath law.

Mr. Sheldon gave notice that on to-morrow or some subsequent day he would introduce a bill entitled "An act authorizing the Board of Directors of school district No. 1 in the County of Jefferson, to levy a tax.

Mr. Henson gave notice that on to-morrow or some subsequent day he would introduce a bill for the incorporation of the Platte City Ditch Company, for mining purposes.

Mr. Sheldon, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms obtain for the use of the House, and more particularly for the use of the Committee on Counties and County Lines, one of Gov. Gilpin's colored maps of the Territory.

Which resolution was adopted.

Mr. Henson, moved that the words "First reading of Bills and Resolutions from the Council" shall be made No. 10 in the order of the day, under rule No. 33 in the rules of the House.

Carried.

Mr. Sheldon, moved that House Bill No. 2 be taken up and considered.

Carried.

House Bill No. 2 was then taken up, read by sections for consideration, and on motion of Mr. Leeper, ordered engrossed for a third reading.

Mr. Ortega gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill entitled an act to incorporate the Dona Emelia Town Company.

Mr. Lynch, gave notice that on to-morrow or some subsequent day he would introduce a bill to regulate Marriages in this Territory.

Mr. Leeper, gave notice that on to-morrow or some subsequent day he would introduce a bill concerning crimes and punishment in this Territory.

Mr. Marsh moved that House bills Nos. 5 and 6 be taken up and read for consideration.

Carried.

House bill No. 5 was then taken up and considered, and on motion of Mr. Marsh, ordered engrossed for a third reading.

House bill No. 6 was then taken up and considered, and on

motion of Mr. Stansell, ordered printed.

On motion of Mr. White, the House adjourned until 10 o'clock a. m., to-morrow.

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THURSDAY, FEBRUARY 11th, 1864.

House met pursuant to adjournment, 10 o'clock, a. m.,

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Eames, Kipp, McComas, McCannon, Mal-lory, Nye, Patterson, Ripley, Welton.

Quorum present.

The Journal of the preceeding day, read and approved.

Mr. Chever, from Committee on Territorial affairs sub-mitted the following reports.

MR. SPEAKER: The committee on Territorial affairs to whom was referred the communication of Judge Charles Lee Armour, recommending the enactment of a law creating the office of Inspector of Weights and Measures, respectfully report that they have had the subject under consideration, and will at some subsequent day report a bill for such a law.

D. A. CHEVER, Ch'n.

MR. SPEAKER: The committee on Territorial affairs to whom was referred House Bill No. 3 a bill for an "act to legal-ize the records of Fremont County," and House Bill No. 7, a bill for an "act to legalize a certain assessment of property in Fremont county," report the same back to the House and re-commend their passage.

D. A. CHEVER, Ch'n.

Reports accepted.

Mr. Koontz from the committee on engrossment, reported verbally.

That they had examined House Bills Nos. 2 and 5 and find the same correctly engrossed.

Report accepted.

Mr. Sheldon asked leave in accordance with previous notice to introduce House Bill No. 8 entitled an act authorizing the Board of Directors of School District, No. 1 in the County of Jefferson to levy a tax.

Which was read a first and second time by its title, and re-ferred to committee on Education.

Mr. Sheldon, in pursuance to previous notice, asked leave to

introduce House Bill No. 9, entitled an "act to amend an act entitled an act to define County Boundaries and locate County Seats in Colorado Territory," which was read the 1st. and 2d. time by its title.

Mr. Garcia moved that H. B. No. 9 be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Garcia, Sheldon and Webster, such committee.

House bill No. 3 was then taken up for consideration, and on motion of Mr. Webster, was ordered engrossed for a third reading.

Mr. Eames appeared and took his seat.

H. B. No. 7, was then taken up for consideration and on motion of Mr. Webster, was ordered engrossed for a 3rd reading.

Mr. Sheldon moved that H. B. No. 2 be taken up, read a 3d. time and placed upon its final passage.

Carried.

H. B. No. 3 was then taken up, read the third time and placed upon its final passage and the vote having been taken were.

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelly, Lynch, Leeper, Marsh, Ortega, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—18.

Noes.—0.

Ayes—18.

Noes—0.

So the bill passed and title agreed to.

Mr. Welton appeared and took his seat.

H. B. No. 5, was then taken up, read and placed upon its final passage.

The ayes and noes having been called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. Koontz, from the committee on Engrossment reported verbally.

That they had examined H. B. No. 3 and found the same correctly engrossed.

Report accepted.

Mr. Webster moved that H. B. No. 3 be read the third time and placed upon its final passage.

Carried.

H. B. No. 3, was then read a third time.

The ayes and nays, being called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes—19.

Noes—0.

So the bill passed, and title agreed to.

Mr. Sheldon, having given previous notice, asked leave to introduce

House Joint Resolution No. 3, in relation to Territorial Boundaries, which was read a first and second time by the title and referred to the Committee on Territorial affairs.

On motion of Mr. Marsh, the House adjourned until 2 o'clock p. m.,

#### AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

Roll of the House called.

Absent—Messrs. Kipp, Koontz, Marsh, McComas, Mallory, Nye, Judd, Patterson, Ripley.

Quorum present.

Mr. Webster gave notice that on to morrow or some other day he would ask leave to introduce

A bill entitled an act concerning roads and highways.

Mr. Garcia, moved that this house do now proceed to elect E. P. Parker, Interpreter of this House for the session.

Carried.

Whereupon the ayes and noes being called,

Were for Mr. Parker.

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 17—Noes—0.

Ayes—17.

Noes—0.

So Mr. Parker was declared duly elected.

Mr. Koontz from committee on engrossment reported verbally that they had examined H. B. No. 7, and found the same correctly engrossed.

Report accepted.

H. B. No. 7, ordered read the third time, and the question recurring upon its final passage.

The ayes and noes being called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18—

Noes 0.

Ayes—18.

Noes—0.

So the bill passed and the title agreed to.

Mr. Holland gave notice that on to-morrow or some subsequent day, he would introduce

A bill for an act, to amend an act, entitled "an act regulating elections."

Mr. Garcia, from special committee to whom was referred, H. B. No. 9.

Reported as follows:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 9, entitled an act to amend an act, entitled "an act to define County Boundaries and to locate County seats, in Colorado Territory, beg leave to report that they have examined the same and recommend its passage.

V. GARCIA, Ch'n.

Report accepted.

The Sergeant-at-arms announced a message from the Governor by the hands of his private Secretary,

Mr. Clark, which was received and read as follows:

#### EXECUTIVE DEPARTMENT COLORADO TER.,

*To the Honorable—The House of Representatives of the Territory of Colorado:*

GENTLEMEN:—I have the honor of sending to you the accompanying communication which has just been handed to me by the Hon. Secretary of the Territory.

Very respectfully, your obedient serv't,

JNO. EVANS,

*Governor of Colorado Territory.*

GRASS RANCH, COLORADO TER., }  
Huerfano Co. January 26th, 1864. }

*To the Honorable Samuel H. Elbert.*

DEAR SIR:—Circumstances over which I have no control and a serious illness, renders it imperative in me to send in my resignation as a member elect to the House of Representatives, from District No. twelve.

Very Respectfully,

B. J. McCOMAS.

Mr. Sheldon moved that H. B. No. 9 be taken up and read for consideration.

Carried.

H. B. No. 9, was read and considered, and on motion of Mr. Sheldon, ordered Engrossed for a third reading.

On motion of Mr. Kelley, the House adjourned until 10 o'clock, a. m., to-morrow.

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FRIDAY, FEBRUARY 12th, 1864.

House met at 10 o'clock, a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Kipp, McComas, McCannon, Malory, Nye, Patterson, Ripley.

Quorum present.

The Journal of the preceding day read and approved.

Mr. McCannon appeared and took his seat.

Mr. Kountz, from Committee on Engrossment, reported H. B. Nos. 4 and 9 correctly engrossed.

Report accepted.

Mr. Chever, from Committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—The Committee on Territorial Affairs, to whom was referred H. J. R. No. 3, entitled, "House Joint Resolutions relative to Territorial boundaries," respectfully report the same back to the House, amended, by striking out in the second section all between the words "oppose" and "all," and by striking out the 3d section and substituting the following—"That the Secretary of the Territory be requested to transmit a copy of the foregoing resolutions to our Delegate in Congress,"—and with the amendments recommend its passage.

D. A. CHEVER, Chr'n.

Report accepted.

Mr. Lynch moved that the name of B. J. McComas be stricken from the Rolls of the House.

Mr. Webster moved to amend as follows: That the resignation of B. J. McComas be accepted, and his name be erased from the Roll of the House.

Amendment carried.

The question then recurring upon motion as amended, was carried.

Mr. Leeper asked leave, in pursuance to previous notice, to introduce

H. B. No. 10, entitled an act to encourage prospecting for Mines and Minerals,

Which was read a first and second time by its title.

Mr. Kountz, having given previous notice, asked leave to introduce

H. B. No. 11, entitled, "An act to suppress Gambling and Gambling Houses," which was read a first and second time by its title.

Mr. Ortega, in accordance with previous notice, asked leave to introduce

H. B. No. 12, entitled, "An act to incorporate the Dona Emelia Town Company," which was read a first and second time by its title, and referred to the Committee of the Whole.

Mr. Lynch moved that

H. B. No. 10 be ordered printed.

Carried.

Mr. White moved that

H. B. No. 11 be ordered printed, and referred to its appropriate committee.

Carried.

Mr. White moved that the House do now resolve itself into Committee of the Whole on general orders.

The House then went into Committee of the Whole—

Mr. White in the chair.

The Committee took up and considered

H. B. No. 12.

The Committee then arose.

The Speaker resumed the chair.

Mr. White, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER:—The Committee of the Whole, on general file, having had under consideration

H. B. No. 12, entitled "An act to incorporate the Dona Emelia Town Company,"

Beg leave to report, that they have duly considered the provisions of the same, and report it back with the following amendments:

Add to the last section—"Not inconsistent with the laws of the United States in relation to Town Sites; "

And recommend its passage.

M. C. WHITE, Chr'n.

Mr. Chever moved that the report of the Committee of the Whole be adopted.

Carried.

Mr. Sheldon moved that

H. B. No. 12 be engrossed for a third reading.

Carried.

Mr. Sheldon, in accordance with previous notice, asked leave to introduce

H. B. No. 13, entitled, "An act for the protection of Sheep," Which was read a first and second time by its title, and referred to Committee of the Whole.

Mr. Holland moved that

H. B. No. 3 be taken up, and read for consideration.

Carried.

Mr. Stansell moved that the report of the committee on Territorial Affairs, on

H. B. No. 3, be adopted.

Carried.

Mr. Welton gave notice that on to-morrow or subsequent day, he would ask leave to introduce a bill for an act concerning Marks and Brands.

Mr. Judd gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act for the protection of Mining Claims set apart for the benefit of schools.

Mr. Marsh gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill to amend an act entitled "An act to establish the Common School system."

Mr. Judd asked leave, in pursuance to previous notice, to introduce House Joint Preamble and Resolutions No. 4, entitled, "Preamble and Resolutions relating to Immigration," which was read a first and second time by its title.

Mr. Lynch moved that they be referred to the committee on Territorial Affairs.

Mr. Holland moved to amend, by referring to a special committee of three.

Mr. Holland withdrew his motion.

Original motion carried.

On motion of Mr. Marsh the House adjourned until 2 o'clock p. m.

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AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson Ripley, Stansell and White.

Mr. Kountz, from the committee on Engrossment, reported

H. B. No. 12, and H. J. R. No. 3 correctly engrossed.

Report accepted.

Messrs. Stansell and White appeared in their seats.

Mr. Marsh moved that this House do now resolve itself into Committee of the Whole on the general file.

Carried

The House then went into Committee of the Whole for the consideration of

H. B. No. 6,

Mr. Chever in the chair.

The Sergeant-at-arms announced a communication from the Council,

Which was received.

COUNCIL CHAMBER,

February 12, 1864.

MR. SPEAKER: I am instructed to inform your Honorable body that the Council have passed

C. B. No. 5,

An act to amend an act, entitled, "An Act regulating the mode of proceedings in replevin;"

Also Council Substitute to

H. J. R. No. 2:

Resolutions approving of the Administration of Abraham Lincoln, President of the United States.

Also, C. B. No. 3,

An act to locate the county seat of Summit County, and legalize certain acts therein named, herewith transmitted;

And the concurrence of your Honorable body is respectfully asked therein.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

The Committee of the Whole then arose.

On motion of Mr. Marsh, the House adjourned until 10 o'clock a. m. to-morrow.

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### SATURDAY, FEBRUARY 13th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson, Webster.

Quorum present.

Journal of the preceding day read and approved.

Mr. Leeper presented the petition of citizens of Clear Creek County, asking that the county seat of Clear Creek County be located at Empire City.

Petition received.

Mr. Webster appeared in his seat.

Mr. Marsh, from Committee on Judiciary, reported as follows:

MR. SPEAKER: Your committee, to whom was referred

H. B. No. 4, beg leave to report that they have examined the provisions of the same, and recommend its passage, with the following section as a substitute for section one of said act:

SEC. 1.—That section "eight" of said act be amended as follows: Insert immediately after the word "quashed," on the last line of said section, the following—"but the main action shall not for that reason abate or be dismissed."

Respectfully submitted,

A. MARSH,

Chr'n Judiciary Committee.

Mr. Henson gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill to dissolve the bonds of matrimony between W. D. Donaldson and Ruth Donaldson.

Mr. Mc Cannon gave notice, that on to-morrow or some subsequent day, he would introduce a bill to repeal so much of the Cash Creek Park Ditch Company's Charter as relates to Clear Creek.

The following bills were read the first and second times by their titles:

C. S. for H. J. R's. No. 2.

C. B's. Nos. 3 and 5.

Mr. Lynch, in pursuance to previous notice, asked leave to introduce

H. B. No. 14, entitled, an act to incorporate the Swan River and Delaware Flats Fluming Company, which was

Read a first and second time by its title,

And referred to Committee on Incorporations.

Mr. Welton asked leave, in accordance with previous notice, to introduce

H. B. No. 15, entitled, an act concerning Marks and Brands; which was

Read a first and second time by its title.

Mr. Lynch, in pursuance to previous notice, asked leave to introduce

H. B. No. 16, entitled, an act relating to Marriages, which was

Read a first and second time by its title.

H. J. R. No. 3 was then read the third time.

The question recurring upon its final passage,

The ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kountz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker,

Noes—Mr. McCannon—1.

Ayes 19, noes 1.

So the Bill passed, and title agreed to.

H. B. No. 9,

Read the third time, and the question recurring upon its final passage, the

Ayes and noes being called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker—20.

Noes—Mr. Kountz—1.

Ayes 20, noes 1.

So the bill passed, and title agreed to.

H. B. No. 12 read the third time.

The question recurring upon its final passage, and

The ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kountz, Kelley, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker—20.

Noes—Mr. Leeper—1.

Ayes 20, noes 1.

So the bill passed, and title agreed to.

Mr. Leeper moved that the petition of the citizens of Clear Creek County be referred to committee on Counties and County lines.

Petition referred accordingly.

Mr. Judd gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill prohibiting ranchmen from monopolizing or controlling Timber, within their pre-emption, in mining districts.

Mr. Ortega gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act to prevent one convict from defending another.

Mr. Chever, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER: The Committee of the Whole have had under consideration

H. B. No. 6, a bill for an act creating a lien in favor of mechanics, in certain cases—

And report, that they have considered the same by sections, from one to eleven inclusive, and have adopted the same, amended as follows, to wit: By inserting in section one, first line, the words "persons or," between the words "or" and "Company;" also, by inserting in same section, third line, after the word

"building," the words "or on any flume used for mining or ditch purposes, for conveying water to or from mining districts or mining claims;" also, by inserting the above sentence or clause after the words "building," in 6th and 7th line, and by striking out the word "forty," in the 9th line, and substituting the word "ten"; and striking out the word "two" in 12th line, and substituting the word "one."

Also, amended section 2, by striking out in 9th line the word "ninety," and substituting the word "thirty."

Also, amended section 6, by inserting the words, "owner or propertors," after the word "employer," in 2d and 4th lines.

Also, amended Section 7, by striking out the word "may," in the first line, and substituting the word "shall;"

Also, amended Section 8, by inserting the words "flume or ditch," after the word "claims" in the 2d and 4th lines;

Also, amended Section 9, by striking out the word "two," in 2d line, and substituting the word "one".

D. A. CHEVER, Chr'n.

Report received.

Mr. Marsh moved that the House do now go into Committee of the Whole, for the further consideration of

H. B. No. 6.

Carried.

The House then went into Committee of the Whole,

Mr. Kelley in the chair.

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

MR. SPEAKER: The Committee of the Whole have had under consideration

H. B. No. 6, a bill for "an act creating a lien in favor of Mechanics, in certain cases,"

And report that they have considered the same by sections, from Section 12 to Section 24 inclusive, and adopted the same, amended as follows, to wit:

Section 12 by inserting the word "nearest" before the words "District Court," in the 2d line of said section, and striking out the word "County," in said line, and insert "District;"

Also, by striking out the word "in," in the fourth line Section 15;

Also, by striking out the word "was," in the 3d line of the 16th section, and inserting the word "were;"

Also, by striking out the word "determined," in the first line of Section 17, and inserting in lieu thereof, the word "return;"

Also, by striking out the word "due," in the first line of Section 22, and inserting therein the word "just"

JAMES KELLEY, Chr'n.

Mr. Kountz moved to adjourn until 2 o'clock p. m.

Mr. Chever moved to amend, by saying 10 o'clock a. m., on Monday next.

Amendment accepted by Mr. Kountz.

Motion lost.

Mr. Marsh moved to adjourn until 2 o'clock p. m.

Carried.

House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson.

Quorum present.

The Speaker read the following communication to the House:

HON. J. B. CHAFFEE,

Speaker of the House of Representatives.

SIR:—You are respectfully requested to invite the members of the House to attend a meeting of the friends of the Bible cause, at the Presbyterian Church in this city, at 7½ o'clock, next Sabbath evening.

Very respectfully yours,

JOHN CREE,

Agent of the American Bible Society for Colorado and New Mexico.

Mr. Lynch moved that the Communication just read be spread upon the Journal of the House.

Carried.

Mr. Ripley moved that

C. B's. Nos. 3 and 5, and

C. S. for H. J. R. No. 2,

Be referred to their appropriate committees.

Carried.

The Bills were referred, as follows :

C. B. No. 5 to Judiciary Committee.

S. for H. J. R. No. 2 to Committee on Federal Relations.

C. B. No. 3 to committee on Counties and County Lines.

The Speaker called Mr. Ripley to the chair..

Mr. Chaffee, in pursuance to previous notice, asked leave to introduce

H. B. No. 17, entitled an act repealing "an act to provide for stay of proceedings on foreign indebtedness," approved Nov. 5, A. D. 1861.

Mr. Chaffee gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill to incorporate the city of Central, in Gilpin County.

The Speaker in the chair.

Mr. Marsh moved that the House do now go into Committee of the Whole for the further consideration of

H. B. No. 6.

Carried.

The House then went into Committee of the Whole.

Mr. Henson in the chair.

After some time spent therein the Committee arose.

The Speaker in the chair.

The chairman of the Committee of the Whole reported as follows:

MR. SPEAKER: The Committee of the Whole have had under consideration

H. B. No. 6, a bill for "an act creating a lien in favor of Mechanics in certain cases," and

Report that they have considered the same by sections, from Section 25 to Section 31, inclusive, and adopted the same, amended as follows, to wit:

That Section "30" be stricken out, substituting in lieu thereof, "that an act creating a lien in favor of Mechanics, in certain cases, approved November 9, 1861, and an act amendatory to an act, entitled 'an act granting a lien in favor of Mechanics in certain cases, approved August 15th, 1862', be, and the same are hereby repealed."

Also, by striking out Section 31 of said bill;

And report the bill back to the House without recommendation.

H. HENSON, Chr'n.

Report accepted

On motion of Mr. Judd, the House adjourned until 10 o'clock a. m., on Monday next.

MONDAY, FEBRUARY, 15th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Mr. White appeared in his seat.

Mr. Chever, from committee on Territorial affairs.

Reported as follows:

MR. SPEAKER:—The committee on Territorial affairs, to whom was referred that portion of the Governors Message relating to Capitol and Penitentiary Building, beg leave to report the following,

Joint memorial and resolutions, for the consideration of the House.

Report received.

H. J. memorial and resolution No. 1

Entitled memorial asking appropriation for Capitol and Penitentiary Building read first and second time by its title.

Mr. Lynch from committee on Federal Relations.

Reported as follows:

MR. SPEAKER: Your committee to whom was referred the Substitute from the Council to H. J. R. No. 2 indorsing the administration of Abraham Lincoln, have had the same under consideration and would report the same back without amendments, and recommend its passage.

JOHN T. LYNCH, Ch'n.

Report accepted.

Mr. Sheldon, from committee on Counties and County lines,

Reported as follows:

MR. SPEAKER:—Your committee to whom was referred C. B. No. 3, beg leave to report.

That they have had said bill under consideration, and that they recommend its passage, with the following amendment to-wit:

That after the word "Official" in the fifth line of section two from the bottom, the word "acts" be inserted.

A. Z. SHELDON, Ch'n.

Report received.

Mr. Koontz moved that the report be adopted.

Carried.

Mr. Ripley, from committee on Education;

Reported as follows:

MR. SPEAKER:—Your committee to whom was referred,

H. B. No. 8, after careful examination of the same, return it to the House, and recommend its passage with the following amendments, add after the word "system" in last line "approved Nov. 7th, 1861."

DAVID REPLEY, Ch'n.

Report received.

Mr. Stansell, from committee on Incorporations, reported as follows:

MR. SPEAKER:—Your committee, on Incorporations to whom was referred,

H. B. No. 14, have had the same under consideration, and ask leave to report the same back to the House and recommend its passage, with the following amendments to-wit:

In the fourth line of section five, strike out the word, 'stream' and insert 'Swan River' in lieu thereof.

Also in section 6, after the word 'to' insert, "Conflict with prior rights," and after the word running, eighth line in same Section, insert the word "tailings."

Also in second line of section thirteen, after the word "flume" strike out the words "in the month" and insert "on or before the first."

J. B. STANSELL, Ch'n.

Mr. Webster, in pursuance to previous notice asked leave to introduce,

H. B. No. 18, entitled an act concerning Roads and Highways, which was read first and second times by its title.

H. B. No. 17, and

H. J. M. No. 1, read first and second time by their titles.

Mr. Henson, according to previous notice, asked leave to introduce,

H. B. No. 19, entitled an act to Incorporate the Platte City Ditch Company, which was read first and second time by its title.

Mr. Lynch moved that

Council Bill No. 3, be read the third time and placed upon its final passage.

Carried.

Council Bill No. 3, read the third time, and the question being upon its final passage, the ayes and noes having been called, were.

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods; 19.

Noes—Messrs. Holland, Mr. Speaker, 2.

Ayes—19.

Noes—2.

So the bill passee and title agreed to.

Mr. Lynch moved that

H. B. No. 10, be made the special order of the day for next Friday, at 2 o'clock, p. m.,

Carried.

Mr. Lynch moved that

H. B. No. 14, be read third time, and put upon its final passage.

Motion to withdraw.

Mr. White moved that

H. B. No. 14, be engrossed for third reading.

Carried.

Mr. White moved to reconsider the motion to engross.

Carried.

The question recurring upon the motion to engross was

Lost.

Mr. White moved that the report of the committee on

H. B. No. 14, be adopted.

Carried.

Mr. Ripley moved that the report of the committee on

H. B. No. 8, be adopted, and the bill placed upon its final passage.

Mr. Ripley withdrew his motion.

Mr. Stansell moved that

H. B. No. 14, be placed on general file for consideration in committee of the whole.

Carried.

Mr. Holland moved that

H. B. No. 8, be taken up for consideration.

H. B. No. 8, read and considered.

Mr. Holland moved that the report of the committee on

H. B. No. 8, be adopted, and the bill ordered engrossed for a third reading as amended.

Carried.

Mr. Marsh moved that the report of the committee on

H. B. No. 4, be adopted, and the bill ordered engrossed for a third reading as amended.

Carried.

Mr. White moved that the report of the committee on Council substitute for

H. J. R. No. 2, be adopted, and bill be read a third time and placed upon its final passage.

Carried.

Council substitute for H. J. R. No. 2, read a third time,

The question being upon its final passage, the ayes and noes having been called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker, 20—Noes—0.

Ayes—20.

Noes—0.

So the bill passed, and title agreed to.

Mr. Koontz moved that the House do now go into committee of the whole, for the consideration of H. B. No. 11.

Carried.

The House then went into committee of the whole.

Mr. Judd in the chair.

After sometime spent therein, the committee arose.

The Speaker in the chair.

Mr. Judd chairman of the committee of the whole, submitted the following report.

MR. SPEAKER:—The committee of the whole having had under consideration

H. B. No. 11, an act to surpress Gambling and Gambling-houses, report that they have considered the same by sections from section 1 to section 5, inconclusive and adopted the same with the following amendments, to-wit:

That after the word "House" in the first line of section two the words,

"Shop tent, or other place" be inserted.

Respectfully,

LEON D. JUDD, Ch'n.

Report received.

On motion of Mr. Kelley, the House adjourned until 2 o'clock p. m.,

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AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.  
The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, McCannon, Mallory, Nye, Patterson, White. Quorum present.

Mr. Chever submitted the following resolution.

*Resolved*, That his Excellency, Gov. Evans, be requested to furnish to the House, a copy of any correspondence he may have had with the Governor and Legislature of New Mexico in regard to the injustice done to the 1st. Regt. Col. Vol. by the Legislative Assembly of New Mexico, in ascribing to the California troops the credit of saving that Territory to the Federal Union, which was adopted.

Mr. Koontz, from the committee on Engrossment, reported H. B. Nos. 4 and 8, correctly engrossed.

Report received.

Mr. Holland moved that

H. B. No. 8, be read the third time and placed upon its final passage. Carried.

H. B. No. 8, was read third time.

The question being upon its final passage, the ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 18.

Noes—Mr. Speaker, 1.

Ayes—18.

Noes—1.

So the bill passed, and title agreed to.

Mr. Marsh moved that

H. B. No. 4, be read a third time, and placed upon its final passage. Carried.

H. B. No. read a third time the question being upon its final passage, the ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 19.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. White appeared in his seat.

The Sergeant-at Arms, announced a communication from the Council, which was received and read.

COUNCIL CHAMBER,  
Feb'y. 15, 1864.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed the following Bills.

C. B. No. 4, an act amendatory of an act to incorporate "St.

John's Church in the wilderness," and for other purposes.

Also, C. B. No. 6.

An act to enable the Pacific Telegraph Company to construct lines of Telegraph in this Territory, and protect the same.

Also, C. J. R. No. 1, herewith transmitted, and the concurrence of your honorable body, is respectfully requested therein.

C. B. HAYNES,  
Secretary of Council.

Mr. Stansell moved that this House do now resolve itself into committee of the whole, on the general file.

Carried.

The House then went into committee of the whole,

Mr. Webster, in the chair.

After sometime spent therein, the committee arose.

The Speaker in the chair.

The committee of the whole, through their chairman, submitted the following report.

MR. SPEAKER :—The committee of the whole, have had under consideration.

H. B. No. 11, a bill for an act suppressing Gambling and Gambling-houses and report that they have considered the same by sections, from Section 6 to Section 9 inclusive, and adopted the same with the following amendments to-wit: by striking out the word,

"Probable" in the first and second lines in section 6, also by striking out the word "May" in the twelfth line of said section and inserting therein, the word "shall."

Also by striking out in the first line of section 7, the words "one-half of" and also by striking out after the word "to", in the first line of said section, the words "the officers or persons making the complaint, and the remainder."

Also by striking out section eight of said act.

Also by striking out all after the word "after" in the 9th section of said act, and insert the words "its passage" in lieu thereof,

And report the bill back to the House, and recommend its passage with the amendments.

And your committee further report, that they have had under consideration,

H. B. No. 13,

A bill for an act for the protection of sheep, and that they have considered the same by sections, and adopted the same, and report back said bill to the House and recommend its passage.

And your committee further report that they have had under consideration,

H. B. No. 14, a bill for an act to incorporate the Swan River and Delaware Flats fluming company, and have considered the same by sections, and adopted the same with the following amendments to-wit,

Strike out the word "exclusive" in the second line of the fourth section.

Also by adding to section 7, the following proviso, "provided said time shall not exceed three days at any time during the mining season."

Also by striking out the word "laws" in section 10 and inserting therein, the words "by-laws," and report the bill back to the House with a recommendation that it pass with the above amendments.

WEBSTER, Ch'n.

Report received and on motion of Mr. Koontz, was adopted. Mr. Koontz moved that,

H. B. No. 11, be ordered engrossed as amended.

Carried.

Mr. Webster moved that

H. B. No. 18, be referred to its appropriate committee, and it was so referred.

On motion of Mr. Kelley, the House adjourned until 10 o'clock, a. m. to-morrow.

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TUESDAY, FEBRUARY 16th, 1864.

The House met at 10 o'clock a.m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Eames, Garcia, Kipp, McCannon, Mallory, Ortega, Patterson and Sheldon.

Quorum present.

Journal of the preceding day, read and approved.

Mr. Ripley stated the cause of the absence of Mr. Sheldon, and asked that he be excused.

On motion of Mr. Holland,

Mr. Sheldon was excused for one day.

Messrs. McCannon, Garcia and Ortega appeared in their seats.

On motion of Mr. Ripley,

Mr. John A. Nye, member from the second district, came forward and was sworn in by the Speaker.

Mr. White, from the committee of ways and means, submitted the following report :

MR. SPEAKER: Your committee of ways and means, to whom was referred the Auditor's and Treasurer's reports, beg leave to report, that they have had had the same under consideration.

Also,

That on to-morrow, or some subsequent day, they will introduce a bill amendatory of the revenue law—one of the features of said amendment requiring the clerks of each county to make annual returns to the Territorial Auditor, showing the condition of the Territorial revenue in his county.

M. C. WHITE, Ch'n.

Report received.

Mr. Henson gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill giving county commissioners certain powers.

Mr. Koontz, from the committee on engrossment, reported H. B. No. 11 correctly engrossed.

Report received.

Mr. Stansell moved that the clerk of this House be requested to prepare and keep a daily calendar for the use and convenience of members.

Carried.

The following bills were read 1st and 2nd time by their title : C. J. R No. 1, and Council bills Nos. 4 and 6.

Mr. Ortega asked leave, in pursuance to previous notice, to introduce

H. B. No. 20, entitled "an act providing that one convicted person cannot defend another, which was

Read a 1st and 2nd time by its title, and,

On motion of Mr. Garcia, was

Referred to the committee on judiciary.

Mr. Koontz moved that

H. B. No. 11 be taken up and read the third time and put upon its final passage.

Carried.

H. B. No. 11 was read the third time, and the question being upon its final passage, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton and Wood—19.

Noes—Mr. Speaker—1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Lynch moved that H. B. No. 14 be taken up and read the third time.

Motion withdrawn.

Mr. White moved that the rules be suspended for the purpose of increasing the number on standing committees by addition of new members.

Carried.

Mr. White moved that the Hon. John A. Nye, be added to the committee on Ways and Means.

Carried.

Mr. Chever, moved that Mr. Nye, be added to the committee on Territorial affairs.

Carried.

Mr. Stansell moved that Mr. Nye be added to the committee on Incorporations.

Carried.

Mr. Lynch, moved that Mr. Nye, be added to the committee on Federal Relations.

Carried.

Mr. Lynch moved that

H. B. No. 14, be ordered engrossed for a third reading.

Carried.

Mr. Koontz, gave notice that on to-morrow or some subsequent day, he would introduce a bill for an "act providing for the collection of taxes from non-resident stock-owners."

Mr. Stansell moved that the House do now resolve itself into the committee of the whole on general file.

Carried.

The House then went into committee of the whole.

Mr. Stansell in the chair.

After sometime spent therein, the Committee arose.

The Speaker in the chair.

On motion of Mr. White, the House adjourned until 2 o'clock p. m.,

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AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson, Sheldon.

Mr. Chever from Committee on Territorial Affairs reported as follows:

MR. SPEAKER: The com. on Ter. affairs to whom was referred that portion of the Gov's Message relating to Immigration, report the following J. R. for the consideration of the House.

D. A. CHEVER, Ch'n.

Report received.

Mr. Chever, offered,

H. J. R. No. 5, entitled, H. J. R. No. 5, authorizing the appointment of agents for the encouragement of immigration, which was read first time by its title.

Mr. Koontz, from the committee on engrossment reported H. B. Nos. 14 and 17 correctly engrossed.

Report received.

Mr. Marsh moved that

H. B. No. 6, be ordered engrossed for a third reading.

Carried.

Mr. Stansell moved that the vote on the engrossment of H. B. No. 6 be reconsidered.

Carried.

The question recurring upon the original motion.

Motion lost.

Mr. Stansell moved that the report of the committee of the whole on

H. B. No. 6 be adopted.

Carried.

Mr. Marsh moved that

H. B. No. 6, be ordered engrossed as amended for a third reading.

Carried.

Mr. Lynch moved that

H. B. No. 14, be read the third time, and put upon its final passage.

Carried.

H. B. No. 14, entitled "an act to incorporate the Swan River and Delaware Flats fluming Company," was taken up and read, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega, Stansell, White, Welton, Woods, Mr. Speaker, 17.

Noes—Messrs. Holland, Ripley, Webster, 3.

Excused, Mr. Nye.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

COUNCIL CHAMBER,  
Feb'y 16, 1864.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

MR. SPEAKER:—I am instructed to inform the House of the passage by the Council of

C. B. No. 8, entitled an act to change the County seat of Huerfano County and relocate its County seat.

Also that they have concurred in and passed,

H. B. No. 5, an act to amend an act entitled "an act concerning judgments and executions with the following amendments.

Strike out all of section one, after the word "six" in the third line from the bottom of said section.

And strike out all of section two after the word "section" in the third line from the bottom of said section.

And add Section 5.

"That section 34, of said act be, and the same is hereby amended as follows:

Strike out the word "three" in the second line from the bottom of the fourth sub-division of said section, and insert the word "one" in lieu thereof.

And add section 6.

If any debtor be engaged in removing his or her property from this Territory, such property shall not be exempt from levy and sale under execution or attachment,

*Provided*, That nothing in this act contained shall be held to authorize the levying upon and selling the necessary wearing apparel or beds and bedding of any debtor, or of the family of any debtor under any execution or attachment.

And the concurrence of your Honorable body is respectfully asked therein.

Very Respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Stansell, chairman of the committee of the whole, reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 15, entitled "an act concerning marks and brands," and report the same back to the house with the following amendments, and recommend the same to be referred to the committee on agriculture.

Amend second section by striking out the words "Horses, mules, cattle, sheep or hogs," where the same shall occur in said section, and insert therein, Neat cattle, horses, mares, geldings, mules, jacks, hogs or sheep."

Also, amend by adding to said section,  
"That he who brands his stock with the brand of another, with the consent of the owner, shall be excused from paying the aforesaid fines.

Also, amend by inserting after the words, "Justice of the Peace," whenever the same occur in said section,  
The words "or Courts."

The committee also report back,

H. B. No. 16, an act in relation to marriages, and recommend that the same be ordered printed.

I am further instructed to report that the committee have had under consideration,

H. B. No. 17.

"An act to repeal an act entitled an act to provide for stay of proceedings on Foreign Indebtedness, and report the same back to the House with the recommendation that it be engrossed for a third reading.

J. B. STANSELL, Ch'n.

Report received.

And on motion of Mr. Koontz, was adopted.

Mr. Webster, asked leave, previous notice having been given to introduce,

H. B. No. 21, entitled an act concerning fences, which on motion of Mr. Holland, was read the first time by its title.

H. B. No. 15, with amendments, referred to the committee on agriculture.

H. B. No. 16, ordered to be printed.

H. B. No. 17, ordered engrossed for third reading.

Mr. Leeper, gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill for an act to re-locate the County seat of Clear Creek County.

Mr. Kelley, gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill for an act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company.

Mr. Henson moved that,

H. B. No. 19, be referred to committee on Agriculture.

And it was so referred.

Mr. Marsh moved that the amendments to,

H. B. No. 5, proposed by the Council be referred to the committee on Judiciary.

Carried.

The bill was referred accordingly.

Mr. Lynch, gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill to amend,

"An act" entitled "an act concerning Lode claims.

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Mr. Lynch moved that the House do now go into committee of the whole on general file.

Carried.

The House then went into committee of the whole.

Mr. Lynch in the chair.

The committee soon after arose and,

The Speaker in the chair,

The committee through their chairman, reported as follows:

MR. SPEAKER:—The committee of the whole having had under consideration,

H. J. M. No. 1, entitled memorial relating to Capitol Buildings and Penitentiary, and have amended the same by striking out the word "State" and report the memorial back to the House and recommend its passage.

J. T. LYNCH, Ch'n.

Report received.

And on motion of Mr. Stansell, was adopted.

Mr. Leeper moved that,

H. J. M. No. 1, be engrossed as amended for third reading.

Carried.]

On motion of Mr. Chever,

H. J. R. No. 5, was read second time by its title.

On motion of Mr. Stansell,

Council Bills, Nos. 4 and 6 were referred to committee on Incorporations C. J. R. No. 1, to committee on Territorial affairs,

H. J. R. No. 5, read for information.

The Speaker read the petition of F. J. Ebert, asking payment for maps drawn for the Territory by order of Gov. Gilpin.

Mr. Chever moved that the petition be referred to a special committee of three.

Mr. Holland moved to amend by adding "that the committee have power to send for persons and papers, amendment accepted.

Motion as amended,

Carried.

The Speaker appointed Messrs. Chever, Holland and White, such committee.

On motion of Mr. White, the House adjourned until 10 o'clock a. m., to-morrow.

WEDNESDAY, FEBRUARY 17th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Kelley, Mallory, Patterson.

Quorum present.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,

February 17, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council has concurred in House amendments to

C. B. No. 3, an Act to locate the County Seat of Summit County, and legalize certain acts therein named.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. Stansell presented the petition of the citizens of Park County, asking for the legalization of the Mining Districts Records in Park County,

Which was read.

Mr. Kountz, from the committee on Engrossment, reported

H. J. M. No. 1, and H. B. No. 6, correctly engrossed.

Report received.

Mr. Eames submitted the following report:

MR. SPEAKER: Your committee on Agriculture have had H. B. No. 15 under consideration,

And beg leave to report the same back, with accompanying substitute for the same,

And recommend its passage.

J. H. EAMES, Ch'n.

Mr. Stansell, from committee on Incorporations,  
Reported as follows:

MR. SPEAKER: I am instructed by the Committee on Incorporations, to whom was referred

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory, and protect the same,

To report, that they have had the same under consideration, and have amended the bill, by striking out section five, And recommend the passage of the bill as amended.  
I am also instructed to report  
C. B. No. 4 back to the House without amendment, and Recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. Webster submitted the following report:

MR. SPEAKER: The committee on Roads and Bridges respectfully report, that they have considered  
H. B. No. 18, and

Report the same back to the House, with the following amendment, to wit: Strike out the second section and insert the following in place thereof:

SEC. 2.—The Board of Commissioners shall divide their counties into suitable Road Districts, conforming as nearly as may be to the election precincts, and appoint an overseer for each district, to serve until the next general election, when, and annually thereafter, such overseers shall be elected in the same manner as other precinct officers;

And, with the amendment, recommend that it be printed.

Yours respectfully,

S. D. WEBSTER, Ch'n.

Report received.

Mr. Welton submitted the following report:

MR. SPEAKER: The undersigned, a minority of the committee on Incorporations, to whom was referred

C. B. No. 6, "An act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory, and protect the same,"

Beg leave to report, that we have had the same under consideration, and recommend its passage without any amendments.

N. W. WELTON,

Minority of Committee.

Mr. Marsh, from Judiciary Committee, reported as follows:

MR. SPEAKER: Your committee to whom was referred  
H. B. No. 1,

Having had the same under consideration,  
Would report it back without recommendation.

A. MARSH, Ch'n.

Council Amendments to H. B. No. 5 read, and

On motion of Mr. Leeper, the bill with amendments, was  
Referred to Committee on Judiciary.

Notice was given, that on to-morrow or some subsequent day,  
the following bills would be introduced by Mr. Judd:

A bill to incorporate the Black Hawk Gas Company.

A bill to incorporate the Central and Idaho Wagon Road  
Company.

By Mr. Marsh:

A bill to extend the jurisdiction of Justices of the Peace and  
Probate Courts, in certain cases.

By Mr. Nye:

For the chartering of the Occidental Gas Light Company of  
the City of Denver.

By Mr. McCannon:

A Joint Resolution requesting Fitz John Porter to leave the  
Territory of Colorado within thirty days.

By Mr. Holland:

A bill to incorporate the Denver City Gas Company.

By Mr. Sheldon:

A bill to enable the School Superintendent of El Paso County  
to apply the School Fund of said county to the use of schools in  
the several school districts therein.

By Mr. Welton:

To incorporate the Denver Gas-light Company.

C. B. No. 8, "An act to change the boundaries of Huerfano  
County, and re-locate its county seat,"

Read 1st and 2d time by its title.

Mr. Judd, in pursuance to previous notice, asked leave to in-  
troduce

H. B. No. 22, entitled, "An act to Incorporate the City of  
Black Hawk," which was

Read 1st and 2d time by its title, and

Referred to Committee on Incorporations.

Mr. Leeper, in accordance with previous notice, asked leave  
to introduce

H. B. No. 23, entitled, "An act to establish and perpetuate  
titles to Lode claims, and other purposes," which was

Read a 1st and 2d time by its title, and

Ordered to be printed.

Mr. Henson, having given previous notice, asked leave to  
introduce

H. B. No. 24, entitled, "An act to amend an act, entitled 'an  
act to authorize the appointment of County Commissioners in  
certain cases,'" which was

Read a 1st and 2d time by its title.

Mr. Sheldon, having given previous notice, asked leave to  
introduce

H. B. No. 25, entitled, an act regulating Irrigation, which was Read a 1st and 2d time by its title, and Referred to the committee on Judiciary.

Mr. Sheldon moved that

H. B. No. 13 be ordered engrossed for a third reading.

Carried.

Mr. Chever moved that

H. J. M. No. 1 be laid on the table.

Carried.

H. B. No. 6, entitled, "An act creating a lien in favor of Mechanics in certain cases," was then taken up,

Read the 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Henson, Judd, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Woods—12.

Noes—Messrs. Eames, Garcia, Holland, Kountz, McCannon, Ortega, Stansell, Welton, Mr. Speaker—9.

Ayes 12, noes 9.

So the bill passed, and title agreed to.

H. B. No. 13, entitled an act repealing an act providing for stay of proceeding in foreign indebtedness, approved November 5, 1862, was taken up and

Read the third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Garcia, Judd, Nye, Ortega, Stansell, Mr. Speaker—6.

Noes—Messrs. Chever, Eames, Holland, Henson, Kountz, Leeper, Lynch, Marsh, Ripley, Sheldon, White, Welton, Webster, Woods—15.

Ayes 6, noes 15.

So the bill was rejected.

Mr. Stansell, in pursuance to previous notice, asked leave to introduce

H. B. No. 26, entitled, "An act to amend an act, entitled 'an act to enable road, ditch, manufacturing, and other Companies, to become bodies corporate;'" which was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

The Speaker called Mr. Ripley to the chair.

Mr. Chaffee, having given previous notice, asked leave to introduce

H. B. No. 27, entitled, an act to incorporate the City of Central, which was

Read 1st and 2d time, and

Referred to Committee on Incorporations.

The Speaker resumed the chair.

Mr. Kountz, according to previous notice, asked leave to introduce

H. B. No. 28, entitled, an act to collect taxes from non-resident Stock owners, which was

Read a 1st and 2d time by its title, and

Ordered to be printed.

Mr. Webster moved that the report of the Committee on H. B. No. 18 be adopted.

Carried.

Mr. Chever moved that the title to all bills be given in the Calender.

Mr. Stansell moved that the majority report of the committee on C. B. No. 6 be adopted.

Carried.

Mr. Stansell moved that the report of the committee on C. B. No. 4 be adopted.

Carried.

Carried.

On motion of Mr. Marsh, the House adjourned until 2 o'clock, p. m.,

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AFTERNOON SESSION.

House met pursuant to adjournment, at 2 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Kelley, Mallory, Patterson, White. Quorum present.

Mr. White appeared in his seat.

C. B. No. 8 read for information, and,

On motion of Mr. Webster, was

Referred to a Special committee of three.

The Speaker appointed Messrs. Webster, Sheldon, and Garcia such committee.

Mr. Kountz moved that Mr. Welton be added to the committee.

Carried.

Mr. Welton's name was added to the committee.

Mr. Kountz, from committee on Engrossment, reported

H. B. No. 13 correctly engrossed.

Report accepted.

Mr. Sheldon moved that

H. B. No. 13 be read a third time, and put upon its final passage.

Carried.

H. B. No. 13, entitled, "An act for the protection of Sheep,"

Read the 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kountz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes 20; Noes none.

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, February 17, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 9, an "Act to locate the County Seat of Costilla County;

Also, C. B. No. 10, an act to incorporate the "Old Rosey Mining, Fluming, Ground Sluicing and Hydraulic Company,"

And the concurrence of your Honorable body therein is respectfully asked.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Kountz, in pursuance to previous notice, asked leave to introduce

H. B. No. 29, entitled, "An act for the protection of Farmers from the depredations of Stock," which was

Read a 1st and 2d time by its title, and

On motion of Mr. Kountz, was ordered printed.

Mr. Leeper moved that

C. B. No. 4 be taken up, read a third time, and put upon its final passage.

Carried.

C. B. No. 4 was then taken up,

Read the 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kountz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—20.

Nays—Mr. Speaker—1.

Ayes 20, Noes 1.

So the bill passed, and title agreed to.

Mr. Marsh moved that the House do now resolve itself into Committee of the Whole on the general file.

Carried.

The House then went into Committee of the Whole,

M. Leeper in the chair.

After some time the Committee arose, and

The Speaker in the chair.

The Committee, through their chairman, reported as follows:

MR. SPEAKER: I am instructed by the Committee of the Whole, to report that they have had

H. J. R. No. 5 under consideration, and beg leave to Report it back to the House without amendment, and Recommend its passage.

J. A. LEEPER, Ch'n.

The Sergeant-at-arms announced a communication from His Excellency, Governor Evans, which was

Received and read, with the accompanying documents, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T., }  
February 17, 1864. }

*To the Honorable—The House of Representatives of the Territory of Colorado:*

GENTLEMEN:—In response to your Resolution of the 15th instant, I have the honor to transmit the accompanying Communications, marked "A," "B," "C," "D," relating to the expulsion of the Rebels from New Mexico.

Very respectfully, your obedient serv't,

JNO. EVANS,  
*Governor of Colorado Territory.*

Mr. Chever moved that the entire Correspondence just read be spread upon the Journal of the House, and the matter be referred to a Special Committee of five.

Carried.

### JOINT RESOLUTIONS.

WHEREAS—During the late Texas invasion, while the Rebel hordes threatened our Territory, the gallant soldiers of California, and of our sister Territory Colorado, came to our assistance, and uniting with our patriotic and true-hearted sons, drove the invaders from the land, and

WHEREAS,—We deem it an act of justice that we should express to them our thanks, for having by forced marches, in an almost unprecedented space of time, reached New Mexico, and perilled their lives in defence of our homes and firesides, therefore,

*Be it Resolved by the Legislative Assembly of the Territory of New Mexico—*

That we tender our thanks, and the thanks of the People of

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New Mexico, to the brave California and Colorado troops, for their timely aid and assistance in driving the traitors and rebels from our soil.

*Resolved*—That we regard the rapid march of Brigadier General James H. Carleton with the California troops across the great desert as one of the most remarkable achievements of the age; that we have the utmost confidence in the military capacity and generalship of Brigadier General Carleton; and we recommend and respectfully ask the President of the United States his appointment as Major General of Volunteers.

*Resolved*—That His Excellency, the Acting Governor, is hereby requested to forward a copy of the foregoing Resolutions to His Excellency, the President of the United States, and to the Governors of California and Colorado.

T. M. GALLEGOS,

Speaker of the House of Representatives.

FRANCISCO SALASAR,

Vice-President Legislative Council.

Approved, January 28, 1863.

W. F. M. ARNY,

Acting Governor New Mexico.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }

DENVER, November 12, 1863. }

*To His Excellency the Governor, and the Honorable Legislative Assembly of the Territory of New Mexico :*

GENTLEMEN—I have had the honor of receiving a copy of "Joint Resolutions," relating to the invasion of your Territory by Rebel Texan soldiers, passed by the Legislative Assembly of New Mexico, and approved January 28th, 1863—forwarded by His Excellency, Acting Governor Arny, as therein directed.

Nothing but a clear conviction that injustice was done, doubtless unintentionally, to those whose reputation it is my duty as well as my pleasure to defend, would induce me to deviate from the usual acknowledgment in such cases.

The Resolutions, while couched in the language of praise and gratitude to our Colorado troops, give them a secondary place to those not actually engaged in the campaign.

While I understand that the California troops are gallant and brave, I do not understand that they took any part in driving the rebels from your soil, as they did not arrive until after their expulsion from your Territory. I appeal to facts:

On the 21st day of February, 1862, the sanguinary battle of Val Verde near Fort Craig was fought, between the entire invading rebel force under Sibley, and the U. S. forces under Colonel, now Brigadier General Canby, then, and until after the re-

conquest, Commander of the Department of New Mexico.

Here an independent company of Colorado Volunteers, under the command of the brave Captain now Lieut. Colonel Dodd, gallantly fought side by side with the troops of New Mexico and the regular army, and with the lamented McRae and his brave men, a number of them fell on the field.

Immediately after this engagement, which resulted disastrously to our cause, leaving Col. Canby in their rear, the Rebel force marched upon and took possession of your Capital, and subsequently they proceeded towards Fort Union, for the purpose of conquering and taking possession of the remaining portion of the Territory.

On the 22d day of February, the day after the battle of Val Verde, in response to a call for aid from Col. Canby, the First Regiment of Colorado Volunteers, two independent companies having preceded them, under command of Colonel, now Brig. General Slough, marched for New Mexico; poorly clad, and with but little transportation or subsistence, they made the most *rapid march* for infantry, *on record*, on the three successive days before their arrival at Fort Union, averaging 45 miles per day.

On the 26th day of March they met and attacked the enemy in superior force and position, at Apache Canon.

On the 28th, two days afterwards, the battle of Glorietta or Pigeon's Ranch was fought.

Here, while Col. Slough engaged the enemy in front with the main body of the Colorado troops, Major now Colonel Chivington, with a small detachment, by detour, passed to the rear of the enemy, and successfully attacked and burned their transportation, baggage, and subsistence. This so crippled the enemy that they gave up the contest, and commenced their retreat.

At Paralto, on the 15th of April, a partial engagement with the retreating foe occurred, in which the Colorado troops again bore an active and honorable part.

From this time no more fighting occurred.

The Colorado and other troops, by order of Col. Canby, pursued the retreating rebels, and on the 29th of June spies officially reported to Col. Chivington, commanding the Southern District of New Mexico, that their rear-guard had retired from the Mesilla Valley, going in the direction of San Antonio, Texas. This really closed the contest, and has left New Mexico ever since, under the undisputed authority of our flag.

On the 9th of June Col. Canby wrote from Department Headquarters at Santa Fe, to Fort Craig, that he had "no information, official or unofficial, that California troops are coming to this country."

On the 16th of the same month, a month after the last engagement, in another communication he says, he "cannot think

that any large force would have been sent from California without being advised of it."

The first official information of the approach of the California troops was received in a letter sent by express, at Fort Craig, in July, from Lient. Col. Eyer, under date of Cow Springs, June 30th, (the day after the rebels were reported to have left the Mesilla Valley,) in which he says—"I have the honor to report my arrival at this place with a squadron of cavalry, consisting of one hundred and thirty men, rank and file. I am acting under orders of Brigadier General James H. Carleton, "commanding column from California," now at Tucson, dated June 17, 1863," &c.

The Resolutions, entirely ignoring the fact of any battle having been fought, read as follows, viz :

### "JOINT RESOLUTION."

WHEREAS—During the late Texas invasion, while the Rebel hordes threatened our Territory, the gallant soldiers of California, and of our sister Territory, Colorado, came to our assistance, and uniting with our patriotic and true-hearted sons, drove the invaders from the land, and

WHEREAS,—We deem it an act of justice that we should express to them our thanks, for having by forced marches, in an almost unprecedented space of time, reached New Mexico, and perilled their lives in defence of our homes and firesides, therefore,

*Be it Resolved by the Legislative Assembly of the Territory of New Mexico—*

That we tender our thanks, and the thanks of the People of New Mexico to the brave California and Colorado troops for their timely aid and assistance, in driving the traitors and rebels from our soil.

*Resolved,* That we regard the rapid march of Brigadier James H. Carleton with the California troops across the Great Desert, as one of the most remarkable achievements of the age: that we have the utmost confidence in the military capacity and generalship of Brigadier General Carleton; and we reeommend and respectfully ask of the President of the United States his appointment as Major General of Volunteers.

*Resolved,* That His Excellency, the Acting Governor, is hereby requested to forward a copy of the foregoing Resolutions to His Excellency, the President of the United States, and to the Governors of California and Colorado.

{ L. S. }

F. M. GALLEGHOS,  
Speaker of House of Representatives.  
FRANCISCO SALASAR,  
Vice-President of Legislative Council.

Approved, Jan'y 28, 1863.

W. F. M. ARNY,  
Acting Governor New Mexico. }

While there could be no objection to complimentary resolutions to the California troops alone, for their worth and valor, it is manifestly unjust to those who perilled their lives on the field of battle, so to word such resolutions as to convey the impression that the laurels belong to them for your deliverance.

A sense of duty to my Territory—of justice to her brave and patriotic soldiers, and of regard for the memory of our slain in your defence, forbid that I should receive these resolutions without returning this protest.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, SANTA FE, N. M., }  
February 7th, 1864. }

SIR:—By the mail which leaves here to-morrow, you will receive from the Secretary of the Territory a series of Resolutions, which were passed unanimously by the Legislature lately adjourned in this city, with respect to the services rendered by the Volunteers of the Territory of Colorado, in the expulsion of the Texan forces from the limits of New Mexico, which I hope will be satisfactory to yourself, to the officers and soldiers that hastened to our rescue, and to the people of your Territory. I am quite sure that it never was the intention of the people, or of the Legislature of New Mexico, to do injustice to the brave and patriotic volunteers of Colorado, in anything that was expressed in the Resolutions of last winter. We hold in grateful recollection the timely aid that was rendered to us in the day of our greatest trial. We will never forget the blood that was shed by the Volunteers of Colorado in our cause, and we hold ourselves in readiness to shed the same, or a larger amount, in the cause of Colorado, whenever danger may menace her frontiers.

With the highest consideration and respect,

I remain very truly, your obedient servant,

HENRY CONNELLY,

Governor New Mexico.

To His Excellency, JOHN EVANS, }  
Governor C. T., Denver City. }

## RESOLUTIONS.

WHEREAS,—This Legislature has been informed by His Excellency, the Governor of the Territory of Colorado, that he, and the people of the aforesaid Territory, believe that they have received unintentional injustice by certain Resolutions passed by the last Legislature of this Territory, making mention of the invasion of this Territory by the Texan forces, and the part which the Colorado Volunteers took in the expulsion of the same from this Territory, therefore,

*Be it Resolved by the Legislative Assembly of the Territory,* That it was not, nor has it been the intention of the people of the Territory of New Mexico to do the least injustice to the valor and the sacrifices of our neighboring Territory of Colorado, nor to place in secondary position to aught, her valiant and patriotic soldiers in the defence of this Territory.

That we have not remained insensible or indifferent to the blood that flowed in our defense, and the invaluable services lent to the Territory in the hour of our danger; and we, the Representatives of the people of New Mexico take pleasure in expressing our thanks and gratitude to the brave Colorado Volunteers, assuring them on the part of our constituents a reciprocal service in helping our neighbors, when called, to our last resources.

*Resolved further,* That a copy of this Preamble and Resolutions be forwarded by the Honorable Secretary of the Territory to the Governor of the Territory of Colorado.

Signed :

VICENTE GARCIA,

Speaker of the House of Representatives.

D. ARCHUBETA,

President of the Council.

Approved, February 3d, 1864

HENRY CONNOLLY,

Governor of New Uexico. }

I, W. F. M. ARNY, Secretary of the Territory of New Uexico, hereby certify that the foregoing is a true and correct copy of the original now on file in my office.

{ L. S. }

In testimony whereof, I have hereunto set my hand and official seal, this, 6th day of February, A. D. 1864.

W. F. M. ARNY,

Secretary of Territory of New Mexico.

The Speaker appointed Messrs. Chever, Ripley, Lynch, Garcia and Marsh as such committee.

Mr. Koontz moved that the report of the Committee on Agriculture, on H. B. No. 15, be adopted.

Carried.

Mr. Chever moved that

C. B.'s. Nos. 9 and 10 be read a 1st and 2d time, by their titles, and

Referred to the appropriate committees.

Carried.

C. B. No. 9 read 1st and 2d time by its title, and

Referred to the committee on Counties and County Lines.

C. B. No. 10 read 1st and 2d time by its title, and referred to committee on Incorporations.

Mr. Welton moved that

C. S. for H. B. No. 15 be read 1st and 2d time by its title, and referred to its appropriate committee.

Carried.

C. S. for H. B. No. 15 read 1st and 2d time by its title, and

Referred to the Committee on Agriculture.

On motion of Mr. Judd, the House adjourned until 10 o'clock a. m., to-morrow.

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THURSDAY, FEBRUARY 18th, 1864.

The House met at 10 o'clock a.m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day, read.

Mr. Chever moved that that portion of the journal referring to Fitz John Porter, be expunged.

The ayes and noes being called for were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Ortega, Ripley, Webster, Welton, Mr. Speaker, 10.

Noes—Messrs. Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Woods, 12.

Ayes—10.

Noes—12.

Motion Lost.

So the journal stands approved.

Mr. White presented a remonstrance from the citizens of Mountain City and Gregory Point, against being included in the Incorporation of Central City.

Which was read, and on motion of Mr. Marsh, was referred to the committee on Incorporation.

Mr. Chever, from committee on Territorial Affairs, reported as follows:

MR. SPEAKER:—The committee on Territorial Affairs to whom was referred,

C. J. R. No. 1, report the same back to the House amended by striking out the word "Banner" and substituting the word "Flag," and with this amendment recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Eames, from the committee on Agriculture, reported as follows:

MR. SPEAKER:—Your committee on Agriculture to whom substitute for,

H. B. No. 15, was referred, beg leave to report the same back and recommend its passage.

J. H. EAMES, Ch'n.

Report received.

Mr. Marsh, from committee on Judiciary reported as follows:

MR. SPEAKER:—Your committee to whom was referred,

H. B. No. 5, with Council Amendments, beg leave to report that they have had the same under consideration and recommend the concurrence of the House in the Council amendments.

Respectfully Submitted,

A. MARSH, Ch'n.

Report received.

H. B. No. 5, entitled "an act concerning judgments and executions," was read with amendment proposed by Council.

Mr. Marsh moved that the House concur in the Council amendment to,

H. B. No. 5. Carried.

Mr. Holland, in pursuance to previous notice, asked leave to introduce,

H. B. No. 30, entitled "an act to incorporate the Denver Gas Light Company," which was read the first and second time by its title, and referred to the committee on Incorporation.

Mr. Kelley, in accordance with previous notice, asked leave to introduce H. B. No. 31, entitled "an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating Ditch Company, which was read a first and second time by its title, and referred to the committee on incorporations.

Mr. Judd, having given previous notice asked leave to introduce,

H. B. No. 32, entitled "an act to incorporate the Black Hawk City Gas Company" which was read a first and second

time by its title and referred to the committee on Incorporations.

Mr. Welton, having given previous notice, asked leave to introduce,

H. B. No. 33, entitled "an act to incorporate the Denver City and Araria Gas Light Company," which was read a first and second time by its title, and referred to the committee on Incorporations.

Mr. Sheldon, pursuant to previous notice asked leave to introduce,

H. B. No. 34, entitled an act to enable the Superintendent of Common Schools, of El Paso County, to apply the school fund of said County, to the use of schools in the several districts thereof; which was read a first and second time by its title, and referred to the committee on Education.

Mr. Holland moved that,

C. B. No. 6, be referred to the committee of the whole.

Carried.

Mr. Marsh, moved to lay H. B. No. 1 on the table.

Carried.

Mr. White, from select Committee, reported as follows:

MR. SPEAKER:—The Chairman of the committee, to whom was referred that portion of the Governors Message relating to the Pacific Railroad, respectfully reports.

That the committee unites with his Excellency in his recommendations to offer proper inducements to influence the location of the road through the settlements of this Territory that we acknowledge with pride the truth that Colorado Territory is "not to be regarded in the light of a supplicant for the favor of having the road through our Territory, and that she <sup>has</sup> many benefits to confer as to receive."

That the recommendation of the Governor in his Message relating thereto, are worthy of careful consideration. That we, recommend that a committee of three be appointed to confer with His Excellency, Governor Evans, in relation to such recommendations, and to report suitable resolutions to this House for their consideration.

M. C. WHITE, Ch'n.

Report received.

And on motion of Mr. Sheldon, was adopted.

In accordance with the report.

The Speaker appointed,

Messrs. White, Judd and Henson, such committee.

Mr. White moved that the House do now resolve itself into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

Mr. Sheldon in the chair.

After sometime spent therein, the committee arose.

The Speaker in the chair.

The Speaker received, and read a communication from the committee of arrangements for the celebration of Washington's birth-day, extending an invitation to the members of the House.

Communication received.

On motion of Mr. Koontz, the House adjourned until 2 o'clock, p. m.,

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, McCannon, Mallory, Patterson, White.

Quorum present.

Mr. Sheldon, chairman of the committee of the whole reported as follows:

MR. SPEAKER:—I am instructed by the committee of the whole to make the following report,

Having had,

C. J. R. No. 1, under consideration,

Adopted the same, and recommend its passage by the House with the following amendments to-wit.

Strike out the word "Banner" and insert the word "Flag."

Also, strike out the last resolution and insert the following as a substitute.

Resolved, That a copy of these resolutions be sent to Col. J. M. Chivington, Commanding this District, with the request that the same be read to his command, and that the Secretary of the Territory be requested to forward a copy of the same to Col. J. H. Ford, to be read in like manner, and also, that a copy be furnished to the different Newspapers in this Territory for publication.

Also, C. B. No. 6.

And after sometime spent therein, the House arose without any recommendation.

A. Z. SHELDON, Ch'n.

Report received,

And on motion of Mr. Leeper, was adopted.

Mr. Holland, moved that,

H. B. No. 24, be taken up for consideration.

Carried.

H. B. No. 24, was then read and considered, and on motion of Mr. Holland, was ordered engrossed for a third reading.

Mr. Lynch, moved that,

H. B. No. 16, be taken up for consideration.

Carried.

H. B. No. 16, entitled "an act relating to Marriages" was then taken up and considered.

Mr. Ripley moved that the last two words "and relations" in the second section be stricken out.

Carried.

Mr. Webster moved to strike out the word "cousins" in third line of section 2, and transpose the word "and" between the words "Aunts" and "Nephew."

Motion Lost.

Mr. Chever moved to insert the word "and" between the words "Aunts" and "Nephews" and add the words "of first degree" after the words "cousins" in third line, section 2.

Carried.

Mr. Lynch moved that section 2 be adopted.

Carried.

Mr. Koontz moved that the word "and" be stricken out and insert the word "or" in sixth line of section two.

Motion Lost.

Mr. Chever moved that the word "knowingly" be inserted between the words "shall" and "contract" in the first line, and before the word "solemnize" in the second line of section three.

Carried.

Mr. Nye moved a substitute for section three, motion lost.

Mr. Lynch moved to amend section 4 by adding,

*Provided*, That nothing in this section shall be construed so as to allow bigamy in this Territory.

Carried.

Mr. Holland moved that the words "and places" in last line of section 4 be stricken out.

Carried.

Mr. Webster moved that the words "or Polygamy" be inserted after the word "bigamy" in section 4.

Carried.

Mr. Chever moved to strike out the word "every" and insert "any." Also, the word "and" and insert "or" in section 5.

Carried.

Mr. Chever moved to insert the word "knowingly" between the words "shall" and violate in the second, sixth and seventh

lines of section 6.

Carried.

Mr. McCannon, appeared and took his seat.

Mr. Chever moved to insert the word "such" between the words "every" and "officer" in fifth line of section 7.

Carried.

Mr. Lynch moved that the bill under consideration be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Lynch, Garcia and Welton, such committee.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,  
Feb'y. 18, 1864.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 7, an act for the collection of debts in certain cases, and for the benefit of insolvent debtors herewith transmitted, and the concurrence of your Honorable body therein, is respectfully requested.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Judd gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill securing to James Miller, of Gulpin County, certain rights.

On motion of Mr. Kelley, the House adjourned until 10 o'clock to-morrow.

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FRIDAY, FEBRUARY 19th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Chever, McCannon, Kipp, Mallory, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Messrs. Chever, White and McCannon appeared in their seats.

Mr. Ripley, from the Committee on Education, submitted the following Report:

MR. SPEAKER,—Your committee, to whom was referred H. B. No. 34, having carefully examined the same, Report it back to the House, and recommend the passage thereof without amendment.

DAVID RIPLEY, Ch'n.

Report received.

Mr. Sheldon, from committee on County and County Lines, reported as follows :

MR. SPEAKER,—Your committee to whom was referred C. B. No. 9, beg leave to report, that they have had such bill under consideration, and do respectfully Recommend its passage.

A. Z. SHELDON, Ch'n.

Report received.

Mr. Kountz, from the committee on Engrossment, reported H. B. No. 24 correctly engrossed.

Report received.

Mr. Kountz moved that the report of the committee on Education be adopted.

Motion lost.

Mr. Stansell moved that the free use of this Hall be tendered to the venerable J. L. Thompson, on Wednesday evening next, for the purpose of delivering his lecture on Geology.

Carried.

Mr. Chever moved the adoption of the following resolution :

*Resolved*,—That from and after this date, no bill of a private nature shall be introduced into this House, unless sufficient printed copies thereof for the use of the members shall have been furnished to the Sergeant-at-arms.

Motion lost.

Mr. White gave notice, that on to-morrow the committee of Ways and Means will introduce a bill, entitled "An act to amend an act, to organize and establish the Treasury Department."

C. B. No. 7, "An act for the collection of Debts, in certain cases, and for the benefit of insolvent debtors,"

Read 1st and 2d time by its title, and

On motion of Mr. Kelley, ordered printed.

Mr. White, previous notice having been given, asked leave to introduce

H. B. No. 35, entitled, "An act to amend an act, entitled an act to provide for the Collection of Revenue," which was

Read a 1st and 2d time by its title, and

On motion of Mr. White, ordered printed.

Mr. Welton, in pursuance to previous notice, asked leave to introduce

H. B. No. 36, entitled "An act for the protection of Farmers in certain localities," which was

Read a 1st and 2d time by its title.

Mr. Judd, in pursuance to previous notice, asked leave to introduce

H. B. No. 37, entitled, "An act protecting James Miller, of Gilpin County, in certain rights," which was

Read a 1st and 2d time by its title.

H. B. No. 34 was then read for consideration, and

On motion of Mr. Sheldon, was

Ordered engrossed for a third reading.

Mr. Marsh, from the committee on Judiciary, reported as follows:

MR. SPEAKER,—Your committee, to whom was referred

C. B. No. 5, beg leave to report, that they have had the same under consideration, and recommend the passage thereof, with the following amendments:

Add at the end of Section 6, the following:—"Or shall recover a judgment for the value of the property, or so much thereof as he may prove himself entitled, at his election."

Add at the end of Section 11, the following:—"And when the case has been commenced in the Justice of the Peace or Probate Courts, and it shall appear upon the return of the writ that the defendant has not been personally served, and no appearance be entered for him, the Justice or Probate Court shall continue the case ten days, and immediately cause a notice to be printed in three of the most public places in the neighborhood of said Justice, (or near as may be,) as in cases of attachment against non-resident defendants before Justices of the Peace.

Respectfully submitted,

A. MARSH, Ch'n.

Report Received.

Mr. Lynch, from Select Committee, made the following report:

MR. SPEAKER,—Your Committee to whom was referred

H. B. No. 16, have, according to order, had the same under consideration, and have directed me to

Report the same back to the House with the following amendments, to wit:

Insert after the word children, in the 5th line of Section 2:—  
“Provided that nothing in this Section shall be construed so as to prevent the people living in that portion of the Territory acquired from New Mexico from marrying according to the customs of that country.”

Also, strike out in Section 8 and second line, the words—  
“and shall be allowed for each entry of the same, fifty cents, to be paid by the parties to the marriage.”

J. T. LYNCH, Ch'n.

Report received.

Mr. Holland moved that

C. J. R. No. 1 be taken up for consideration.

Carried.

C. J. R. No. 1, was then read and considered, and on motion of Mr. Holland was

Read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—22.

Ayes, 22; Noes, none.

So the bill passed.

Mr. Lynch moved that

H. B. No. 16, with the report of the committee thereon, be taken up for consideration.

Carried.

H. B. No. 16 was then taken up, and considered.

Mr. Lynch moved the adoption of the following enacting clause: Be it enacted by the Council and House of Representatives of Colorado Territory.

Carried.

Mr. Ripley moved to adopt the following additional section: “All fins and penalties accruing under this act, shall be paid into the County Treasury for the use of Common Schools, in which the offence was committed.

Carried.

Mr. Chever moved that the further consideration of the bill be deferred until to-morrow afternoon.

Motion withdrawn.

Mr. Lynch moved that the amendments proposed by the Select Committee be adopted.

Carried.

Mr. Chever renewed his motion to defer.

Carried.

Mr. Marsh moved that this House do now resolve itself into Committee of the Whole.

Carried.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, Feb'y 19, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council has passed

C. B. No. 16, an act to Incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.

C. B. No. 17, a bill for an act to exclude Traitors and Alien Enemies from courts of justice in this Territory, in civil cases.

Also, of their concurrence in and passage of

H. J. R. No. 3, "relating to Territorial Boundaries."

H. B. No. 9, a bill for an act to amend an act, entitled, "An act to define County Boundaries and to locate County Seats in Colorado Territory."

H. B. No. 12, an act to incorporate the Dona Emelia Town Company herewith transmitted;

And the concurrence of your Honorable Body therein is respectfully asked.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

The House then went into Committee of the Whole.

Mr. Marsh in the chair.

After sometime spent therein, the Committee arose.

The Speaker in the chair.

Mr. Marsh, chairman of the Committee of the Whole, asked leave to report this afternoon.

Granted.

On motion of Mr. Stansell, the House adjourned until 2 o'clock, p. m.,

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AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Judd, Kipp, Mallory, Patterson, Ripley.

Mr. Ripley appeared in his seat.

Mr. Marsh submitted the following Report:

MR. SPEAKER—The chairman of the Committee of the Whole, having had under consideration

H. B. No. 15, an act concerning Marks and Brands,  
Beg leave to report as follows:

That Sections 1, 2, 3 and 4 were severally read and adopted.

That the following additional section was added thereto:

"All fines and penalties incurred by the provisions of this act, shall be paid into the County Treasury, for the use of common schools of the Territory."

That proposed Section "Six," together with amendments submitted herewith, were, on motion, laid on the table.

Respectfully submitted.

A. MARSH, Ch'n.

Report received.

H. B. No. 10 being the special order of the day, was taken up and considered.

Mr. Stansell moved to strike out the words "twenty-five," in 5th line of Section 1, and insert in lieu thereof, the word "fifty."

Motion withdrawn.

Mr. Stansell moved to amend, by striking out the words "twenty-five feet radius around," in 5th line of Section 1, and insert in lieu thereof, the words "fifty feet in width, and five hundred feet in length, in such direction as he or they may designate from such stake."

Mr. Leeper moved to substitute as follows: Strike out all between the word "within" in 5th line, and the word "so" in 6th line and insert the following:—"one hundred feet each way from said stake, on the line of the crevice, by fifty feet in width."

Amendment accepted.

Carried.

Mr. Woods moved to strike out the word "five," in 7th line of Section 1, and insert "two."

Mr. Henson moved to amend the amendment, by striking out "two," and inserting "one."

Mr. Henson moved to strike out the word "five," in the 2d line of Section 3, and insert the word "three."

Carried.

Motion as amended carried.

Mr. Sheldon moved to insert the word "having," between the words "stake" and "inscribe, in 3d line of Section 3.

Carried.

Mr. Holland moved to amend Section 4, by striking out all between the word "claim" in 2d line, and "that" in 3d line, and insert—"until he shall give satisfactory evidence to the Recorder by the oral or written testimony of two witnesses."

Mr. White moved to amend the amendment, by inserting between the words "located" and "that," in 3d line of Section 4, the words, "within ten days after the discovery thereof."

The amendment as amended was then adopted.

Mr. Marsh moved to reconsider the vote on the amendment to the amendment.

Carried.

The question recurring upon the amendment to the amendment,

The motion was lost.

Mr. White moved as a substitute to the amendment, as follows: Insert between the words "located" and "that," in 3d line of Section 4, the words, "shall within twenty days after the discovery thereof."

Carried.

The motion as amended was then adopted.

Mr. Holland moved to strike out Section 4.

Motion lost.

Mr. Henson moved to strike out Section 5.

Motion lost.

Mr. Marsh moved to amend Section 7, by inserting the words "from the discovery," between the words "direction" and "he," in 4th line.

Carried.

Mr. Sheldon moved to amend, by striking out the words "School purposes," in 4th line of Section 7, and inserting the words, "benefit of the Territorial School fund."

Carried.

Mr. Lynch moved to add the following section:

Sec. —. It shall be the duties of the District Recorders in each of the organized Counties of this Territory within thirty days from the passage of this act, to file in the County Clerk's office of their respective counties all books and papers, and other warrants of title relating in any manner to Lode claims; all records made in District Recorder's books after the said thirty days, shall be and are hereby declared void.

Any District Recorder failing to comply with the provisions of this act, shall be fined not less than fifty, nor more than five hundred dollars—said fine to be collected before any Court having competent jurisdiction.

Mr. Leeper moved to amend the proposed section, by striking out the words "thirty," and insert "sixty" in lieu thereof.

Amendment accepted.

Mr. Leeper moved that the further consideration of the bill be deferred until Wednesday next, at 2 o'clock p. m.

Carried.

Mr. Koontz, from committee on Engrossment, reported

H. B. No. 34 correctly engrossed.

Report received.

Mr. Sheldon moved that the rules be suspended, and

H. B. No. 34 read a third time, and put upon its final passage.

Carried.

H. B. No. 24, entitled, "An act to enable the Superintendent of common Schools in El Paso County to apply the school fund of said county to the use of schools in the several School Districts thereof," was taken up,

Read a third time, and the question being upon its final passage, the yeas and nays were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Keontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Mr. Speaker—20.

Noes, none.

Ayes, 20—noes 0.

So the bill passed. Title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 19, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 11, a bill for an act to suppress Gambling and Gambling Houses, with the following amendments, to-wit:

By adding to Section 5, the following:—"And if any such marshal, sheriff, policeman, constable, or Justice of the Peace, shall know of such gambling house being kept, and shall neglect or refuse to inform the proper officers, so that the keeper or keepers thereof shall not be dealt with by law, such officers shall be declared vacant by the County Commissioners, and other officers shall be appointed by them, to serve until the next election.

And substitute the following for Section 7:

SEC. 7.—One half of the fines collected under this act, shall go to the officer or person making the complaint, and the remainder to the County, to be used for the support of common schools."

Also, H. B. No. 1—bill for "an act authorizing the Board of Directors of School District number one, in Jefferson County, to levy a tax."

Also, has passed

C. B. No. 10, an act concerning Forcible Entry and Detainer, and unlawful detain:

And the concurrence of your Honorable Body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

C. B. No. 5 was then read for consideration.

Mr. Holland moved that the bill be ordered printed.

Motion withdrawn.

Mr. Marsh moved the adoption of the amendments proposed by the committee on Judiciary.

Carried.

Mr. Holland moved that the bill be ordered printed.

Motion lost.

On motion of Mr. McCannon the House adjourned until 10 o'clock, a. m., to morrow.

### SATURDAY, FEBRUARY 20th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Judd, Kipp, Mallory, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Messrs. Judd and White appeared in their seats.

Mr. Chever from the committee on enrollment reported,

C. B. Nos. 1, 3, and 4, and Council substitute to,

H. J. R. No. 2, correctly enrolled.

Report received.

Mr. Marsh from committee on judiciary reported as follows :

MR. SPEAKER:—Your committee to whom was referred,

H. B. No. 25, having had the same under consideration beg leave to report

That they would recommend the passage thereof, with the following amendments.

That section two be amended by adding the following.

*Provided*, That in all cases where any ditch, dyke, cutting or flume shall intersect, traverse or cross any high-way or public road, it shall be the duty of the person or persons, owning such ditch, dyke, cutting or flume, to bridge the same in such manner as that such road shall not be empaiired thereby.

That there shall be added the following section :

Sec. 21st. That all forfeitures provided under the provisions of this act, may be recovered before any Court having competent jurisdiction.

Sec. 22. This act shall take effect and be in force from and after the passage thereof.

Report submitted.

A. MARSH, Ch'n.

Report received.

Amendments proposed by Council to,

H. B. No. 11, was then taken up and considered.

Mr. Holland moved that the House do disagree to the Council amendment to section five.

Carried.

Mr. Lynch moved that the House do concur in Council amendment to section 7.

Carried.

Mr. Marsh moved that standing rule, No. 38, be amended by striking out the word "ten" and insert "nine," so that the regular hours of daily meeting of this House hereafter shall be nine o'clock a. m.,

The ayes and noes having been ordered were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 16.

Noes—Messrs. Chever, Kellog, McCannon, Stansell, Mr. Speaker, 5.

Ayes—16.

Noes—5.

So the motion prevailed.

Notice that the following bills would be introduced, was given, by Mr. Leeper.

A bill explanatory to an act entitled "an act concerning Lode claims.

By. Mr. Judd,

A bill for the Denver and Pacific Waggon Road Company, C. B's Nos. 16, 17 and 18, were read a first and second time by their titles.

Mr. Marsh moved that,

H. B. No. 25, be taken up for consideration.

Carried.

House bill No. 25, was read by sections for consideration.

Mr. Koontz moved that the bill be ordered printed.

M. Sheldon moved to amend by adding with the amendments recommended by the Committee.

Amendment accepted.

Motion as amended adopted.

C. B. No. 5, an act to amend an act, entitled an act regulating the mode of proceeding in replevin, was then taken up, and on motion of Mr. Marsh, was read third time and placed upon its passage.

The ayes and noes having been called were,

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Mr. Speaker, 15.

Noes—Messrs. Holland, Kelley, McCannon, Welton, 4.

Ayes—15.

Noes—4.

So the bill passed and title agreed to.

Mr. Lynch moved that

C. B. No. 9, be taken up for consideration.

Carried.

C. B. No. 9, an act to locate the County seat of Costilla County, was taken up and considered,

And on motion of Mr. Ripley, was read a third time and placed upon its final passage.

The ayes and noes having been called were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 19.

Noes—Mr. McCannon, 1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Chever, presented the petition of F. J. Stanton, asking compensation for compiling and indexing the statutes of the first session of the Legislature of Colorado Territory, which was received and read, and on motion of Mr. Marsh, amended by Mr. Ripley, was referred to a special committee of three with power to send for persons and papers.

The Speaker appointed Messrs. Marsh, Ripley and Nye such committee.

H. B. No. 24, an act to amend an act entitled an act to authorize the appointment of County Commissioners in certain cases, was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 21.

Ayes—21.

Noes—0.

So the bill passed and title amended by substituting the word "special" for the word "certain" and then agreed to.

Mr. Welton moved to take up,

H. B. No. 15.

Motion withdrawn.

Mr. White in pursuance to previous notice asked leave to introduce,

H. B. No. 38, an act to amend an act authorizing the establishing of the Treasury department.

Which was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Marsh moved that the House do now go into committee of the Whole on,

H. B. No. 15.

Carried.

The House then went into committee of the Whole.

Mr. Koontz in the Chair.

After a short time spent therein the committee arose.

The Speaker in the Chair.

The Chairman of the committee of the Whole reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 15, and report the same back to the House with a recommendation that it pass.

J. A. KOONTZ, Ch'n.

Report received.

Mr. Webster moved that,

H. B. No. 15, be read for consideration.

Carried.

H. B. No. 15, was then read and considered.

Mr. Henson, moved to insert the word "Jack" before the word "Asses" whenever the word occurs in the bill.

Motion lost.

Mr. Garcia moved that the bill be indefinitely postponed.

The ayes and noes being ordered were,

Ayes—Messrs. Garcia, Kelley, Stansell, Mr. Speaker, 4.

Noes—Messrs. Chever, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 17.

Ayes—4.

Noes—17.

So the motion was lost.

Mr. Garcia moved to adjourn until 2 o'clock, p. m.,—Lost.

Mr. Webster moved that,

H. B. No. 15, be ordered engrossed for a third reading.

Carried.

On motion of Mr. Chever, the House adjourned until 2 o'clock p. m.,

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.  
The Speaker in the Chair.

Mr. Stansell, moved that the House take a recess of fifteen minutes.

Carried.

At the expiration of the time the Speaker called the House to order.

Roll called.

Absent—Messrs. Eames, Kipp, Lynch, Mallory, Patterson.

Quorum present.

Mr. Leeper gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill to Incorporate the Rocky Mountain Prospecting Company.

Mr. Stansell gave notice that he would on Monday or some subsequent day introduce a bill to re-locate the Capital of Colorado Territory.

Mr. Marsh moved that,

H. B. No. 16, be read for consideration.

Carried.

H. B. No. 16, was then read and considered.

Mr. Ripley moved to defer the further consideration of the bill.

Mr. Chever moved to amend so as to make it the special order of the day, for Thursday next at 2 o'clock p. m.,

Amendment accepted.

Motion as amended, adopted.

Mr. Stansell moved that,

C. B. No. 6, be taken up and read a third time, and put upon its final passage.

Carried.

Mr. Holland raised a point of order on a question of facts.

Which was sustained by the Chair, and calender ordered amended.

Mr. Holland moved that,

C. B. No. 17, be taken up for consideration.

Carried.

C. B. No. 17, was taken up, and read for consideration.

And on motion of Mr. Holland, was referred to the committee on judiciary.

Mr. Stansell moved that this House do now resolve itself into committee of the whole on,

C. B. No. 6.

Carried.

The House then went into committee of the Whole.

Mr. Judd in the chair.

After a short time spent therein, the committee arose and,

The Speaker in the chair,

The Chairman of the committee of the Whole, reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration,

C. B. No. 6, and report back the same without recommendation.

L. D. JUDD, Ch'n.

Report received.

Mr. Holland moved that,

C. B. No. 6, be read for information.

Carried.

C. B. No. 6, was then taken up and read.

Mr. Holland moved the adoption of the following additional section.

Section. 5. Any Telegraph Company to be entitled to the benefits of this act,

Shall establish an office at, or in any city through or near which their line runs, when the inhabitants of such city shall request them to do so.

Mr. Webster moved a substitute as follows:

That the said Company shall be requested to keep open an office for the transmission of messages at the Capitol of the Territory.

Provided their line passes through the same.

The Speaker decided the motion out of order.

The question being upon Mr. Holland's motion, was lost.

Mr. Henson moved to adjourn until 10 o'clock a. m., on Tuesday next. Lost.

Mr. Stansell moved that the rules be suspended and,

C. B. No. 6, read a third time and put upon its final passage.

The ayes and noes being ordered were,

Ayes—Messrs. Chever, Garcia, Leeper, McCannon, Nye, Sheldon, Stansell, White, Woods, Mr. Speaker, 10.

Noes—Messrs. Holland, Henson, Kelley, Ortega, Ripley, Webster, Welton, 7.

So the rules were not suspended.

Mr. Stansell, from the committee on Incorporations reported as follows:

MR. SPEAKER:—Your committee to whom was referred,

H. B. No. 31, an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating, Ditching

Company, have had the same under consideration and ask leave to report the same back to the House, with the following amendments to-wit :

After the word "exceed" in the fourth line, strike out the word "one" and insert the word "three".

Also, after the word "exceed" in eighth line, strike out the word "there" and insert the word "are."

Also by adding section 4, as follows:

Sec. 4. That said Company shall at no time be permitted to divert the whole of the water in said Clear Creek from its original channel, nor shall they at any time divert the water of said Clear Creek, from its original channel to the damage or detriment of Farmers, Ranchmen, or others along the line of said creek whose rights are prior to those granted by the provisions of this act."

And with these amendments recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. White moved that the report be adopted.—Lost.

On motion of Mr. McCannon, the House adjourned until 10 o'clock, a. m., on Tuesday next.

Carried.

## TUESDAY, FEBRUARY 23rd, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Nye, Patterson.

Quorum present.

Journal of the preceeding day read.

Mr. Sheldon moved to expunge from the Journal the notice given by himself on Saturday, in regard to the invasion of Patriotic Ladies.

Carried.

The Journal as corrected, was then approved.

Mr. Nye appeared in his seat.

Notice that on to-morrow, or some subsequent day the following bills would be introduced was then given.

By Mr. Welton.

A bill to incorporate the Excelsior Ditch Company.

By Mr. Stansell,

A bill to re-assign the Territory into Judicial Districts, and provide for the holding of Courts therein.

By Mr. Holland,

A bill prohibiting County Treasurers, and other County and Territorial Officers, from speculating in County Scrip.

By Mr. Marsh,

A bill to authorize the County Commissioners of Gilpin County, to pay persons certain claims for serving as Jurors in the District Court.

Mr. Leeper in pursuance to previous notice, asked leave to introduce,

H. B. No. 39, an act "explanatory to an act concerning Lode Claims," which was read a first and second time by its title.

Mr. Kelley moved that, H. B. No. 31, be taken up and read for consideration.

Carried.

H. B. No. 31, was then read for consideration.

Mr. Chever moved to amend by adding to section 3 as follows.

"*Provided*, That if any owner or lessee of any land adjacent or convenient to said ditch, or any branch thereof, shall apply to said company, for water for the purpose of Irrigating such ground, and said company having it in their power to grant such request, shall refuse or neglect to furnish the same, such neglect or refusal, shall work a forfeiture of this charter.

Carried.

Mr. Koontz, moved that the amendments recommended by the Committee on Incorporations, be adopted.

Carried.

Mr. Kelley moved that the bill as amended be ordered engrossed for a third reading.

Carried.

Mr. Koontz moved that,

H. B. No. 29, be referred to a special committee of three.

Carried.

The Speaker appointed,

Messrs. Koontz, Garcia and Webster such committee.

Mr. Koontz moved that,

H. B. No. 36, be referred to Committee on Agriculture.

Carried.

Mr. Webster moved that House substitute for,

C. B. No. 8, be recommended to the Committee on Counties and County Lines.

Carried.

Mr. Judd moved that,

H. B. No. 37, be referred to a special committee.

Carried.

The Speaker appointed,

Messrs. Judd, Marsh, and Ripley, such committee.

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Mr. Koontz, from Committee on Engrossment reported,  
H. B. No. 15, correctly engrossed.

Report received.

Mr. Stansell moved that,

C. B. No. 6, be taken up, read a third time and put upon its  
final passage.

Carried.

C. B. No. 6, was then read a third time.

Mr. Ripley moved the adoption of an additional section as  
follows:

"Sec. 5. That all fines incurred by the provisions of this  
act, shall be paid into the County Treasurers Office in the county  
where the offense shall have been committed for the use of  
Common schools.

Carried.

Mr. Welton moved that the further consideration of the bill  
be indefinitely postponed.

The ayes and noes being called for, and ordered were,

Ayes—Messrs. Garcia, Holland, Henson, Kelley, Lynch,  
Ortega, Webster, Welton, Woods, 9.

Noes—Messrs. Chever, Judd, Koontz, Leeper, Marsh, Mc-  
Cannon, Nye, Ripley, Sheldon, Stansell, White, Mr. Speaker 12.

Ayes—9.

Noes—12.

So the motion was lost.

Mr. Welton moved that the bill be made the order of the  
day for next Saturday.

Carried.

The Sergeant-at-arms announced a communication from the  
Council, which was received and read, as follows:

COUNCIL CHAMBER,

Feb'y. 20, 1864.

MR. SPEAKER:—I am instructed to inform the House that  
the Council has passed the following bills, and the concurrence  
of your honorable body is respectfully requested therein.

C. B. No. 2, an act providing for an appropriation for prin-  
ting the laws in the Spanish language.

C. B. No. 13, an act to Incorporate the Denver Manufactur-  
ing and Milling Company.

C. B. No. 21, an act to amend an act, entitled an act concern-  
ing Injunctions, approved Nov. 5th, 1861.

C. B. No. 14, an act to incorporate the Denver Artesian Well  
Company.

Herewith transmitted.

And also that the Council has concurred in House amendments to C. J. R. No. 1.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Koontz, moved that,

H. B. No. 15, be read a third time and placed upon its final passage.

Carried.

H. B. No. 15, was then taken up and read a 3rd time, and the question being upon its final passage the ayes and noes were

Ayes—Messrs. Chever, Holland, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ripley, Sheldon, White, Webster, Welton, Woods, 15.

Noes—Messrs. Garcia, Henson, Nye, Ortega, Stansell, Mr. Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. White from the committee on ways and means, presented the following communication, which was received and read.

TREASURER'S DEPARTMENT COLORADO TERRITORY,  
DENVER, CITY, February, 20th, 1864.

*Hon. M. C. White, Chairman Com. of 'Ways and Means.'*

SIR:—I desire to call your attention to an item in my report under the head of "indebtedness of the Territory" of \$100 due Attorney Gen. Brown, for Legal services.

I have often found it necessary to ask for legal advice in matters pertaining to the duties of my office, and found it to be most proper to employ an Attorney by the year, to answer any and all legal questions that might arise in different parts of the Territory. Hence I took the responsibility of engaging Gen. Brown for one year from March 1st, 1863. He has rendered services which I am able to say, and show has resulted in great good to the Territory financially.

I would therefore suggest that the Auditor be authorized by resolution or otherwise, to pay this indebtedness by issuing a warrant for the same upon the general contingent fund.

I have the honor to be respectfully,

M. M. DELANO,

Auditor of Colorado.

Mr. Lynch moved that,

H. B. No. 23 be taken up for consideration.

Carried.

H. B. No. 23, was then read for consideration.

Mr. Holland moved to strike out section 1 of the bill.

Mr. Marsh moved that the further consideration of the bill be deferred until to-morrow at 10 o'clock, a. m.,

Mr. Leeper moved to amend so as to make it the special order of the day for Thursday next, at 10 o'clock, a. m.,

Amendment accepted.

Motion as amended adopted.

Mr. Holland moved that,

C. B. No. 16, be taken up for consideration.

Carried.

C. B. No. 16, was then read and considered, and ordered placed on general file.

Mr. Lynch moved that,

C. B. No. 18, be referred to committee on judiciary.

Carried.

Mr. Leeper moved that,

H. B. No. 18, be taken up for consideration.

Carried.

H. B. No. No. 18, was then read and considered.

Mr. Marsh moved to strike out section 13.

Mr. Ripley moved to amend by adding a proviso to section 13 as follows:

*Provided*, That this section shall not apply to roads in the mountains.

Carried.

The question then being upon striking out the section as amended, was lost.

Mr. Kelley moved to strike out all of the first line of section one after the word "Highways."

On motion of Mr. Holland, the House adjourned until 2 o'clock, p. m.,

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, Marsh, Mallory, Patterson, White, Welton.

Quorum present.

The consideration of,

H. B. No. 18, was then resumed.

The question being upon the motion to strike out all of the

first line of section 1 after the word Highways.

Carried.

Mr. Chever, appeared in his seat.

Mr. Leeper moved to strike out the words "twenty-one" in 4th and 5th, lines of section 5 and insert "eighteen" in lieu thereof.

Carried.

Mr. Sheldon moved to strike out the word "may," in fifth line of section six, and insert "shall" in lieu thereof.

Carried.

Messrs. White and Koontz appeared in their seats.

Mr. Leeper moved to fill the blank in second line of section five with the word "fifty."

Carried.

Mr. Lynch moved to strike out the word "six" in fourth line of section ten and insert the word "ten."

Carried.

Mr. Wood moved to strike out the word "October," in third line of section ten and insert "September."

Lost.

Mr. Kelley moved to strike out the word "two," in seventh line of section twelve, and insert "three."

Carried.

Mr. Webster moved to strike out section "thirteen" and insert the following in lieu thereof:

"Territory and county roads shall not exceed sixty feet in width—other roads shall not exceed thirty feet in width.

Lost.

Mr. Ripley moved to amend section fourteen by adding the words "and be liable to the party injured thereby."

Carried.

Mr. Henson moved that the words "Justice of the Peace," in the third and fourth lines of section fourteen be stricken out and the words "court having competent jurisdiction" be inserted in lieu thereof.

Carried.

Mr. Stansell moved to reconsider the vote on motion to strike out the word "October," in third line of section ten, and inserting the word "September."

Carried.

The question recurring upon the original motion was  
Carried.

Mr. Leeper moved to reconsider the vote on the motion to fill the blank in section five with the word "fifty."

Lost.

Mr. Ripley moved that the bill be engrossed as amended for a third reading.

Carried.

Mr. Koontz, from special committee, reported as follows:

MR. SPEAKER: Your select committee, to whom was referred H. B. No. 29, an act for the protection of farmers from the depredations of stock, beg leave to report the same back to the House with the following amendments, to wit: by striking out of the first line of section one all between the words "that" and "cattle" and inserting "all" instead thereof.

Also,

By striking out all between "sheep" and "be" in the second line of said section and inserting in lieu thereof "which shall hereafter be within the boundaries of Arapahoe, Douglas and Weld counties shall," also, section six, by striking out in second line "the counties of" and substituting "any counties not named in section one of this act" and recommend the passage of the same with the above amendments.

J. A. KOONTZ, Ch'n.

Report received.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,

February 23, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills:

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold claims.

Also,

C. B. No. 20, an act to legalize and confirm the entry of the town site of Golden City.

Also,

Council substitute for

H. B. No. 7, (herewith returned) an act to legalize assessments of property for revenue purposes, in certain cases, herewith transmitted, and the concurrence of your Honorable body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Secretary of Council.

Mr. Judd moved that the report of the committee on

H. B. No. 29 be adopted.

Carried.

Mr. Koontz moved that the bill be ordered engrossed as amended for a third reading.

Carried.

Mr. Leeper, in accordance with previous notice, asked leave to introduce H. B. No. 40, entitled an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company.

Mr. Stansell, having given previous notice, asked leave to introduce

H. B. No. 41, entitled an act to re-locate the Capitol of Colorado Territory.

Mr. Lynch gave notice that he would, on to-morrow or some subsequent day, introduce a bill to incorporate the Central City and Montgomery Wagon Road Company.

On motion of Mr. Stansell,

The House adjourned until to-morrow, at 10 o'clock a. m.

### WEDNESDAY, FEBRUARY 24th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson, Ripley.

Journal of the preceding day read and approved.

On motion of Mr. Sheldon, Mr. Ripley was excused for the day.

Mr. Leeper presented a petition from citizens of Clear Creek County, asking for the removal of the county seat from Idaho to Empire, which was received and read,

And referred to the committee on County and County Lines.

Mr. Chever, from the committee on Enrollment, reported

H. B's Nos. 3, 5, 8, 9 and 12 correctly enrolled.

Report received.

Mr. Sheldon, from committee on Counties and County Lines, reported as follows:

Mr. Speaker—Your Committee, to whom was referred

H. S. for C. B. No. 8, having had the same under consideration, recommend its passage, with the following amendment, to wit:

"*Provided*, That if the line last mentioned in this Section, shall, when surveyed, intersect the Arkansas river above the mouth of Beaver Creek, then said boundary line shall be as follows, to wit:—Commencing at said point of intersection, thence down and along the centre of said river, to a point intersected

by the first meridian section line below the mouth of said Beaver Creek; thence north on said first section line to the township line between townships seventeen (17) and eighteen (18); thence west on said township line, to the range line between ranges sixty-eight (68) and sixty-nine (69); thence north on said range line to the place of beginning.

A. Z. SHELDON, Ch'n.

Report received.

Mr. Marsh, from committee on Judiciary, reported as follows:

MR. SPEAKER—Your committee, to whom was referred C. B. No. 17, a bill entitled, "An act to exclude Traitors and Alien Enemies from Court of Justice in this Territory, in civil cases,"

Beg leave to report, that they have had the same under consideration, and

Recommend the passage thereof.

A. MARSH, Ch'n.

Report received.

Mr. Ortega moved that the committee on Judiciary be requested to report on H. B. No. 20.

Carried.

Mr. Marsh, from committee on Judiciary, gave notice that he would report on the bill to-morrow morning.

Notice that the following bills would be introduced, was given:

By Mr. Sheldon:

An act to revise an act, entitled, an act to incorporate the Ute Pass Wagon road Company, approved August 8, 1862.

By Mr. Eames:

A bill to incorporate the Ralston Creek and Black Hawk Road Company.

By Mr. Koontz:

A bill for the location of a Territorial Road from Denver City via Pueblo, to the south line of Colorado Territory.

Mr. Koontz, from the committee on Engrossment, reported H. B. Nos. 18, 29 and 31 correctly engrossed.

Report received.

C. B's, Nos. 2, 7, 13, 14, 19, 20 and 21, were read a 1st and 2d time by their titles, and referred as follows:

Nos. 19, 20 and 21, to the committee on Judiciary.

Nos. 13 and 14 to the committee on Incorporations.

No. 2 to committee on Ways and Means.

Mr. Webster moved, that

C. S. for H. B. No. 7 be referred to a Special Committee.

Carried.

The Speaker appointed Messrs. Webster, White and Koontz as such committee.

H. B's. Nos. 40 and 41, were read a 1st and 2d time by their titles, and

Referred to the committee on Incorporations.

H. S. for C. B. No. 8, and C. B. No. 17,

Ordered placed on general file.

H. B. No. 31, an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating Ditch Company, was

Read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—22.

Noes—none.

Ayes, 22; noes, none.

So the bill passed, and title agreed to.

H. B. No. 18, an act concerning Roads and Highways, was Read a 3d time, and put upon its final passage.

Mr. Garcia moved to add the following Section:

"This act shall not affect the Counties of Conejos and Costilla."

Motion lost.

Mr. Holland moved to adopt an additional Section, as follows:

"All acts and parts of acts conflicting with this act, are hereby repealed."

Carried.

The question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—18.

Noes—Messrs. Garcia, Ortega, Welton—3.

Ayes, 18; noes, 3.

So the bill passed, and title agreed to.

H. B. No. 29, an act for the protection of Farmers from the depredations of Stock, was

Read a 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Welton, Webster, Woods—16.

Noes—Messrs. Eames, Henson, Kelley, Ortega, Mr. Speaker, —5. Ayes, 16; noes, 5.

So the bill passed.

Mr. Koontz moved to amend the title, by inserting between the words "Farmers" and "from," the words, "in Arrapahoe, Douglas and Weld Counties."

Carried.

The title as amended agreed to.

Mr. Sheldon moved that

H. B. No. 25 be taken up for consideration.

Carried.

The chairman of the committee on Printing stated, that

H. B. No. 25 was then in the hands of the printer.

H. B. No. 39 was referred to the committee on Mines and Minerals.

Mr. Welton moved to take up

H. S. to C. B. No. 8 for consideration.

Carried.

H. S. for C. B. No. 8 was read and considered.

Mr. Welton moved that the amendments proposed by the Committee on the bill be adopted.

Carried.

Mr. Webster moved that the bill be ordered engrossed, for a third reading.

Carried.

Mr. White, from Special Committee, reported as follows:

MR. SPEAKER—The Committee to whom was referred

H. B. No. 38, an act to amend an act to organize and establish the Treasury Department,

Beg leave to report the same back, and recommend its passage.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh moved that

C. B. No. 17 be taken up for consideration.

Carried.

C. B. No. 17 was read and considered.

Mr. Judd moved to amend No. 17 in the Rules of the House, by striking out all after the word "day," in 3d line,

The ayes and noes being ordered and called, were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, White, Webster, Welton, Woods, Mr. Speaker

—19,

Noes—none. Ayes, 19; noes, none.

So the motion prevailed.

Mr. Marsh moved that

C. B. No. 17 be considered, read a 3d time, and placed upon its final passage.

Carried.

C. B. No. 17 was then considered read a third time.

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, White, Webster, Welton, Woods, Mr. Speaker

—19. Noes—none.

Ayes, 19; Noes, none.

So the bill passed, and title agreed to.

On motion of Mr. Sheldon, the House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson and Ripley.

Quorum present.

H. B. No. 10 being the special order for the hour, was taken up and considered.

Mr. Leeper moved that the bill with its amendments be laid upon the table.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 24, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 11, an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company, and your concurrence therein is respectfully asked.

Also, that the Council has receded from their amendment to section 5, in

H. B. No. 11, an act to suppress gambling and gambling houses, herewith returned.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. Holland moved that

H. B. No. 25 be taken up for consideration.

Carried.

H. B. No. 25 was then taken up, and read for consideration.

Mr. Chever moved to amend, by inserting after the word "river," in 5th line of section 1, "or ditch leading water under a charter, and for the purposes of irrigation, from any stream of water, creek or river."

Motion lost.

Mr. Sheldon moved to amend by striking out the word "under," in the first line of section 21, and by striking out the word "heard," and inserting the word "recovered."

Carried.

Mr. Marsh moved to amend Section 13, by adding thereto as follows: "And the Board of County Commissioners of the proper county shall appoint any person or persons to fill any vacancy or vacancies, by reason of such refusal or neglect to serve on the part of such Commissioners until the next election for officers."

Carried.

Mr. Sheldon moved that the bill be ordered engrossed as amended, for a third reading.

Carried.

Mr. McCannon presented the resignation of Mr. Howard, which was received and read, as follows:

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

Circumstances compel me to resign the office of fireman of your House, which you were so condescending as to bestow; I therefore offer this, my resignation, and beg you will accept the same.

Very respectfully,

J. K. HOWARD.

Mr. Woods moved that the resignation of Mr. Howard be accepted.

Carried.

Mr. Stansell moved that the use of this Hall be extended to Mr. J. R. Thompson, for the purpose of delivering his lecture on Geology, on to-morrow evening.

Carried.

Mr. Marsh asked leave, in pursuance to previous notice, to introduce

H. B. No. 42, an act to authorize the County Commissioners of Gilpin County to pay certain jurors fees, which was

Read a 1st and 3d time by its title.

And referred to the committee on Judiciary.

Mr. White moved to amend Rule 13 of the rules of the House by striking out all after the word "chair."

The ayes and noes being ordered, were

Ayes—Messrs. Eames, Garcia, Judd, Koontz, Marsh, Ortega, Shelton, White, Welton—9.

Noes—Messrs. Chever, Holland, Kelley, Lynch, Leeper, McCannon, Nye, Stansell, Webster, Woods, Mr. Speaker—11.

Ayes, 9; noes, 11.

So the motion was lost.

Mr. Nye, previous notice having been given, asked leave to introduce

H. B. No. 43, an act to incorporate the Occidental Gas-Light Company, of the City of Denver, which was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Woods moved that the House do now proceed to elect a fireman.

Carried.

Mr. McCannon nominated Mr. Robert Short.

The ayes and noes being ordered, were for Mr. Short,

Ayes—Messrs. Eames, Garcia, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Sheldon, Webster, Welton, Woods, Mr. Speaker—16.

Noes—Messrs. Chever, Holland, Henson, Stansell, White—5.

Ayes, 16; noes, 5.

So Mr. Short was declared duly elected, and came forward, and was sworn in by the Speaker.

Mr. Koontz, from committee on Engrossment, reported

H. S. to C. B. No. 8 correctly engrossed.

Mr. Webster moved that

H. B. No. 35 be taken up, and read for consideration.

Carried.

H. B. No. 35 was then read and considered, and

On motion of Mr. Sheldon, was made the special order of the day for Friday next, at 2 o'clock p. m.

Mr. White moved that

H. B. No. 38 be read for consideration.

Carried.

H. B. No. 38 was read and considered, and

On motion of Mr. White, was

Ordered engrossed for a 3d reading.

Mr. Koontz moved that

H. B. No. 28 be taken up for consideration.

Carried.

H. B. No. 28 was then read and considered.

Mr. Koontz moved to amend Section 6, by striking out the

words "the Territory," in 2d and 3d lines, and inserting the words—"said County."

Carried.

On motion of Mr. White, the House adjourned until 10 o'clock a. m. to morrow.

THURSDAY, FEBRUARY 25th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Journal of the preceding day read and approved.

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

MR. SPEAKER: Your committee, to whom was referred

H. B's. Nos. 42, 40 and 20, and C. B's. Nos. 18, 20 and 21, having had the same under consideration, and recommend the passage of

H. B's. Nos. 40 and 42, and C. B's. Nos. 20 and 21 without amendment.

Your committee would further recommend the passage of substitute to

H. B. No. 20, submitted herewith, and

Also,

That the following section be added to C. B. No. 18:

Sec. 19. In all cases of a tenancy from year to year between persons in this Territory, three month's notice to quit shall be deemed sufficient to terminate the same.

A six months tenancy may be terminated by a notice of one month; and a ten day's notice to quit shall be sufficient to terminate a monthly tenancy.

Sec. 20. This act shall take effect and be in force from and after its passage.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Koontz, from committee on engrossment, reported

H. B's. Nos. 25 and 38 correctly engrossed.

Report received.

Mr. Stansell, from committee on incorporations, reported as follows:

MR. SPEAKER: Your committee to whom was referred C. B.

No. 14, an act to incorporate the Denver Artesian Well Company, ask leave to report the same back to the House without amendment and recommend its passage.

J. B. STANSELL, Ch'n.

Report received Mr. Leeper from the committee on mines and minerals made the following report:

MR. SPEAKER:—Your committee to whom was referred,

H. B. No. 39, "an act entitled an act concerning Lode claims would respectfully report that they have had the same under consideration, and hereby report the same back to the House and recommend its passage, with the following additional section:

Sec.—. That section 1 of said act be amended by striking out the word "surface" in the 4th line, and inserting the word "horizontal" in lieu thereof.

All of which is respectfully submitted

J. E. LEEPER, Ch'n.

Report received.

Mr. Chever from special committee submitted the following report:

MR. SPEAKER: Your special committee to whom was referred the Petition of F. J. Ebert, asking compensation for a map of Colorado Territory, made by him and used by the Legislature of this and previous sessions, report,

That they have had before them, all the witnesses necessary to thoroughly understand the same and find that the allegations therein contained are true.

That the said maps was made by the said Ebert, under the orders of Governor Gilpin, for the use of the Legislative Assemblies or the military authorities of the Territory; that it was indispensable to the first Legislative Assembly, enabling them in the utter absence of any other reliable map to divide this Territory into Counties and Judicial Districts; and your committee believe from all the information they have been able to procure, and which they deem sufficient, that the said F. J. Ebert was one hundred and one days in completing said map, and that the labor performed thereon, was worth five hundred and five dollars, [the sum which the petitioner claims for the same but your committee also find that at the time the said map was ready for the joint committee of the first Legislative Assembly, and was used by them for the establishment of County lines, the said Ebert had labored sixty days thereon, and that the balance of time spent by him on said map, was

for the purpose of preparing the same for lithographing, and that they do not think the Territory is justly chargeable therefor.

Your committee accordingly report that F. J. Ebert worked sixty days upon said map for use of this Territory, that his services were worth five dollars per day, and that they believe the sum of three hundred dollars is justly due him from the Territory.

D. A. CHEVER Ch'n.

Report received.

Mr. Judd from special committee reported as follows:

MR. SPEAKER:—The committee to whom was referred, H. B. No. 37 "an act to secure unto James Miller of Gilpin County, certain rights" report the same back to the House without amendment and recommend its passage.

LEON D. JUDD Ch'n.

Mr. Webster, from select committee, to whom was referred Council substitute for,

H. B. No. 7, have examined the same and report it back to the House with the recommendation that it be passed.

Respectfully submitted.

S. D. WEBSTER, Ch'n.

Report received.

C. B. No. 11, was read first and second time by its title.

The Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T.,  
February 24, 1864. }

*To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:*

SIR:—I have the honor to inform the House that I have signed and approved the following Joint Resolutions and Laws, viz.

Joint Resolutions,  
Relative to Territorial Boundaries.

An act to authorize the Board of Directors of School District No. 1 in the County of Jefferson, to levy a tax.

An act to amend an act entitled an act concerning judgments and executions.

An act to incorporate the Dona Emelia Town Company.

An act to amend an act entitled an act to define County

boundaries, and to locate County Seats in Colorado Territory.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,

*Governor of Colorado Territory.*

Mr. Stansell in pursuance to previous notice, asked leave to introduce,

H. B. No. 44, "an act to divide the Territory of Colorado into judicial Districts and to provide for the holding of Courts in the same, which was read a first and second time by its title.

Mr. Eames having given previous notice asked leave to introduce,

H. B. No. 45, "an act to Incorporate the Ralston Creek and Black Hawk Wagon Road Company," which was read a first and second time by its title.

Mr. McCannon in accordance with previous notice, asked leave to introduce,

H. B. No. 46, an act to repeal that part of the Cash Creek Park Ditch Company's charter, which includes Clear Creek.

Which was read a first and second time by its title.

Mr. Marsh moved that substitute to H. B. No. 20, be ordered engrossed for a third reading.

Carried.

Mr. Judd asked leave of absence for one day, which was granted.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,

February 24, 1864.

MR. SPEAKER—I am instructed to inform the House of the passage by the Council of C. B. No. 22, "an act to incorporate the Denver Seminary."

And the concurrence of your honorable body therein is respectfully requested.

Also, that they have concurred in, and passed,

H. B. No. 4, "an act to amend an act entitled an act regulating the mode of proceedings in attachment in certain cases" with the following amendments thereto viz.

Amend Sec. 1, so as to read as follows:

"That section 8. of an act entitled "an act regulating the mode of proceedings in attachment in the District Courts, approved Oct. 29th, 1861, shall be, and the same is hereby amended as follows:

Add immediately after the word "quashed" in the last line of

said section the following "And the property attached shall be released from such attachment, and restored to the possession of the defendant, and the garnishee, if any shall be discharged, but the writ of attachment in cases commenced by attachment shall, nevertheless stand as a summons, and the cause shall proceed to trial and judgment as if originally commenced by summons.

In all cases of attachment in aid of a suit at law, quashing the attachment, shall not effect the suit otherwise than to discharge the property attached and the garnishees.

Also, amend section 2 by adding thereto the following:

"Or that the defendant is a foreign corporation.

H. B. No. 14, an act to incorporate the Swan River and Delaware Flats fluming company" with the following amendments.

Strike out the figure "six" in fourth line from the bottom of section 13, and insert instead thereof, the figure "eight" so that it shall read 1868.

I am also, instructed to inform your honorable body that the Council disagrees to House amendments to section 6 of C. B. No. 5.

An act to amend "an act entitled an act regulating the mode of proceeding in Replevin" and concur in your amendment to section 11 of the same.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Marsh moved that C. B. No. 18, be read for consideration.  
Carried.

C. B. No. 18, was then read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Motion withdrawn.

Mr. Webster moved that the bill be referred to the committee on judiciary.

Motion withdrawn.

The bill was ordered on general file.

Mr. Marsh moved that H. B. No. 42.

Be read for consideration.

Carried.

H. B. No. 42, was then read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Leeper moved that,

H. B. No. 39, be read for consideration.

Carried.

H. B. No. 39, was read and considered.

Mr. Holland moved that,

The amendments proposed by the committee be adopted.  
Carried.

House substitute for,

C. B. No. 8, was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 19.

Noes—Mr. Sheldon, 1.

Ayes—19.

Noes—1.

So the bill passed and the title agreed to.

Mr. Sheldon moved that

H. B. No. 25 be considered, read a 3d time, and placed upon its final passage.

Carried.

H. B. No. 25 was considered read.

Mr. Ripley moved the adoption of the following additional section:

SEC. 22. That the County of Boulder, in the Territory of Colorado, be and the same is hereby exempted from the provisions of this act, and that the act repealed by this act, be and remain in full force and effect in and for the said County of Boulder, as fully and effectually as if the said act was not hereby repealed.

Mr. Kelley moved to amend, by inserting the words "and Jefferson," after the word "Boulder," when it occurs in the proposed section.

Amendment accepted.

Mr. Garcia moved to insert the word "Conejos," after word "Jefferson."

Lost.

The question recurring upon the adoption of the Section as amended,

The ayes and noes being ordered, were,

Ayes—Messrs. Chever, Garcia, Henson, Kelley, Ortega, Ripley, Welton—7.

Noes—Messrs. Eames, Holland, Koontz, Lynch, Leeper, Marsh, Nye, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—13.

Ayes, 7; noes 13.

So the motion was lost.

The question then being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Eames, Holland, Henson, Koontz, Lynch,

Leeper, Marsh, Nye, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—13.

Noes—Messrs. Chever, Garcia, Kelley, Ortega, Ripley—5.

Ayes, 13; noes, 5.

So the bill passed, and title agreed to.

On motion of Mr. Holland, the House adjourned until 2 o'clock, p. m.,

#### AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Judd, Kipp, Koontz, McCannon, Mallory, Nye, Patterson.

Quorum present.

H. B. No. 38 was placed upon its third reading.

Mr. Sheldon moved that it be re-committed to the committee on Ways and Means.

Carried.

Mr. Holland moved that the consideration of

H. B. No. 23, which was made the special order of the day, deferred until Wednesday next, at 2 o'clock, p. m.

Carried.

H. B. No. 16 being the special order of the hour, was then read and considered.

Mr. Chever moved to amend Section 2, by inserting after the word "void," in 4th line, the following—"and all marriages between negroes or mulattoes of either sex and white persons, are also declared absolutely void."

Carried.

Mr. Chever moved to amend Section 3, by inserting in the 2d line, after the word "marriages," the words, "or shall knowingly issue a marriage license for such marriage."

Motion lost.

Mr. Marsh moved to amend Section 3, by inserting after the word "fine," in 3d line, the following—"of not less than fifty nor more than five hundred dollars;" and insert after the word "imprisonment," in 3d line of same section—"of not less than three months, nor more than two years."

Carried.

Messrs. Koontz and McCannon appeared in their seats.

Mr. Ripley moved to amend, by adding to Section 11, as follows: "that persons solemnizing such marriage shall be entitled to receive for their services the sum of two dollars in addition to the fee to be paid said recorder,"

Motion withdrawn.

Mr. Holland moved to strike out all after word "section," in 2d line of Section 3, to the word "if," in the 3d line.

Carried.

Mr. Holland moved that the bill be ordered engrossed, as amended, for a 3d reading.

Carried.

Mr. Chever, from committee on Enrollment, reported C. B's. Nos. 9 and 17 correctly enrolled.

Report received.

Mr. Koontz, from the committee on Engrossment, reported H. B's Nos. 20 and 42 correctly engrossed.

Report received.

Mr. Chever moved that

H. J. M. No. 1 be taken from the table.

Carried.

Mr. Chever moved that

H. J. M. No. 1 be referred to the committee on Territorial Affairs.

Notice that on to-morrow or some subsequent day the following bills would be introduced:

By Mr. Chever:

A bill for an act amendatory of an act to incorporate the Cash Creek Fluming Company.

By Mr. Webster:

A bill for an act to amend an act, entitled an act regulating Elections.

By Mr. Woods:

A bill to incorporate the Cash Creek and Lake County Gold Mining Company.

By Mr. Marsh:

A bill for an act to legalize the acts of the Superintendent of Public Schools.

Mr. Leeper asked leave to introduce

H. B. No. 47, an act to enable Robert Steel to sell and convey certain mining claims, which was

Read a 1st and 2d time by its title, and

Referred to the committee on Judiciary.

Mr. Stansell moved that the House do now resolve itself into Committee of the Whole on H. B. No. 26.

Carried.

The House then went into Committee of the Whole,

Mr. Woods in the chair.

After some spent therein, the Committee arose.

The Speaker in the chair,

The Committee of the Whole through their chairman, reported as follows:

Mr. SPEAKER:—The Committee of the Whole, hav had under consideration

H. B. No. 26. an act to amend an act to anable Road, Ditch and other Companies to become bodies corporate, and

Report that they have considered the same from section one to section — inclusive, and recommend the following amendments, to wit:

Amend Section 1, by striking out all after the word "certificate," in the eleventh line in the printed bill.

Also, insert after the word "holding," in 10th line of Section 2 the words, "by conveying by deed, or otherwise."

Also, in Section 5, 9th line, after the word "proxy," insert, "provided one half the stock is represented."

Also, strike out the word "may," in 13th line of said section, and insert "shall," in lieu thereof.

Also, strike out in 3d line of said section, the words, "and citizens of the United States;"

And your committee report progress, and ask leave to sit again.

JOEL WOODS, Ch'n.

Report received.

Mr. Kelley moved to adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making it 9 a. m.

Lost.

The question recurring upon the original motion, motion lost.

Mr. Holland moved to take up the next bill on general file.

Carried.

H. B. No. 37 was then read and considered.

Mr. Marsh moved to defer the further consideration of the bill.

Motion withdrawn.

Mr. Marsh moved that the bill be considered engrossed, and read a third time by its title, and put upon its final passage.

Carried.

H. B. No. 37, an act to secure to James Miller, of Gilpin County, certain privileges, was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods—16.

Noes—Mr. Speaker—1.

Ayes, 16; noes, 1.

So the bill passed, and title agreed to.

Mr. Marsh moved to take up the next bill on general file.

Carried.

C. B. No. 21 was then read and considered.

Mr. Sheldon moved that the bill be read a 3d time, and put upon its final passage.

Carried.

Mr. Marsh moved that the reading of the bill be dispensed with.

Carried.

C. B. No. 21, an act to amend an act, entitled "an act concerning Injunctions," approved November 5th, 1861,

Was then placed upon its final passage, and

The ayes and noes being called, were,

Ayes—Messrs. Chever, Garcia, Henson, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Woods, Mr. Speaker—15.

Noes—Messrs. Holland, Kelley, Welton—3.

Ayes, 15 ; noes, 3.

So the bill passed, and title agreed to.

Mr. Stansell moved that the next bill on general file be taken up. Carried.

H. B. No. 40 was then taken up and considered.

Mr. Leeper moved that the further consideration of the bill be deferred.

Carried.

Mr. Holland moved to adjourn until 9 o'clock a. m., to-morrow. Lost.

Mr. Marsh moved to take up the next bill on general file.

Carried.

C. B. No. 20 was then taken up and considered.

Mr. Stansell moved that the bill be considered read a third time, and placed upon its final passage.

Carried.

C. B. No. 20, an act to legalize and confirm the entry of the town site of Golden City,

Was then considered read a 3d time, and placed upon its final passage.

The ayes and noes having been called, were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, Woods, Mr. Speaker—16.

Noes—None.

Ayes, 16 ; noes, 0.

So the bill passed, and title agreed to.

On motion of Mr. Holland, the House adjourned until 9 o'clock, a. m., to-morrow.

FRIDAY, FEBRUARY 26th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Kipp, Koontz, Mallory, Patterson, White, Welton, Woods.

Quorum present.

Journal of the preceding day read and approved.

Amendments proposed by Council to,

H. B. No. 4, were taken up and considered,

And on motion of Mr. Marsh, the House concurred in council amendments.

Amendments proposed by the Council to,

H. B. No. 14, were read and considered and on motion of Mr. Lynch,

The House concurred in the Council amendments.

House amendments to Council Bill No. 5, to which the Council disagreed, was taken up and considered, and on motion of Mr. Marsh was laid over until to-morrow.

Mr. Stansell from the committee on incorporations submitted the following report.

MR. SPEAKER—I am instructed by the committee to whom was referred,

H. B. No. 22, an act to incorporate the City of Black Hawk to report that they have had the same under consideration and have amended said bill by striking out all after "commencing" in third line of section second, to the word "thence" in tenth line, and insert the following in lieu thereof, viz.

"Two hundred feet directly west of the northwest corner of Smith and Parmlee's Bank, thence running in a direct line to the dividing stake between claims Nos. 17 and 18 southwest on the Gregory Lode, thence due south to the top of the divide between Gregory and Lake Gulches,"

And with this amendment recommend the passage of the bill.

Also, your Committee have had under consideration,

H. B. No. 27, an act to incorporate the city of Central.

And ask leave to report the same back with the following amendment and recommend its passage.

Strike out all after the word "south" in the fifth line of section two, to the word "Gulches," in the tenth line, and insert the following in lieu thereof, viz.

"Of the dividing stake between claims Nos. 17 and 18 southwest on the Gregory Lode, running thence due north to the said dividing stake, between claims Nos. 17 and 18, southwest

on the Gregory Lode, thence north-easterly to a point two hundred feet directly west of the north-west corner of Smith and Parmlee's Bank, thence running in a direct line to a point five rods above the stamp mill of Messrs. Hale & Co. in Chase Gulch, to the top of the divide between Gregory and Chase Gulches.

J. B. STANSELL, Ch'n.

Report received.

On motion of Mr. Webster,

C. B. No. 11, was referred to the committee on incorporations.

C. B. No. 22, was read a first and second time by its title and referred to the committee on incorporations.

Mr. Chever having given previous notice asked leave to introduce H. B. No. 48, an act to legalize the acts of the Superintendent of Public Schools, which was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Chever in pursuance to previous notice asked leave to introduce,

H. B. No. 49, "an act concerning weights and measures,

Which was read a first and second time by its title and referred to the committee on judiciary.

Mr. Marsh in accordance with previous notice, asked leave to introduce,

H. B. No. 50, an act to increase the jurisdiction of justices of the peace and probate courts.

Which was read a first and second time by its title and referred to the committee on judiciary.

Messrs. Koontz, Woods, Welton and White appeared in their seats.

H. B. No. 20, "an act to prevent Felons from defending persons in the courts in this Territory," was then read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker—20.

Noes—none.

Ayes—20.

So the bill passed and title agreed to.

H. B. No. 42, an act to authorize the County Commissioners of Gilpin County, to pay certain jurors fees.

Was read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kooutz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Stansell, Sheldon, White, Welton, Woods, Mr. Speaker,

Ayes—20.

Noes—0.

So the bill passed and title agreed to.

Mr. Stansell, moved that,

H. B. No. 44, be taken up for consideration.

Carried.

H. B. No. 44, was then read and considered, and on motion of Mr. Stansell, was referred to the Committee on judiciary.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,  
Feb'y. 25, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed,

H. B. No. 13, "an act for the protection of sheep" with the following amendments to-wit:

Add section 4, "No herd or flock of sheep numbering more than twenty shall be kept or pastured for more than one week, within the limits of Denver or Golden City, or any Town or Village in either of the Counties of Costilla or Huerfano or either or any of them or within two miles of either of said cities, towns or villages.

And any owner or keeper of Sheep, or other persons who shall violate the provisions of this section, shall be fined for the use of the county in which such violation shall take place, the sum of twenty-five dollars, for each and every day that any such herd shall be kept or pastured in violation hereof, to be recovered by action instituted by any person who shall feel himself aggrieved, in the name of the people of the Territory of Colorado, and in any court of competent jurisdiction."

Also, amend title by adding after the word "sheep" the following, "and to prohibit pasturing the same in certain localities."

H. B. No. 2, a bill defining the manner of sub-dividing sections, as established by United States Surveyor in Colorado Territory with the following amendment.

Add to section 1,

"Provided, That all fractional quarter sections shall be so divided as to give to occupants of any part thereof, the quantity of land which shall be held to appertain to such part at any United States Land Office in this Territory.

And also, H. J. R. No. 5,

Authorizing the anpointment of agents for the encouragement of Immigration, without amendment.

And also, that the Council has passed,

C. B. No. 23, a bill for "an act to authorize Clerks of Courts of Record, Probate, Judges and Justices of the Peace, to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office" and the concurrence of your honorable body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Stansell moved that the House do now resolve itself into committee of the whole on,

H. B. No. 26.

Carried.

The House then went into committee of the whole.

Mr. Ripley in the chair.

After sometime spent therein the committee arose.

The Speaker in the chair.

Mr. White moved that when a message in writing is sent to this House by the Council, that it be received and sent up to the Speaker, to be read by him or the clerk.

Carried.

On motion of Mr. White, the House adjourned until 2 o'clock p. m.,

#### AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Koontz, Kelley, Marsh, Malory, Nye, Patterson.

Quorum present.

H. B. No. 25, being the special order for the hour, was taken up and considered.

Mr. Sheldon moved to amend section 1 by striking out the word "3" in the third line, and inserting "5" in lieu thereof, and by striking out the word "1" in fourth line and inserting "2". Carried.

Mr. Kelley appeared in his seat.

Mr. Webster moved to strike out the third section.

Motion Lost.

Messrs. Koontz and Nye appeared in their seats.

Mr. Webster moved to strike out section 4.

Motion lost.

Mr. Sheldon moved that the bill be ordered engrossed for a third reading. Carried.

Mr. Chever from special committee submitted the following report.

MR. SPEAKER:—Your select committee, to whom the correspondence between, His Excellency Governor Evans and the Governor of New Mexico, with the accompanying documents relative to the New Mexican campaign was referred, beg leave to report that the subject, being one which has painfully interested the soldiers and people of this Territory, has received our careful consideration.

The action of the New Mexican Legislature, in ascribing the first consideration for the services then rendered, to the California troops, was received by the Colorado soldiers and by all classes of our citizens with deep regret and astonishment.

Our troops after their victorious campaign resulting in the complete expulsion of the Texans from New Mexico. received from the people of that Territory, the most kindly treatment, dictated, without doubt, by a sentiment of gratitude for the great services performed.

Our citizens deprived of participation in the honors of that campaign, rejoiced in the glory won by our troops in the cause of our sister Territory, and appropriated to themselves a portion of the gratitude which they believed would be extended to them.

It was under such circumstances, and with such anticipations that they received the action of the New Mexican Legislature giving to the soldiers of California the greater meed of praise.

The concise and able letter of his Excellency Gov. Evans to the Governor of New Mexico, detailing the history of the campaign and showing conclusively that the Colorado troops, together with the "regulars" and New Mexican Volunteers alone accomplished the task of freeing the soil of New Mexico from Foreign invasion, and that to the Colorado troops belongs chiefly the honor and the glory; and the response of the Assembly of New Mexico, have been before us, and while your committee accept with pleasure their assurance of gratitude for the services of our troops in their behalf, and their emphatic denial of any intent to do them injustice in their resolution of thanks. Your committee regret that the Legislature did not fully meet the issue presented in the letter of our Governor, and give the first place of merit to the troops of Colorado.

Your committee accordingly advise that this report be placed upon the Journal of this House, together with the correspondence upon the subject, as being due both to ourselves and to the truth of History.

Your Committee recommend that copies of this report and of the correspondence, be sent to the Secretary of the Territory for transmissal to the President of the United States, the Governor of California and to the Governor of New Mexico; and that the thanks of this House, be tendered to his Excellency Gov. Evans, for his able and conclusive plea for justice to our troops, and for the interest he has shown in defending the honor of our Territory.

They also recommend that a copy of the correspondence above alluded to, and of this report, be sent to the Honorable the Council of this Territory, and that the Secretary of this Territory, be requested to have the same printed for distribution to the soldiers of Colorado.

D. A. CHEVER, Ch'n.  
DAVID RIPLEY,  
A. MARSH.

Report received.

Mr. Webster moved that the report be adopted.

Carried.

Mr. Holland moved that the select committee appointed on the petition of F. J. Ebert, be discharged from further duties on the same.

Carried.

Mr. Koontz from the committee on engrossment reported, H. B. No. 16, correctly engrossed.

Report received.

The committee of the whole, this forenoon through their chairman reported as follows:

MR. SPEAKER: The committee of the whole have had under consideration,

H. B. No. 26, an act to amend an act to enable Road, Ditch, Manufacturing and other companies to become bodies corporate.

And have considered the same, from section 12 to section 34, and recommend the following amendments to-wit.

That section 12, be so amended as to read "sections" after the word "following" in sixth line.

Also, strike out the word "Company" in the ninth line of section 15, and insert the word "Companies" in lieu thereof.

Also, strike out all of the first line, and the first two words of the second line of section 17.

Also, strike out in fifth line of section 24, the word "3" and insert "6."

Also, strike out in seventh line of same section the word "3" and insert "6."

Also, in third line of section 18, strike out the words "knowing" it to be false."

Also, insert the words "the County Commissioners or" between the words "by" and "the" in 7th line of section 30.

Also, strike out the word "gathered" in 10th line of section 31, and insert the word "collected."

Also, in the 2d line of section 32, strike out the word "gatherer," and insert the word "Collector."

And report progress and ask leave to sit again.

DAVID RIPLEY, Ch'n.

Mr. Holland moved that,

H. B. No. 16, be read a third time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read.

Carried.

H. B. No. 16, an act relating to marriages, was considered read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 20, noes—0.

Ayes—20.

Noes—0.

So the bill passed and title agreed to.

Mr. Marsh, appeared in his seat.

Mr. White moved that the House do now go into committee of whole.

Carried.

The House then went into committee of the whole.

Mr. White in the chair.

After sometime spent therein the committee arose.

The Speaker in the chair.

Mr. Koontz moved that the House do now adjourn until 10 o'clock, a. m., to-morrow.

Mr. Ripley moved to amend,

So as to make the hour 9 o'clock.

Amendment lost.

The question being open the original motion was,

Carried.

So the House adjourned.

## SATURDAY, FEBRUARY 27th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.  
The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Kelley, Mallory, Nye, Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Ripley moved that Doc. Kelley be excused for to-day.

Carried.

Mr. Holland presented the petition of citizens of Clear Creek County, asking that lode claims be exempted from taxation, which was received and read.

Also, a remonstrance from citizens of Clear Creek County, against the removal of the county seat,

Which was received and read,

And referred to the committee on Counties and County Lines.

Mr. Stansell, from the committee on Incorporations, submitted the following Reports :

MR. SPEAKER: The Committee on Incorporations, to whom was referred

C. B. No. 22, "An act to incorporate the Colorado Fluming Company, have had the same under consideration, and ask leave to report the same back without amendment,

And recommend its passage.

Also, that we have had

H. B. No. 43, "An act to incorporate the Occidental Gas-light Company" under consideration, and ask leave to report the same back without amendment,

And recommend its passage.

Also, H. B. No. 30, "An act to incorporate the Denver City Gas-light Company," and ask leave to report the same back, with the following amendments, viz :

Add to Section 5—"Provided, that the said Company shall at no time issue the bonds or certificates of indebtedness of the Company to an amount exceeding fifty per cent. of the capital stock of said company."

Also, add the following :

SEC. 9. The said Company shall commence operations within six months from the passage of this act, and shall be prepared to furnish gas to the City and inhabitants of Denver within eighteen months thereafter, or forfeit all the privileges obtained by and under this act.

J. B. STANSELL, Ch'n.

Report received.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 26, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 26, "a bill for an act to amend an act, entitled, "an act to establish and regulate Territorial Roads; "

And also C. B. No. 28, "An act concerning Bills of Exchange, Promissory Notes, and negotiable instruments"—herewith transmitted,

And your Honorable body is respectfully requested to concur therein.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. White, from the committee on Ways and Means, reported as follows:

MR. SPEAKER: The committee on Ways and Means, to whom was referred

H. B. No. 38, have had the same under consideration, and report the same back with the following amendment, and recommend its passage:

SEC. 8. The Auditor shall receive a salary of eight hundred dollars, and the Treasurer a salary of six hundred dollars per annum, which shall be paid quarterly out of the Territorial Treasury.

Respectfully submitted,

M. C. WHITE, Ch'n.

Report received.

Mr. Welton, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 36, beg leave to report the same back, with the following amendment to Section 1 of said bill, to-wit:

Add to said section—"Provided that this section shall not be so construed as to prevent the herding of such stock as may be required for the use of the owners of such plantations or farming ranches within the limits therein defined; "

And would recommend its passage.

N. W. WELTON, Ch'n.

Report received.

Mr. Chever, from committee on Enrollment, reported H. B's. Nos. 4, 11, 14, and H. J. R. No 5 correctly enrolled. Report received.

Mr. Koontz, from the committee on Engrossment, reported H. B. No. 35, correctly engrossed. Report received.

Mr. Marsh, from committee on Judiciary, submitted the following report:

MR. SPEAKER: Your Committee to whom was referred

C. B. No. 18, and H. B. No. 48,

Beg leave to report that they have had the same under consideration, and recommend the passage thereof.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

C. A. to H. B. No. 2 was then read and considered.

Mr. Sheldon moved that the House do concur in Council amendment.

Carried.

C. A. to H. B. No. 13 was read and considered.

Mr. Judd moved that the word "Denver" be struck out of Council Amendment.

Motion lost.

Mr. Sheldon moved to amend the Council Amendment, by adding the following thereto:

Provided, that this act shall not be construed to prevent the owner of such sheep from herding or pasturing the same on the land of such owner.

Carried.

Mr. Garcia gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act amendatory of an act granting an exclusive right to Joseph M. Jaynes and Joseph N. Garcia, to maintain a ferry across the Rio Grande at Paso del Puerto,

Mr. Stansell gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce a bill to incorporate the Golden City Gas-light Company.

C. B. No. 23, "An act to authorize clerks of Courts of Record, Probate Judges, and Justices of the Peace to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office," was

Read a 1st and 2d time by its title, and

Referred to the committee on Judiciary.

C. B. No. 26, an act concerning Bills of Exchange and Promissory Notes, and negotiable Indebtedness, was

Read a 1st and 2d time by its title, and  
Referred to the committee on Judiciary.

C. B. No. 27, an act to amend an act, entitled an act to establish and regulate Territorial roads, was

Read a 1st and 2d time by its title, and  
Referred to committee on Roads and Bridges.

Mr. Stansell, having given previous notice, asked leave to introduce

H. B. No. 51, "An act to legalize the records, laws and proceedings of certain mining Districts in Park County," which was

Read a 1st and 2d time by its title, and

Referred to the committee on Territorial Affairs.

Mr. Nye appeared in his seat.

H. B. No. 35, an act to amend an act providing for the collection of Revenue," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. McCannon, Stansell, Webster—3.

Ayes, 17; noes, 3.

So the bill passed, and the title agreed to.

The chairman of the Committee of the Whole, (afternoon session yesterday,) submitted the following report:

MR. SPEAKER: The Committee of the Whole have had under consideration

H. B. No. 26, an act to amend an act, to enable Road, Ditch, and other Companies to become bodies corporate, and have considered the same from Section 34 to Section 48, and beg leave to recommend the following amendments, to wit:

Strike out all of Section 38 after the 4th line, and insert as follows: "that the banks on both sides of the stream where the said bridge or ferry is to be built or established, is owned by said Company, or that they have obtained in writing the consent of the owners of the banks where the said bridge is to be built, to erect the said bridge, or establish the said ferry as aforesaid, or that the banks at such places are a public highway."

Also, strike out in 2d and 8th line of Section 44, the word "thirty," and insert the word "ninety" in lieu thereof.

Also, strike out the word "one," in 6th line of section 44, and insert "two" in lieu thereof. Also, strike out all in 7th line after the word "require."

Also, add the following section:

Sec. 48.—"Nothing in this act shall be so construed as to au-

thorize any company organized under the same to issue notes or bills for circulation as money."

Also, by adding section 49, as follows :

"SEC. 49.—That any company organized under and by virtue of the provisions of an act, entitled an act to enable road, ditch and other companies to become bodies corporate, approved August 15th, 1862, may surrender their certificates to the Secretary of the Territory by the certificate of the President of said Company, filed in the office of said Secretary, and become a body corporate and politic under the provisions of this act, by complying with all and singular the provisions thereof.

Also, strike out the word "citizen," in 3d line of Section 5, and insert "resident" in lieu thereof.

Also, insert in the 6th line of section 35, between the words "by" and "the," the words "County Commissioners, or" Also, by inserting the words, "not to exceed twenty per cent in any one month," after the word "proper," in 3d line of section 8 :

And report the same back to the House, with a recommendation that it be referred to a special committee without instructions.

M. C. WHITE, Ch'n.

Report received.

Mr. Koontz moved that the report of the Committee be adopted.

Mr. Ripley arose to a point of order, which the chair decided was not well taken.

Mr. Stansell moved as a substitute to Mr. Koontz's motion, that H. B. No. 26, with the amendments proposed by the Committee of the Whole be referred to a special committee.

Carried.

The Speaker appointed Messrs. Stansell, Marsh and Holland such committee.

C. B. No. 5 was then taken up, and amendment by the House to Section 6, in which the Council disagreed, was read and considered.

Mr. Marsh moved that the House do recede from their amendment. Carried.

C. B. No. 6 being the special order of the day, was taken up.

Mr. Webster moved to defer the further consideration of the bill until two weeks from to-day.

The ayes and noes being ordered and called, were,

Ayes—Messrs. Garcia, Holland, Henson, Lynch, Ripley, Webster, Welton—7.

Noes—Messrs. Chever, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Woods, Mr. Speaker—13. Ayes, 7; noes, 13.

So the motion was lost.

Mr. Holland moved to lay the bill on the table.

Lost.

Mr. Welton moved to refer to a special committee.

Lost.

Mr. Holland moved that the further consideration of the bill be deferred until next Saturday.

Lost.

Mr. Sheldon moved that the bill be read a 3d time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read.

Motion withdrawn.

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory, and protect the same, was then read a 3d time.

Mr. Holland moved that the House do now adjourn until 2 o'clock p. m.

Motion lost.

The question being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Chever, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Stansell, White, Woods, Mr. Speaker—12.

Noes—Messrs. Garcia, Holland, Henson, Lynch, Ripley, Webster, Welton—7.

Ayes, 12; noes, 7.

So the bill passed, and title agreed to.

On motion of Mr. Leeper, the House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Holland, Kipp, Kelley, Mallory, Patterson and Webster.

Quorum present.

C. B. No. 22, an act to incorporate the Colorado Seminary was taken up and considered.

Mr. Ripley moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read the third time.

Carried.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods, and Mr. Speaker—18.

Noes—0.

So the bill passed and title agreed to.

Messrs. Holland and Welton appeared in their seats.

Mr. Marsh, from the committee on judiciary, reported as follows:

MR. SPEAKER: Your committee, to whom was referred

H. B. No. 44, having had the same under consideration, beg leave to report that they would recommend the passage thereof with the following amendments, to wit:

Amend the fifth section by inserting after the words "city of Denver," "in" the county of Arapahoe; and also add at the end of said section the following:

"And at Idaho or the County Seat of Clear Creek county, commencing on the first Tuesday in October, in each year.

Amend section 6 by inserting after the word "Pueblo," in the 7th line, "in the county of Pueblo," and after the word "Laurette," in the 9th line, insert "in the county of Park."

Amend section 8 by striking out all of section after the word "Arapahoe," in the 7th line of said section.

Also,

By striking out all of section 15 of said act.

Also,

By adding the following additional sections to be inserted in the order herein arranged immediately after section 14:

Section 15. It shall be the duty of the Deputy Clerk of the District Courts, in such counties as are hereby attached to other counties for judicial purposes, to endorse the original papers in such court, civil or criminal, now or hereafter pending in said counties, together with a certified copy of all entries made in such cause, in an envelope sealed up, and by him directed to the Clerk of the District Court of the District, and in the county to which his said county may be attached for judicial purposes, and upon the receipt of such papers by the Clerk of such District Court, it shall be his duty to open and file the same; and thereupon said cause shall be proceeded with in all respects as if originally commenced in the county in which said Court is held.

Section 16. All the business in the second judicial District now pending in the District Court, is hereby transferred to the first judicial District, as fixed by this act, and shall be proceeded with hereafter in the same manner as if originally commenced in said first judicial District; and all causes, civil or criminal,

now pending in the third judicial District, is hereby transferred to the second judicial District, as provided by this act, and shall be proceeded with in the same manner as if originally commenced in the said second judicial District.

Section 17.—The District Court of the United States, in the third judicial District, shall be held at least three times in each year, at Fort Garland, in said District, at such time as the Judge of said Court may fix, provided said time do not conflict with any term of said Court, the time of which is fixed by this act.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Stansell, from the committee on incorporations, reported as follows:

MR. SPEAKER: The committee on incorporations, to whom was referred

H. B. No. 46, an act to rescind that part of the Cash Creek Park Ditch Company's charter that includes Clear Creek, have had the same under consideration, and ask leave to report the same back without amendment, and recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. Lynch moved that

H. B. No. 44, be taken up for consideration.

Carried. Mr. Kountz moved to amend section ten by striking the words

Mr. Welton moved that it be indefinitely postponed.

Motion lost.

Mr. Webster moved that the bill be ordered printed.

Motion lost.

H. B. No. 44 was then

Read and considered.

Mr. Welton moved to amend section three by striking out the words "Park and Lake" and inserting "Costilla and Conejos."

Motion lost.

Mr. Marsh moved that the amendment proposed by the committee on judiciary to section five be adopted.

Carried.

Mr. Marsh moved that the amendment proposed by the committee to section six be adopted.

Carried.

Mr. Garcia moved to amend section seven by striking out the name of "Charles Lee Armour" and inserting "Judge Bradford."

Lost.

Mr. Marsh moved that the amendment of the committee to section eight be adopted.

Carried.

Mr. White moved to strike out section fifteen of the act.

Carried.

Mr. Ripley moved to adopt the section recommended by the committee in lieu thereof.

Carried.

Mr. McCannon moved to adopt section sixteen as recommended by the committee.

Carried.

Mr. Marsh moved that section seventeen, as recommended by the committee, be adopted.

Carried.

Mr. Stansell moved that the bill, as amended, be ordered engrossed for a third reading.

Motion withdrawn.

Mr. Garcia moved that the bill be recommitted to a select committee.

Motion lost.

Motion to engross renewed.

Carried.

Mr. Koontz moved that

H. B. No. 28 be taken up for consideration.

Carried.

H. B. No. 28 was then

Read and considered.

Mr. Koontz moved to amend section ten by striking out the words "one dollar" and inserting the words "fifty cents."

Carried.

Mr. Webster moved to amend by striking out the word "County," in 12th line of section three, and all of the balance of the section, and insert "the same to the Territorial County School and Road Funds, respectively, in the same proportion as other taxes.

Carried.

Mr. Sheldon moved to strike out section nine and insert the following:

Whenever any non-resident owner or owners of animals, his, her, or their agent shall drive or move said stock out of the county in which the same were kept and herded, according to the provisions of this act, into another county of this Territory, such non-resident owner or owners, his, her, or their agent, shall file a certified copy of the certificate filed, with the name of the county where such stock was kept and herded, with the Recorder of the county into which the said animals may be driven or moved, and shall pay to the County Treasurer, as

provided in the preceding section, one half of the amount *pro rata* per animal, hereinbefore specified.

Motion lost.

Mr. Lynch moved to strike out in fifth line of section "seven" the word "seven," and insert "five."

Carried.

Mr. Lynch moved to strike out section ten.

Lost.

Mr. Lynch moved that the bill be made the special order of the day for Monday next, at 2 o'clock p. m.

Carried.

Mr. Leeper moved that

H. B. No. 39 be taken up for consideration.

Carried.

H. B. No. 39 was then

Read and considered.

Mr. Lynch moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Welton asked leave, without previous notice, to introduce

H. B. No. 52, an act relating to fencing.

Leave granted.

The Sergeant-at-arms announced a communication from the Secretary of the Territory, which was received and

Read as follows:

OFFICE OF THE SECRETARY OF  
COLORADO TERRITORY,  
Denver, Feb'y 24, 1864. }

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR: In compliance with a resolution of your Honorable Body, I herewith transmit an abstract of the vote at the last general election.

Very respectfully,

Your obedient servant,

SAM'L. H. ELBERT,

Sec'y. of Colorado.

Mr. Webster, from committee on roads and bridges, reported as follows:

MR. SPEAKER: The committee on roads and bridges, to whom was referred

C. B. No. 27, respectfully report that they have considered the same and recommend its passage.

S. D. WEBSTER, Ch'n.

Mr. Lynch moved to take up  
H. B. No. 40 for consideration.

Carried.

H. B. No. 40 was

Read and considered.

Mr. Ripley moved to lay the bill on the table.

Carried.

Mr. Welton moved to take up

H. B. No. 36 for consideration.

Carried.

H. B. No. 36 was then

Read and considered.

Mr. Welton moved that the bill be ordered engrossed for a  
third reading.

Carried.

Mr. Marsh moved that

H. B. No. 22 be read for consideration.

Carried.

Mr. Holland moved a call of the House.

Carried.

Mr. Marsh moved that further proceedings under the call  
be now dispensed with.

Carried.

H. B. No. 22 was taken up and pending the reading thereof.

On motion of Mr. McCannon,

The House adjourned until 9 o'clock a. m., Monday next.

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### MONDAY, FEBRUARY 29th, 1864.

The House met pursuant to adjournment, at 9 o'clock, a. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Chever, Eames, Kipp, Koontz, Kelley, Leeper, Mallory, Patterson, White, Welton.

Journal of the preceding day read and approved.

Messrs. Chever, White, Welton, Kelley and Leeper appeared  
in their seats.

Mr. Ripley presented the petition of 188 citizens of Boulder, Weld and Larimer counties, asking that a certain portion of Arapahoe, Weld and Larimer counties be added to Boulder County; which was received, read, and referred to the committee on County and County Lines.

Mr. Holland presented a remonstrance from citizens of Clear Creek County against the removal of the county seat, which was, received, read, and referred to the committee on County and County Lines.

Mr. Stansell, from the committee on Incorporations, submitted the following reports, to wit:

MR. SPEAKER: The committee on Incorporations, to whom was referred

H. B. No. 33, "An act to incorporate the Denver City and Auraria Gas-light Company," have had the same under consideration, and ask leave to report the same back to the House, with the following amendments, viz:

After the name of "Rice," in first line of first section, insert the name of "James Broadwell."

Also, add the following provision to section 6, viz:

"Provided, that the said Company shall at no time issue the bonds or certificates of indebtedness of the Company to an amount exceeding fifty per cent of the capital stock of said company."

Also, that the committee have had

H. B. No. 41, "an act entitled an act to re-locate the Capital of Colorado Territory" under consideration, and ask leave to Report the same back to the House without amendment, and Recommend its passage.

J. B. STANSELL, Ch'n.

Reports received.

Mr. Stansell, from Special Committee, reported as follows:

MR. SPEAKER: The Special Committee, to whom was referred

H. B. No. 26, "An act to amend an act to enable Road, Ditch and other Companies to become bodies corporate," have had the same under consideration, and ask leave to

Report the same back to the House, with the following amendments, and recommend its passage—viz:

Insert the word "unpaid" after the word "of," in the 5th line of the 12th section. Also, by striking out sections 21 and 27.

J. B. STANSELL, Ch'n.

Report received.

Mr. Welton presented the following minority report:

MR. SPEAKER: The undersigned, a minority of the Committee on Incorporations, have had H. B. No. 33 under consideration, and beg leave to report the same back with the recommendations, and recommend its passage.

N. W. WELTON.

Mr. Marsh, from the committee on Judiciary, submitted the following report:

MR. SPEAKER: Your Committee, to whom was referred

H. B's Nos. 47 and 49, having had the same under consider-

ation, beg leave to report that they would recommend the passage of both without amendment.

Respectfully submitted,

A. MAKSH, Ch'n.

Report received,

Mr. Marsh, from Select Committee, reported as follows :

MR. SPEAKER : Your Committee to whom was referred the petition of Frederick J. Stanton, for compensation for services in copying Session laws of the Territory for 1861, and preparing index and marginal notes thereto, having had the same under consideration, beg leave to report as follows :

That the Committee feel satisfied from the evidence furnished them by the said Fred. J. Stanton, that the account, together with the certificate of Lewis Ledyard Weld, late Secretary of the Territory, submitted herewith, and made a part of this report, is just and correct.

Your Committee though, are of the opinion that said account having been contracted by an officer of the Federal Government, and that the annual appropriations from the Federal Government to meet the contingent expenses of the Legislative Assembly of the Territory are designed to cover the items set forth in said account, and that the Territory is in no wise legally bound to pay the same ; yet your Committee are of the opinion that the copying of said laws, and preparing index and marginal notes to the same, was attended with great labor, and at the time and in the manner of preparing the same was of an immediate and direct benefit to this Territory ;—would therefore recommend, that as Mr. Stanton has failed, after repeated efforts, to obtain relief from the General Government, it is only just and proper that the balance (\$315 50,) due him upon said account, or so much thereof as this House may think fair and reasonable for the labor performed, should be paid by the Territory.

[ COPY. ]

*The United States, on account of the expenses of the Legislative Assembly of the Territory of Colorado,*

TO FRED. J. STANTON, DR.:

1861.

Dec. 7.—To copying Territorial Laws for the Printer,	
1125 folios, at 10 cents,	\$112 50
“ services in preparing Index and Marginal	
Notes to Territorial Laws, 3 months and	
11 days, at \$4 00 per day,	376 00
	<hr/>
	\$488 50

Deduct, by cash received from L. L. Weld,  
late Secretary, for which see vouchers to be  
forwarded,

\$175 00

---

\$313 50

I do hereby certify that this account is due and owing to F. J. Stanton, for work and labor done as set forth, and that the said services were requisite and necessary at the time, and that Mr. Stanton was employed by me while I was Secretary of Colorado Territory.

LOUIS LEDYARD WELD,  
Late Secretary of Colorado Territory.

Respectfully submitted,  
A. MARSH, Ch'n of Select Com.

Report received.

Mr. McCannon moved that the communication from the Secretary relative to the vote of the Territory of Colorado at the last general election, be referred to the Committee on Elections and Apportionment.

Carried.

Mr. Garcia moved that a Special Committee be appointed to see the Public Printer, and find out whether or not he is going to have the Governor's Message and Rules of the House printed in the Spanish Language.

Carried.

The Speaker appointed Messrs. Garcia, Leeper and White such committee.

Mr. McCannon gave notice that he would on Monday next, or on some subsequent day, offer a Joint Resolution, tendering the thanks of this Legislative Assembly and the People of the Territory to Mr. J. G. Nicolay for the very able manner in which he has set forth the interests of Colorado Territory, in his report to the Hon. W. F. Dale, Commissioner of Indian Affairs.

Mr. Chever gave notice, that on to-morrow or some subsequent day, he would introduce a bill for an act to authorize Francis Smith to build a bridge across the South Platte River.

Mr. Holland moved that the reports of the Superintendents of Common Schools and the Territorial Librarian, be referred to the committee on Education.

Carried.

Mr. Woods, in pursuance to previous notice, asked leave to introduce

H. B. No. 53, "An act to incorporate the Cash Creek and Lake County Gold Mining Company," which was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Marsh, without previous notice, asked leave to introduce H. B. No. 54, an act to amend an "Act to incorporate the Apex and Gregory Wagon Road Company."

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

H. B. No. 52 was read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

Mr. Kelley, without previous notice, asked leave to introduce H. B. No. 55, an act to improve Bear Creek, in the County of Jefferson.

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

Mr. Stansell moved that

H. B. No. 26 be taken up for consideration.

Motion withdrawn.

Mr. Chever asked leave, without previous notice, to introduce H. J. R. No. 6, to compensate F. J. Stanton for services on publication of the Statutes of the Legislative Assembly.

Leave granted, and Resolution read a 1st and 2d time by its title And referred to the committee on Territorial Affairs.

Mr. White, from the committee on Engrossment, reported H. B's. Nos. 36, 39 and 44 correctly engrossed.

Report received.

Mr. Eames appeared in his seat.

Mr. Marsh moved that

H. B. No. 44 be read a 3d time, and put upon its final passage. Carried.

Mr. Marsh moved that the bill be considered read. Carried.

H. B. No. 44, an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts therein, was read by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Holland, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, White. Woods—15.

Noes—Messrs. Garcia, Kelley, Ortega, Webster, Welton, Mr. Speaker—6.

Ayes, 15; noes, 6.

So the bill passed, and title agreed to.

Mr. Henson moved that

C. B. No. 16 be read for consideration.

Carried.

C. B. No. 16 was read and considered.

Mr. Sheldon moved that the bill be considered read a 3d time, and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be laid over until to-morrow afternoon. Carried.

Mr. Leeper moved that

H. B. No. 26 be taken up for consideration.

Carried.

Mr. Sheldon moved that the amendments proposed by the Special Committee on H. B. No. 26, be read and considered.

Carried.

Amendments read and considered.

Mr. Lynch moved to amend, by striking out in 3d line of Section 12, the words "an amount equal to the," and insert the word "the." Carried.

The question being upon the adoption of the amendment as amended, was—Carried.

Mr. Sheldon moved to amend, by substituting for Section 12, the following:

SEC. 12. That neither the stockholders jointly nor severally, nor the body corporate under the provisions of this act, shall be liable for any indebtedness whatever.

Motion lost.

The question then being upon striking out section No. 21, as recommended by the Committee, was

Motion lost.

Mr. White moved to strike out Section 22.

Motion lost.

Mr. Stansell moved to strike out Section 27.

Carried.

Mr. Stansell moved to fill the blank in Section one of the bill by inserting "fifty."

Carried.

Mr. Stansell moved that the bill with the amendments, be ordered engrossed for a 3d reading.

Carried.

Mr. Marsh moved that

H. B. No. 30 be taken up for consideration.

Mr. Nye moved to amend, by substituting H. B. No. 43.

Motion lost.

The question recurring upon the original motion,

Motion prevailed.

H. B. No. 30 was read and considered.

Mr. Stansell moved that the further consideration of the bill be deferred, and that it be referred with H. B's No. 33 and 43, to a special committee, with instructions to report the best bill of the three back to the House.

Motion withdrawn.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

## COUNCIL CHAMBER,

February 27, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills, and the concurrence of your Honorable Body is respectfully requested therein, to wit:

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society.

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte river.

C. B. No. 29, an act concerning licences.

C. Sub. to H. B. No. 6, an act creating a lien in favor of mechanics and others, in certain cases herewith transmitted.

And also,

That they have concurred in and passed without amendment

H. B. No. 15, an act concerning marks and brands.

H. B. No. 24, an act to amend an act entitled "an act to authorize the apportionment of County Commissioners in special cases.

And also,

That the Council has concurred in House amendments to

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory and protect the same.

They have also concurred in

House amendment to Council amendment to

H. B. No. 13, an act for the protection of sheep, herewith transmitted.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Marsh moved that

H. B.'s Nos. 33 and 43 be taken up and

Read in connection with

H. B. No. 30.

Carried.

Mr. Stansell moved that the further consideration of the bill be now postponed, and that the bill, together with

H. B.'s Nos. 33 and 43 be referred to the committee of the whole.

Carried.

Mr. White moved that

H. B. No. 38 be read for consideration.

Carried.

H. B. No. 33 was then

Read and considered.

Mr. Sheldon moved to amend the amendment proposed by the committee by striking out \$800 and inserting \$700; and by striking out \$600 and inserting \$500.

Motion withdrawn.

The question being upon the adoption of the amendment, as proposed by the committee, the amendment was Adopted.

Mr. Chever moved to strike out the word "one," in section three, and insert the word "three."

Lost.

Mr. Sheldon moved that the bill be ordered engrossed, as amended for a third reading.

Carried.

Mr. Garcia moved that the committee on ways and means be requested to report on

C. B. No. 2.

Mr. Chever moved to amend by asking the committee to report at their earliest convenience.

Carried.

Motion as amended.

Carried.

Mr. Sheldon, without previous notice, asked leave to introduce

H. J. R. No. 7, to pay F. J. Ebert for constructing maps for the Territory.

Leave was granted, and resolution

Read a first and second time by its title, and referred to the committee on ways and means.

Mr. Sheldon moved that

H. B. No. 48 be read for consideration.

Carried.

H. B. No. 48 was read and considered.

Mr. White moved that the bill be considered engrossed for a third reading.

Carried.

Mr. Marsh moved that the bill be considered read a third time and put upon its final passage.

Carried.

H. B. No. 48, an act to legalize the acts of the Superintendent of Public Schools" was read by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods, Mr. Speaker, 18.

Noes—Messrs. Holland, Stansell, Welton, 3.

Ayes—18.

Noes—3.

So the bill passed.

Mr. Marsh moved that the title be amended, so as to read "an act to confirm the appointment of Wm. S. Walker as Superintendent of Public Schools, and for other purposes.

Carried.

Title as amended agreed to.

Mr. Marsh moved that,

C. B. No. 19, be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 19, "an act to enable soldiers in the United States service, to acquire and hold mining claims," was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 19.

Noes none.

Ayes—19.

Noes—0.

So the bill passed.

Mr. Holland moved to amend the title by inserting the words "and other" between the words "mining" and "claims."

Carried.

Title as amended agreed to.

Mr. Webster moved that,

C. S. for H. B. No. 7, be read for consideration.

Carried.

C. S. for H. B. No. 7, read and considered.

Mr. Webster moved that, the bill be read a third time by its title, and put upon its final passage.

Carried.

C. S. for H. B. No. 7, "an act to legalize assessments of property for revenue in certain cases.

Was read a third time by its title and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, 18.

Noes—Messrs. Marsh, McCannon, Mr. Speaker, 3.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Leeper moved that,

H. B. No. 39, be read a third time and put upon its final passage.

Carried.

H. B. No. 39, "an act explanatory of an act concerning Lode claims" was read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—Messrs. McCannon, Ortega, Mr. Speaker, 3.

Ayes—18.

Noes—3.

So the bill passed.

Mr. Leeper, moved to amend the title by inserting the words "amendatory and" before the words "explanatory."

Carried.

Title as amended agreed to.

Mr. Stansell moved that,

H. B. No. 46, be taken up and read for consideration.

Carried.

H. B. No. 46, was read and considered.

Mr. Woods moved that it be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 46, "an act to repeal that part of the Cash Creek Park Ditch Company's Charter, that includes Clear Creek"

Was read a third time and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods and Mr. Speaker—20.

Noes—None.

Excused—Mr. Sheldon.

Ayes—20.

Noes—none.

So the bill passed and title agreed to.

On motion of Mr. McCannon, the House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, Mallory, Patterson, Sheldon, Stansell, White and Welton.

Quorum present.

On motion of Mr. Holland,  
Mr. Koontz was excused for the day.

H. B. No. 28 being the special order for the hour, was taken up, and,

On motion of Mr. Holland,  
Was deferred until to-morrow.

Messrs. Sheldon, Stansell, White and Welton appeared in their seats.

Mr. Holland moved that the petition of M. P. Parker, B. F. Darrah and others, relating to the further appropriation of mining claims for school purposes, be referred to the committee on education.

Carried.

And it was so referred.

Mr. Chever, from the committee on enrollment, reported C. B.'s Nos. 5, 6, 20 and 21 correctly enrolled.

Report received.

Mr. Webster moved that the committee on agriculture be requested to report on

H. B. No. 21.

Carried.

Mr. Stansell, from the committee on incorporations, submitted the following reports:

MR. SPEAKER: The committee on incorporations, to whom was referred

H. B. No. 34, an act amendatory of an act to incorporate the Apex and Gregory Wagon Road Company have had the same under consideration, and ask leave to report the same back to the House without amendment and recommend its passage.

Also, have had

H. B. No. 55, an act to improve Bear Creek, in the county of Jefferson, under consideration, and ask leave to report the same back to the House without amendment, and recommend that it do not pass.

J. B. STANSELL, Ch'n.

Mr. White moved that C. Sub. for

H. B. No. 6 be taken up and read a first and second time and referred to its appropriate committee.

Carried.

C. Sub. for

H. B. No. 6 was then read a first and second time by its title and referred to the committee on judiciary.

Mr. White moved that C. B.'s Nos. 24, 25 and 29 be read and referred.

Carried.

C. B. No. 24 was read a first and second time by its title and referred to the committee on agriculture.

C. B. No. 25 was read a first and second time by its title and referred to the committee on incorporations.

C. B. No. 29 was read a first and second time by its title and referred to the committee on judiciary.

Mr. Marsh moved that

C. B. No. 18 be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 18, an act concerning forcible entry and detainer, and unlawful detainer," was then read a third time by its title, and the question being upon its final passage, the

Ayes and noes were :

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods and Mr. Speaker—18.

Noes—Messrs. Holland and Kelley—2.

Ayes—18.

Noes—2.

So the bill passed and title agreed to.

Mr. Marsh moved that

C. B. No. 7 be taken up for consideration.

Carried.

C. B. No. 7 was then read and considered.

Mr. Judd moved that the bill be indefinitely postponed.

The ayes and noes being called for and ordered, were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, McCannon, Ortega, Ripley, White, Webster and Woods—15.

Noes—Messrs. Marsh, Nye, Sheldon, Stansell, Welton and Mr. Speaker—6.

Ayes—15.

Noes—6.

So the bill was indefinitely postponed.

Mr. Stansell moved the adoption of the following resolution :

*Resolved*, That the Secretary of the Territory be requested to furnish this House with a statement of the amounts allowed by the General Government to the different clerks and officers of this House for their services.

Carried.

Mr. Chever, from the committee on Territorial affairs, submitted the following report :

MR. SPEAKER : The committee on Territorial Affairs, to whom was referred

H. J. R. No. 6, joint resolution for compensation for services on publication of the statutes of the Legislative Assembly, report the same back amended, by striking out the word "is" in fifth line from the bottom and substituting the words "shall be," and with this amendment recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Judd moved that the House do now resolve itself into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

Mr. Judd in the chair.

After some time spent therein,

The committee arose.

The Speaker in the chair.

Mr. White, from the committee on ways and means, reported as follows :

MR. SPEAKER : Your committee, to whom was referred

H. J. R. No. 7, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

M. C. WHITE, Ch'n.

Mr. Marsh moved that H. J. R. No. 5 be taken up for consideration.

Carried.

H. J. R. No. 5 was then read and considered.

Mr. Sheldon moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Marsh moved that

H. B. No. 47 be taken up for consideration.

Mr. Stansell arose to a point of order—that the bill was now in the hands of the committee of the whole, and could not be taken up by the House.

The Speaker decided the point well taken.

Mr. Stansell moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making the hour 9 o'clock. Motion lost.

The original motion prevailed, and

The House adjourned.

March 1st.]

# HOUSE JOURNAL.

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TUESDAY, MARCH, 1st. 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Koontz, Mallory, Patterson,

Journal of the preceding day, read pending which Mr. Stansell moved that the further reading of the Journal be dispensed with.

Carried.

Journal approved.

Mr. Chever, from the committee on Enrollment reported,

H. Bs. Nos. 2, 13, 15 and 24 correctly enrolled.

Report received.

Mr. White from the committee on Ways and Means reported as follows:

Mr. SPEAKER:—Your committee to whom was referred

C. B No. 2,

Have had the same under consideration, and report the same back with the following amendments to-wit:

Strike out the word "seven" in the first line of section 1, and insert the word "five" in lieu thereof, and strike out the word "seven" in the last line of section 4 and insert the word "five."

Your committee believing that it is due to our Spanish citizens that the laws be printed in their language, in order to enable them to become acquainted with their duties as citizens, and also that by so doing, more revenue can be derived from them, than will be expended in such printing, and also that the present move of the Delegate to Congress from New Mexico to take away a valuable portion of our Territory is urged on by the Spanish citizens of our Territory, from the fact that we have up to this time refused to appropriate a small sum of money to the printing of our laws in Spanish, and believing that by such appropriation it will save us from internal dissensions and strife, and that we should not by implication, represent the Tyrant "Callegula," who placed his laws in such a position that they could not be read by his subjects, yet punished them with as much rigor as though they were conversant with his edicts.

Therefore, recommend that the bill as amended pass, and also recommend an appropriation for the printing of the Governor's message in Spanish in accordance with the vote had at an earlier day of this session, thereon.

Respectfully Submitted,

M. C. WHITE,

Chairman Com. Ways and Means.

Report received.

Mr. Eames from the committee on Agriculture reported as follows.

MR. SPEAKER: Your committee to whom was referred, H. B. No. 52, having had the same under consideration, recommend its passage with the following amendments, to-wit: Make section 1st read as follows:

Section 1. That section two of said act be amended by striking out, all after the word "until" in the 4th, line of said section, and inserting in lieu thereof, "the fifteenth day of November."

Make sections 1 and 2 of said bill read 2 and 3.

Also have had, C. B. 24, under consideration, and beg leave to report the same back to the House, and recommend its passage without amendment.

J. H. EAMES, Ch'n.

Report received.

Mr. Ripley, from the committee on County and County lines submitted the following report.

MR. SPEAKER: Your committee to whom was referred the petition, and remonstrance of sundry citizens of Clear Creek County, in regard to the removal of the County seat of said County, have had the same under consideration, and after a careful examination of the same, in view of the vast preponderance in favor of the Petitioners, in favor of the removal of said county seat.

Your committee would recommend the passage of a bill herewith submitted for the relocation of the County seat of said County of Clear Creek.

All of which is respectfully submitted.

DAVID RIPLEY,  
Ch'n *Protem*, C. C. & C. L.

Report received.

Mr. Stansell from the Committee on Incorporations submitted the following reports.

MR. SPEAKER:—The committee on Incorporations to whom was referred,

H. B. No. 53, an act to incorporate, Cash Creek, and Lake County Gold mining Company, have had the same under consideration, and ask leave to report the same back to the House with the following amendment and recommend its passage, viz:

Insert the word 'legally' after the word "now" in twenty-first line of first section.

Also strike out all after the word "claims" in 4th line of section 4 to the word "excavate" in 6th line of same section.

Also, C. B. No. 25, an act granting to Francis Smith, the right to erect and maintain a bridge across the waters of the South Platte River, and ask leave to report the same back to the House with the following amendments viz.

Strike out the words "and fifty cents" in 12th line of section 2.

Also C. B. No. 13, an act to incorporate the Denver manufacturing and milling Company.

And ask leave to report the same back to the House with the following amendment viz:

After the figure "5" in 8th line of section 2 insert "running at right angles with F street.

J. B. STANSELL, Ch'n.

Report received.

Mr. Garcia, from special committee, to whom was referred the business of calling upon the Printer for the purpose of finding out when they would print the Governor's message and the rules of the House in Spanish, respectfully submit the following report.

That they have called upon Mr. Gibson, and find that no appropriation has been made for either the printing or translation of same, and would suggest that the committee on ways and means, be instructed to employ suitable persons to do the same, and that an appropriation be made for payment out of the Territorial funds.

V. J. GARCIA, Ch'n.

Report received.

Mr. Ripley without previous notice asked leave to introduce, H. B. No. 56, "an act to re-locate the County seat of Clear Creek County.

Leave granted, and bill read a first and second time by its title, and referred to the committee on judiciary.

H. B. No. 36, an act for the protection of farmers in certain cases" was then read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Lynch, Leeper, Marsh, McCannon Nye, Ortega, Sheldon, Webster, Welton, Woods, 15.

Noes—Messrs. Henson, Kelley, Ripley, White Mr. Speaker, 5.

Excused Mr. Stansell.

Ayes—15.

Noes—5.

So the bill passed and title agreed to.

Mr. Judd, from the committee of the whole (yesterday afternoon) submitted the following report.

MR. SPEAKER: The committee of the whole have had under consideration,

C. B. No. 14, an act to incorporate the Denver Artesian well Company, and report the same back to the House, without recommendation.

Also, C. B. No. 27 and report the same back to the House with a recommendation that it do pass.

Also, H. Bs. Nos. 30—33 and 43, and report the same back to the House, with the recommendation that these bills be referred to a select committee, with instructions that they report one bill which shall be of the greatest advantage to the citizens of Denver.

Respectfully Submitted,  
LEON D. JUDD, Ch'n.

Report received.

Mr. McCannon moved that the report of the committee be adopted, and that the three bills be referred to a select committee of five, with instructions to report back one bill in accordance with the report of the committee.

Carried.

The Speaker appointed Messrs. McCannon, Lynch, Stansell, Nye and Judd, such committee.

Mr. Holland moved that the amendments proposed by the committee on incorporations be referred to the same committee.

Carried.

H. B. No. 28, being the special order of the day was taken up, and on motion of Mr. Sheldon, was laid on the table.

Mr. Henson moved that,

C. B. No. 16, be taken up for consideration.

Carried.

C. B. No. 16, was then read and considered.

Mr. Henson moved that the bill be considered read a third time, and that it be read by its title and put upon its final passage. Carried.

C. B. No. 16, "an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Marsh, Sheldon, Stansell, White, Welton, 12.

Noes—Messrs. Chever, McCannon, Ortega, Ripley, Webster, Woods, Mr. Speaker, 7.

Ayes—12.

Noes—7.

So the bill passed and title agreed to.

Mr. Stansell moved that the House do now resolve itself into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

Mr. Stansell in the Chair.

After some time spent therein the committee arose.

The Speaker in the chair.

Time was granted the Chairman to prepare his report.

Mr. White, from the committee on engrossment reported, H. B. No. 26, and 38, and H. J. R. No. 7, correctly engrossed. Report received.

On motion of Mr. Sheldon the House adjourned, until 2 o'clock, p. m.,

#### AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson and Welton.

Quorum present.

The committee of the Whole through their chairman made the following report.

MR. SPEAKER: I am instructed by the committee of the whole, to report that they have had under consideration,

H. B. No. 47, and report the same back to the House, without amendment, and recommend its passage.

Also, H. B. No. 49, and amended the same, by striking out all of section 1 before the word "that" in sixth line.

And also, the words "as the same are" in the seventh line.

Also, by inserting the following, after the word "shall" in the eleventh line of section 3.

"Be the standard weight of a bushel of each of such articles."

Also, by inserting after the word "inspection" in second line of 12th section, the following "in any county where such inspector shall have been appointed, and is in the performance of his duties" and with these amendments recommend the passage of the bill.

J. B. STANSELL, Ch'n.

Report received.

Mr. Leeper gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to exempt voluntary debts from collection by law in this Territory.

Mr. Welton, appeared in his seat.

Mr. Garcia, moved that the House do now resolve itself into committee of the whole, on the general file.

Carried.

The House then went into committee of the whole.

Mr. Koontz in the chair.

After sometime spent therein the committee arose.

The Speaker in the Chair.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,  
March 1st. 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 39, an act to exclude Traitors and Alien enemies from Courts of Justice in this Territory in civil cases.

Also, a bill for an act to operate a Ferry on the Arkansas River.

And your honorable body is respectfully requested to concur therein.

Also that they have concurred in House amendment to C. B. No. 18, "an act concerning forceible entry, and detainer, and unlawful detainer."

Also, that the Council has passed,

H. B. No. 31, an act to increase the Capital Stock, and extend the privileges of the Jefferson County Ditch Company, with the following amendments thereto, to-wit.

Strike out in section 3rd. in the 4th and 5th lines the words "it in their power to grant such request" and insert sufficient water in their said ditch, not designed to be used for the purpose of irrigating the soil instead thereof.

Also, add the following "section 5, this act may be modified altered or repealed by any subsequent Legislature of this Territory.

Also, H. B. No. 34, an act to enable the Superintendent of Common Schools for El Paso County, to apply the School fund of said County, to the use of schools in the several districts thereof."

With the following amendments, to-wit:

Add section 2 "That the Superintendent of schools in the county of Park, shall be, and he is hereby authorized to pay

over the school fund derived from the assessment of the year 1863, in like manner as provided in section 1 of this act respecting the Superintendent of El Paso County.

They have also amended the title, so as to read, "an act to enable the Superintendent of Common Schools of El Paso, and Park Counties, to apply the School fund of said Counties to the use of schools in the several Districts thereof.

Also, H. B. No. 20, "an act to prevent felons from defending persons in the Courts of this Territory.

Amended as follows:

In section 1, 3rd line, strike out the words "defend another" and insert the word "practice" instead thereof.

They have also amended the title, by striking out the words "defending persons" therein and inserting the word "Practicing" in place thereof.

And the concurrence of your Honorable body is respectfully requested therein.

The Council has also concurred in, and passed without amendment,

H. B. No. 42, an act, entitled an act, to authorize the County Commissioners of Gilpin County, to pay certain jurors fees.

Also, H. B. No. 37, an act to secure unto James Miller of Gilpin County, certain rights herewith transmitted.

They have also concurred in House amendment to the title of,

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold mining and other claims.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

The committee of the whole through their chairman reported as follows:

MR. SPEAKER: I am instructed by the committee of the whole to report that they have had,

C. B. No 2, under consideration, being an act providing for an appropriation for printing the laws in the Spanish language and after consideration thereon report the same back to the House and recommend its passage without amendment.

Also, have had,

C B. No 13, under consideration,

And amend the same by adding to section 2, "provided the said corporation shall first obtain the right to erect their mill and manufactory, from the city of Denver

And with this amendment, report the same back to the House without any recommendation:

J. A. KOONTZ, Ch'n.

Mr. Ripley moved to take up,

C B No 24, for consideration.

Carried.

C. B. No 24, was then read and considered.

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

Carried.

Mr Henson moved that the bill be read the third time by its title.

Carried.

C. B. No. 24, an act to Incorporate the Colorado Territorial Agricultural Society, was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, 19.

Noes—Messrs. McCannon, Mr. Speaker, 2.

Ayes—19.

Noes—2.

So the bill passed and title agreed to.

Mr. McCannon, in pursuance to previous notice, asked leave to introduce H. J. R. No. 8, a resolution requesting Fitz John Porter, to leave the Territory of Colorado, within thirty days.

Mr. Chever objected thereto,

And called for the ayes and noes, which being ordered and called were,

Ayes—Messrs. McCannon, Nye, Sheldon, Stansell, White, Webster, Woods, 7.

Noes—Messrs. Chever, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Welton, Mr. Speaker, 12

Ayes—7.

Noes—12.

So leave was not granted.

Mr. Chever moved that,

H. J. R. No. 6, be read for consideration.

Carried.

H. J. R. No. 6, was then read and considered.

Mr. Chever moved that the amendment proposed by the committee be adopted.

Carried.

Mr. Chever moved that the bill be engrossed for a third reading

Carried.

Mr. Stansell moved that,

H. B. No. 26, be read a third time by its title, and put upon its final passage.

Carried.

H. B. No. 26, an act to amend an act, to enable Road, Ditch, Manufacturing and other Companies, to become bodies corporate" was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCaunon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 19. Noes—Mr. Sheldon, 1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Holland moved that,

H. B. No. 38, be read a third time and put upon its final passage. Carried.

H. B. No. 38, was then read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Ripley, Sheldon, Stansell, White, Webster, Welton, 14.

Noes—Messrs. Marsh, McCannon, Nye, Ortega, Woods, Mr. Speaker, 6.

Ayes—14.

Noes—6.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up and consider C. Amendment to H. B. No. 34.

Carried.

C. amendment to

H. B. No. 34, read and considered.

Mr. Sheldon moved that the House do concur in the amendment.

Carried.

Mr. Sheldon moved that the House do concur in the Council amendment to the title.

Carried.

Mr. Kelley moved to take up and consider, C. Amendment to H. B. No. 31.

Carried.

Council amendment to H. B. No. 31, read and considered.

Mr. Chever moved that the House do concur in Council amendment to section 3.

Carried.

Mr. Chever moved that the House do disagreed to C. A. to section 5. Motion Lost.

Mr. Holland moved that the word, "repeal" be stricken out

of Council amendment, and the word "or" be transposed between the words "modify" and "alter."

Carried.

Mr. Holland moved that the House do concur in amendment as amended.

Carried.

Mr. McCannon gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a resolution inviting rebels, traitors and all classess of villains to Colorado Territory.

Mr. Koontz, from the Committee on engrossment, reported, H. J. R. No. 6, correctly engrossed.

Report received.

Council amendment to H. B. No. 20, was read and considred.

Mr. Marsh moved that the House do concur in Council amendments to the bill. Carried.

Mr. Chever moved that,

C. B. No. 39, be taken up.

C. B. No. 39, was then taken up, and read a first and second time by its title.

Mr. Judd moved a call of the House.

Carried.

Roll ordered called.

Absent—Messrs. Eames, Kipp, McCannon, Mallory Patterson.

Mr. Leeper moved that further proceedings, under the call be dispensed with.

Carried.

Mr. Marsh moved that the rules of the House be suspended and C. B. No. 39, be read a third time, and put upon its final passage. Carried.

Mr. Lynch moved that the bill be read the 3d. time by its title. Carried.

C. B. No. 39, "an act to exclude traitors and alien enemies from Courts of Justice, in the Territory of Colorado, in civil cases," was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 20.

Ayes—20. Noes—0.

So the bill passed and title agreed to.

Mr. Kelley moved that the House do now adjourn until 9 o'clock, a. m., to-morrow.

Mr. Stanselll moved to amend by making it 10 o'clock, a. m., Amendment accepted.

Motion prevailed, and the House adjourned.

WEDNESDAY, MARCH 2d, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day read; pending the reading of which Mr. Marsh moved that the further reading of the Journal be dispensed with.

Motion lost.

Reading of the Journal resumed and approved.

Mr. Ripley presented the petition of sundry citizens of Central City and the City of Black Hawk, in regard to the boundaries specified in the bills before this House to charter said cities.

Also, a petition of sundry citizens of Boulder County in regard to fences.

Petitions received.

Mr. Stantell, from the committee on Incorporations, submitted the following report, viz:

Mr. SPEAKER: The Committee on Incorporations, to whom was referred

C. B. No. 11 and H. B. No. 45, have had the same under consideration, and ask leave to

Report the same back to the House without amendment, and Recommend that they be placed on general file, and go before the Committee of the whole House.

Also, C. B. No. 10, an act to incorporate the Old Rosey Mining, Fluming, Ground-sluicing and Hydraulicing Company, and have considered the same, and ask leave to

Report the same back with the following amendments, and.

Recommend its passage, viz:

Strike out the word "exclusive," in 2d line of Section 2.

Also, strike out the same word in 14th line of same section.

Also, add the following after Section 7:

SEC. 8. That nothing contained in this act shall be so construed as to give the said Company the right to injure or interfere with the right now existing of others.

Also, strike out "one year," in 3d line of Section 8, and insert "six months" in lieu thereof.

And also add to said Section 8, the following, viz: "and shall prosecute the same to completion within three years; and a failure so to do shall work a forfeiture of this charter.

J. B. STANSELL, Ch'n.

Report received.

Mr. Marsh, from the committee on Judiciary, submitted the following report:

MR. SPEAKER; Your Committee to whom was referred C. B. No. 26, having had the same under consideration, beg leave to report that they would

Recommend the passage of the same, with the following amendments, viz:

Insert after the word "payable," in the 13th line of Section 3 of said bill, the following—"in the manner expressed in said notes, bonds, due-bills, and other instruments of writing."

Strike out the word "note," in 1st line of Section 4.

Add "Section 14. Nothing in this act shall be construed to make contracts or instruments in writing containing mutnal covenants, negotiable, by either assignment or delivery thereof."

Also, have had H. B. No. 56 under consideration, and Beg leave to report the same back without recommendation.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. McCannon, from Select Committee, reported as follows:

MR. SPEAKER: Your Special Committee to whom was referred H. B's. Nos. 30, 33 and 43, have had the same under consideration, together with the amendments proposed by the committee on Incorporations, and would respectfully report back H. B. No. 43, and recommend its passage.

JOHN McCANNON, Ch'n.

Report received.

Mr. Leeper moved that

H. B. No. 56 be referred to the Committee of the Whole.

Carried.

Mr. Welton moved that

H. B. No. 33 be referred to the Committee of the Whole.

Motion lost.

C. B. No. 31, a bill for an act to operate a ferry on the Arkansas River, was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Judd asked leave, in pursuance to previous notice, to introduce

H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company," which was

Read a 1st and 2d time by its title, and

Referred to the Committee of the whole House.

Also, without previous notice,

H. B. No. 58, "an act to incorporatu the Black Hawk Mining Company."

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee of the whole House.

Mr. Webster having given previous notice, asked leave to introduce

H. B. No. 59, "an act to amend an act regulating Eelections."

Also, H. B. No. 60, an act to amend an act to enable citizens of the Territory in the military service of the United States to vote," which were

Read a 1st and 2d time by their titles, and

Referred to the committee of the whole House.

Mr. Nye, without previous notice, asked leave to introduce

H. B. No. 61, an act to legalize the acts of the Board of Directors of School District No. 5, in Arapahoe County, in certain cases.

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee of the whole House.

Mr. Marsh moved that

H. B. No. 54 be taken up for consideration.

Carried.

C. B. No. 54 was read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a 3d reading. Motion lost.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 1, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 44, "an act to divide the Territory of Colorado into Judicial Districts, and to provide for holding of Courts in the same," with the following amendments thereto, to wit:

In last line of Section 6 strike out the word "April," and insert instead thereof the word "July."

In Sectiod 7, strike out the word "Conejos," in 5th line, and insert in lieu thereof the word "Sevillita." Also, insert in the blank that occurs in the same section, the words "San Louis;" and add the following:

"Provided, that the next term of Court in Conejos County shall be held on the first Monday in April next, by the Hon. Allen A. Bradford."

Section 8. Strike out in 3d and 4th lines the words "Larimer and Boulder," and between the words "Weld" and "Douglas" insert the word "and."

Also, add the following:

"SEC. 26. The County of Larimer is hereby attached to the County of Boulder for Judicial purposes, and there shall be held one term of Court in each year, commencing on the first Tuesday in October in each year, at Boulder City, in the County of Boulder:"

To which amendments your Honorable Body is respectfully requested to concur.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Chever moved to take up

H. J. R. No. 6 for consideration.

Motion withdrawn.

[The bill was engrossed yesterday.]

H. J. R. No. 6, an act to pay F. J. Stanton for services in copying laws, and making marginal Notes and Index," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Kooutz, Kelley, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Webster, Woods—15.

Noes—Messrs. Henson, Leeper, Nye, Stansell, White, Mr. Speaker—6.

Ayes, 15; noes, 6.

So the bill passed, and title agreed to.

H. J. R. No. 7, "to pay F. J. Ebert for constructing maps for the Territory of Colorado," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—18.

Noes—Messrs. Henson, Koontz, Leeper, Marsh—4.

Ayes, 18; noes, 4.

So the bill passed, and title agreed to.

Mr. Judd moved that the House do now go into Committee of the Whole.

Motion withdrawn.

Mr. Stansell moved to take up

H. B. No. 44, and consider amendments proposed by Council.

Carried.

Mr. Ripley moved that the House do concur in Council Amendments to

H. B. No. 44, and the ayes and noes being ordered and called, were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeyer, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—18.

Noes—Messrs. Holland, Kelley, Mr. Speaker—3.

Ayes, 18; noes, 3.

So the amendment were concurred in.

r. Judd moved that the House do now go into Committee of the Whole on general file.

Carried.

The House then went into Committee of the Whole,

Mr. White in the chair.

After some time spent therein, the Committee arose.

The Speaker in the chair.

The chairman of the Committee of the Whole asked time to prepare his report.

Leave granted.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T., }  
March 2d, 1864. }

*To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:*

SIR:—I have the honor to inform the House that I have approved and signed the following Joint Resolution and Bills:

Joint Resolution authorizing the appointment of Agents for the encouragement of Immigration.

An act to incorporate the Swan River and Delaware Flats Fluming Company.

An act to amend an act, entitled an act regulating the mode of proceeding in Attachment in the District Court.

An act concerning Marks and Brands.

An act to define the manner of sub-dividing sections as established by United States survey, in Colorado Territory.

An act to suppress Gambling, and Gambling Houses.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,  
Governor of Colorado.

On motion of Mr. Koontz, the House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.  
The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 23 being the special order for the hour, was taken up for consideration.

The pending motion when the bill was last under consideration being to strike out the 1st and 2d sections.

Motion withdrawn.

Mr. McCannon moved to strike out Sections 1 and 2.

Motion lost.

Mr. Leeper moved to strike out the word "two," in 1st line of Section 1, and insert "one" in lieu thereof.

Mr. Henson moved to amend the amendment, by striking out the word "one," and insert "five."

Motion lost. Original motion withdrawn.

Mr. Marsh moved to strike out the words "have been," in 4th line of section 1, and insert the word "be," in lieu thereof.  
Carried.

Mr. Lynch moved to insert after the word "whatsoever," in 3d line of section 1, the words, "except against the United States." Carried.

Mr. Holland moved to strike out the words "two years," in the last line of section 1.

Lost.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 2d, 1864.

Mr. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace in certain cases.

Also, C. B. No. 31, "an act to incorporate the Pueblo and Fountaine-qui-Bouille Ditch Company"—herewith transmitted;

And the concurrence of your Honorable Body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Koontz moved to strike out the words "in all cases," in 3d line of Section 1,

Carried.

Mr. Henson moved to strike out the words "twenty-five," in last line of Section 1, and insert "fifty."

Motion lost.

Mr. Lynch moved to insert the word "mining," between the words "local" and "Districts," in 3d line.

Mr. Stansell moved to amend, by striking out the 3d section.

Carried.

Mr. Holland moved to strike out the 4th section.

Carried.

Mr. Stansell moved that section two be stricken out.

Motion lost.

Mr. Kelley moved that the bill be ordered engrossed for a 3d reading.

Mr. Henson moved that the bill be laid on the table.

Carried.

Mr. Garcia moved that

C. B. No. 2 be taken up for consideration.

Carried.

C. B. No. 2 was then read and considered.

Mr. Koontz moved to amend, by adding an additional section, as follows:

SEC. 2. That the Secretary of the Territory be also empowered to pay from this appropriation for translating and printing five hundred copies of the Governor's Message in Spanish, and for any and all other miscellaneous printing done during this session of the Legislative Assembly, not allowed by the Department. Carried.

Mr. Judd moved that the bill be read a third time by its title,

And put upon its final passage.

Carried.

C. B. No. 2, "An act providing for an appropriation for printing the laws in the Spanish language," was

Read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—20.

Noes—Messrs. Chever, McCannon—2.

Ayes, 20; noes, 2.

So the bill passed.

Mr. Holland moved to amend the title by adding the words, "and other purposes." Carried.

Title as amended agreed to.

Mr. Stansell moved to take up

H. B. No. 43 for consideration. Carried.

H. B. No. 43 was read and considered.

Mr. Leeper moved that the further consideration of the bill be deferred.

Motion lost.

Mr. Stansell moved that the bill be ordered engrossed for a 3d reading.

Mr. Welton moved to lay the bill upon the table. Lost.

The question being upon ordering the bill engrossed, was Carried.

Mr. White, from the Committee of the Whole, (this forenoon,) submitted the following report:

MR. SPEAKER: The committee of the whole House, through their chairman, report that they have considered

C. B. No. 25, from Section 1 to Section 6, inclusive, and report the same back to the House with the following amendments, to wit:

Insert the words, "or persons," after the word "person," in 5th line from the bottom of Section 4;

And with the above amendment, recommend its passage.

Also, H. B. No. 55, amended, by striking out all after the enacting. Also, strike out enacting clause; and report the same back, and recommend indefinite postponement of the bill.

Also, H. B. No. 54, amended, by striking out "twenty," in 1st line of Section 1, and insert "three;" and report the same back to the House, with recommendation that it pass as amended.

Also, H. B. No. 53. Section 1 amended, by inserting "legally" after the word "now," in line 21. Also, strike out the word "Incompatible," in next to last line of Section 2, and insert "conflicting."

Also, strike out Section, 3 of said act;

And report the same back to the House, with the recommendation that it be referred to a select committee.

Respectfully submitted,

M. C. WHITE, Ch'n.

Report received.

Mr. Lynch moved to take up

H. B. No. 33. Motion lost.

Mr. Stansell, without previous notice, asked leave to introduce

H. B. No. 62, an act to amend an act, entitled an act to incorporate the Tarryall and Arkansas River Road Company,

Leave granted.

Mr. Eames, from committee on Agriculture, reported as follows

MR. SPEAKER: Your Committee, to whom was referred  
H. B. No. 21, beg leave to report the same back to the House.  
J. H. EAMES, Ch'n.

Mr. Nye, in pursuance to previous notice, asked leave to introduce

H. B. No. 63, an act to amend an act, to incorporate the  
Cash Creek Fluming Company.

Mr. Nye moved that

C. B. No. 11 be taken up for consideration.

Carried.

Mr. Stansell moved that the further consideration of the bill  
be deferred, and that the bill be referred to the Committee of  
the Whole. Carried.

Mr. Marsh moved that

C. B. No. 26 be taken up for consideration. Carried.

C. B. No. 26 read and considered.

Mr. Leeper moved that the bill be ordered printed.

Carried.

Mr. McCannon moved to adjourn until 10 o'clock a. m., to-  
morrow. Motion lost.

Mr. Eames moved to adjourn until 9 o'clock, a. m. to-morrow.

Motion lost.

Mr. Stansell moved to take up

H. B. No. 41. Lost.

Mr. Lynch moved to take up

H. B. No. 49. Carried.

Mr. White moved that the bill be considered read,

Carried.

Mr. Lynch moved that the bill be ordered engrossed for a 3d  
reading. Carried.

Mr. Marsh moved to adjourn until 9 o'clock, a. m., to-morrow.

Mr. Kelley moved to amend, by making the hour 10 a. m.

Carried.

The House adjourned until 10 o'clock a. m, to-morrow.

# THURSDAY, MARCH 3, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment

The Speaker in the chair.

Prayer by the Rev. Mr. Vincent.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Chever, from the committee on enrollment, reported

H. B. No. 44 correctly enrolled.

Report received.

Mr. Marsh, from the committee on judiciary, submitted the following reports :

MR. SPEAKER : Your committee to whom was referred

C. B. No. 29, having had the same under consideration, beg leave to report that they would recommend the passage thereof with the following amendment, viz :

Insert after the word "peddling," on the third line from the bottom of section four, the following :

"Any article the produce of this Territory."

Also,

Have considered Council substitute for

H. B. No. 6, and beg leave to report that they would recommend the passage thereof with the following amendments, to wit :

Insert after the word "due," on the second line of section two, "or that may become due, provided the same becomes due within one year."

Strike out the word "or," in the 20th line of said section, and insert "or mining district," after the word "town," on the same line in said section.

Insert after the word "due," on the 4th line from the bottom of said section, "or to become due."

Add the following additional section :

SEC. 30. Any person or persons performing manual labor upon any land, lode, tunnel, claim or ditch, for, or on account of the owner, agent or assign thereof, may, upon complying with the provisions of this act, avail themselves of the benefit of the lien herein provided for, which lien shall be enforced and the rights and duties of the respective parties shall be the same as provided for in the provisions of this act.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 43 and 49 correctly engrossed.

Report received.

Mr. Stansell, from the committee on incorporations, reported as follows :

MR. SPEAKER : The committee on incorporations, to whom was referred

C. B. No. 31, a bill for an act to operate a ferry on the Arkansas river, have had the same under consideration, and ask leave to report the same back to the House with the following amendment, and recommend its passage, viz :

Strike out the words "one dollar," in the 16th line of section two, and insert "fifty cents" in lieu thereof.

J. B. STANSELL, Ch'n.

Report received.

Mr. Woods moved that the report of the chairman of the committee of the whole, on

H. B. No. 53, recommending that the bill be referred to a special committee be adopted.

Carried.

The Speaker appointed Messrs. Woods, McCannon and Sheldon such committee.

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace, in certain cases, was read a first and second time by its title, and referred to the committee on judiciary.

C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille Ditch Company was read a first and second time by its title, and referred to the committee of the whole.

Mr. Koontz, in pursuance to previous notice, asked leave to introduce

H. B. No. 64, an act to amend "an act to establish and regulate Territorial roads," which was

Read a first and second time by its title.

Mr. Lynch, in accordance with previous notice, asked leave to introduce

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company," which was read a first and second time by its title.

Mr. Judd, having given previous notice, asked leave to introduce

H. B. No. 66, an act defining the right of ranch claim owners in mining districts, which was

Read a first and second time by its title.

H. B.'s Nos. 62 and 63 were read a first and second time by their titles.

On motion of Mr. Judd,

H. B.'s Nos. 62, 63, 64, 65 and 66 were referred to the committee of the whole House.

H. B. No. 49, an act concerning weights and measures was taken up for a third reading.

Mr. White moved that the bill be considered read.

Carried.

Bill considered read, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton and Woods—16.

Noes—Messrs. Koontz, Kelley, Lynch, McCannon, Webster and Mr. Speaker—6.

Ayes—16.

Noes—6.

So the bill passed and title agreed to.

H. B. No. 43, an act to incorporate the Occidental Gas Light Company was read a third time.

Mr. Sheldon moved to amend by the adoption of the following additional section :

SEC. 11. If, within two years from the date of the passage of this act, no contract shall have been made by the Council of the city of Denver, with the directors of the body hereinbefore incorporated to supply gas for the use of the said city of Denver, as provided by this act ; and if the said company shall have failed to commence in good faith, the construction of the necessary works to supply gas, under the provisions of this act, to the said city of Denver, then this act shall be void and without effect.

Carried.

The question then being upon the final passage of the bill, The ayes and noes were :

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White and Woods—17.

Noes—Messrs. Chever, Ripley, Webster, Welton and Mr. Speaker—5.

Ayes—17.

Noes—5.

So the bill passed and title agreed to.

Mr. Ripley moved that the House do now resolve itself into a committee of the whole on

H. B. No. 59.

Carried.

The House then went into committee of the whole, Mr. Chever in the chair.

After some time spent therein, the committee arose, The Speaker in the chair.

On motion of Mr. McCannon,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

The Sergeant-at-Arms announced a communication from the Secretary of the Territory, which was received and read as follows:

OFFICE OF THE SECRETARY OF  
COLORADO TERRITORY,  
Denver, March 3, 1864.

*To the Honorable J. B. Chaffee, Speaker of the House of Representatives:*

SIR: In compliance with your resolution of the 1st inst., I have the honor to transmit the following statement:

I am authorized to pay for each House:

One Clerk, at - \$3 00 per day.

One Assistant Clerk, " "

One Sergeant-at-Arms, " "

One Messenger, " "

One Fireman, " "

One Chaplain, \$1 50 "

Your obedient servant,

SAM'L H. ELBERT,

Secretary of Colorado.

Mr. Leeper moved the adoption of the following resolution:

*Resolved*, That no new bills of a private nature shall be received by this House during the present session, after Saturday, the 5th inst.

Carried.

Mr. Chever, from the committee of the whole, reported as follows:

MR. SPEAKER: The committee of the whole have had under consideration

H. B. No. 57, a bill for an act to amend "an act regulating elections, and report the same back to the House without amendment and recommend its passage.

They have also considered

H. B. No. 59, a bill for an act to incorporate the Denver and Pacific Wagon Road Company without taking action thereon.

D. A. CHEVER, Ch'n.

Mr. Welton asked leave to withdraw

H. B. No. 33 from the House, and

On motion of Mr. Leeper,

Leave was granted and bill withdrawn.

Mr. Judd, without previous notice, asked leave to introduce

H. B. No. 67, an act to incorporate the Colorado Gold Mining Company of Philadelphia.

Leave granted.

Mr. Lynch, without previous notice, asked leave to introduce

H. J. R. No. 9, relating to State Government.

Leave granted.

Mr. Lynch moved that

H. J. R. No. 9 be read a first and second time.

Carried.

H. J. R. No. 9 was then read a first and second time.

Mr. Lynch moved that the rules be suspended and the resolution be read a third time and put upon its final passage.

Mr. Holland moved that the bill be laid on the table, and the Ayes and noes being ordered and called were :

Ayes—Messrs. Holland, Kelley, McCannon, Ripley, Webster and Woods—6.

Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Stansell, White, Welton and Mr. Speaker—15.

Ayes—6.

Noes—15.

So the motion was lost.

The question being upon the suspension of the rules, and the ayes and noes being ordered and called were :

Ayes—Messrs. Chever, Eames, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White and Mr. Speaker—14.

Noes—Messrs. Garcia, Holland, Kelley, McCannon, Ortega, Webster, Welton and Woods—8.

Ayes—14.

Noes—8.

So the motion was lost.

Mr. Judd moved that the House do now resolve itself into a committee of the whole on

H. B. No. 57.

Carried.

The House then went into committee of the whole.

Mr. Chever in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

The chairman of the committee of the whole asked time to prepare his report, which was granted.

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The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows :

COUNCIL CHAMBER,  
March 3rd, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage, by the Council, of the following bills, to wit:

C. B. No. 38, an act further to amend "an act concerning practice in civil cases."

C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company.

C. B. No. 30, a bill for an act to amend "an act concerning jurors, approved Nov. 5, 1861,"

And the concurrence of your Honorable body therein is respectfully requested.

Also,

They have concurred in and passed without amendment

H. B. No. 46, an act to amend "an act to incorporate the Cash Creek Park Ditch Company."

All of said bills are herewith transmitted.

Very Respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Holland, from the committee on ways and means, without previous notice, asked leave to introduce

H. B. No. 69, an act to provide for the payment of the clerks and other officers of the Legislative Assembly.

Leave granted.

On motion of Mr. Chever,

The House adjourned until 10 o'clock a. m. to-morrow.

FRIDAY, MARCH, 4th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Chever from the committee on enrollment reported, C. Bs. Nos. 19 and 22, and H. B. Nos. 7, 20, 34 and 42, correctly enrolled.

Report received.

Mr. Chever from the committee on Territorial Affairs, reported as follows:

MR. SPEAKER: The committee on Territorial Affairs to whom was referred,

H. B. No. 51, together with the Petition of citizens of Park County, have had the same under consideration and submit the following report.

The bill provides that the Records, Laws and proceedings of Buckskin Joe, Montgomery, Independent and Musqueto mining districts, in the said County of Park, be taken as *prima facie* evidence in the matters concerned in such records or proceedings.

The Records, Laws and proceedings of Buckskin Joe mining district, as filed in the office of the County Clerk of said Park County, said books and records having been kept in the office of the Recorder of said County, by said Recorder.

The records of Montgomery mining district, to be taken as *prima facie* evidence up to June 16th, 1862.

The Records of Independent mining district up to June 24th, 1862, and Mosqueto mining district up to January 1st. 1862.

All Lodes discovered in districts above named since the dates named, have been generally pre-empted by the original pre-emptors in the districts, and evidence of such fact recorded in the office of the Recorder of said county, and this bill further provides that such pre-emptors as have not filed their declaration of claims owned by them, by virtue of certificates issued by said District Records, can file such declaration within three months from the passage of this act.

The bill further provides that the original Books, Records etc., of said district, be deposited in the office of the County Clerk of said County, and the Clerk authorized to make true and correct copies thereof up to the dates named.

Your committee recommend that the bill be passed with the following amendment to-wit:

By inserting the word "evidence" after the word "legal" in section 1, fifth line.

Also, by inserting the same word after the word "legal" in 6th line of section 2.

And fifth line of section 3, and 5th line of section 4.

D. A. CHEVER, Ch'n.

March 4.]

HOUSE JOURNAL.

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EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
DENVER, March, 4th, 1864.

*To the Honorable—The Council and House of Representatives of the Legislative Assembly of Colorado Territory.*

GENTLEMEN:—Having received for consideration a bill entitled “an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same,” and deeming it of great moment that provision shall be made, which will secure to the people, the full benefits intended in the establishment of our Courts, I have for that purpose deemed it proper respectfully to suggest the passage of a supplementary act, which shall remedy what seem to be defects in the provisions of the bill.

In a communication to the last session of your Honorable body, returning a similar bill, in reference to a section thereof authorizing the Judges to fix the time and place of holding Courts, I remarked that, “agreeably to my understanding of the Organic Act, this contravenes that provision which says,” “The said Territory shall be divided into three Judicial Districts and a District Court shall be held in each of said Districts by one of the Justices of the Supreme Court *at such time and place as may be prescribed by law.*”

The object of this provision of the Organic Act, evidently is, to secure regularity in the proceedings of the Courts, and that the public shall have standing notice, not to be varied by any contingencies, of the time and place of holding Courts. The time and place of holding the District Courts, being required to be fixed by law, I judge a power of the kind given the judges in this section, both inexpedient, and in violation of the letter and spirit of the Organic Act.”

The Organic Act, which is the only authority for the establishment of our Courts in section 9—the same section creating them, imposes the above conditions thereon, and also provides that “the first six days of said Courts or so much thereof as shall be necessary” “shall be appropriated to the trial of causes arising under the Constitution and Laws of the United States, and of course thereafter other causes shall be heard. Now if the same term of Court is to transact United States and Territorial business which is clearly intended by the language of this section, I cannot perceive how it could be necessary that the time and place for holding one part of it, should be fixed by law and the other be left to the discretion of the Judge.

Nor can I perceive the propriety of regarding a law of Congress passed in 1856, long before the Courts of this Territory

were established or authorized, as over-riding the conditions and provisions of the very law by which our Courts were subsequently created. The evident intention of the provisions of the law of 1856, (page 49 statutes at large,) was to restrict the expenses of holding Courts, which object is by no means in conflict with that important and wise provision of the Organic Act, requiring that suitors in our sparsely settled Territory, may have permanent notice of the time and place of holding Courts. That jurors, witnesses and parties to suits in Courts who have to incur great expense and make long and tedious journeys to attend thereon, should be subject to the pleasure of the judge as to the time and place of holding Court, and be liable to get no notice of his appointment, were sufficient reason for fixing the time and place for holding Court by law, aside from any question of Constitutionality.

I therefore hope that a provision may be made by supplementary act fixing the time and place by law for holding the Courts in the Territory. And as the people in some parts of the Territory have had good grounds for complaint because their Courts have not been held. I deem it highly important that some provision shall be adopted if possible to secure all the Courts to be held as provided for by law.

The bill before me proposes giving the Judges a docket fee and I suggest that its reception might be considered upon a faithful compliance on their part, with the requirements to hold Courts, at the specified times and places in their respective districts.

The provision of the bill before me placing Gilpin and Arapahoe Counties, which are the most populous in the Territory in the same district, I regard as unwise for it will prevent the residence of the Judge in one or the other of these Counties and thereby cause inconvenience to the people, especially in the matter of injunctions. And if you should not deem it expedient to change the District, I would respectfully suggest that Probate Judges be authorized to grant injunctions.

I would also suggest the propriety of providing for a term of the Court, that shall attend to United States business, to be held alternately in the mountains and on the plains, in the first and second Districts.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Leeper moved that,

H. B. No. 23, an act to establish and perpetuate titles to Lode claims, and for other purposes" be taken from the table and

referred to the committee on judiciary.

Carried.

C. Bs. Nos. 30, 36 and 38 were read a first and second time by their titles, and Nos. 30 and 38 referred to the committee on judiciary, and No. 36 to committee on Incorporations.

Mr. Marsh without previous notice, asked leave to introduce, H. B. No. 69, an act supplementary to an act entitled an act to divide the Territory of Colorado into Judicial Districts, and provide for the holding of Courts therein."

Leave granted and bill read a first and second time by its title.

Mr. Sheldon having given previous notice, asked leave to introduce,

H. B. No. 70, an act to revise and amend, an act entitled an act, to Incorporate the Ute Pass Wagon Road Company.

Which was read a first and second time by its title, and referred to committee on Incorporations.

H. B. Nos. 68 and 69, read a first and second time by their titles.

Mr. Stansell moved that,

H. B. No. 69, be read a third time and put upon its final passage.

Carried.

H. B. No. 69, was then read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 22.

Ayes—22.

Noes—0.

So the bill passed and title agreed to.

H. B. No. 64, an act to amend an act to establish and regulate Territorial roads.

Was read a third time and the question being upon its final passage, the ayes and noes were.

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 21.

Noes—Mr. McCannon, 1.

Ayes, 21; noes, 1.

So the bill passed and title agreed to.

Mr. Judd moved that,

H. B. No. 57, be considered engrossed and read a third time and put upon its final passage.

Mr. Koontz moved to amend the motion by having the bill ordered engrossed for a third reading.

Carried.

The question being upon the motion as amended,

Carried.

Mr. Welton moved that,

H. B. No. 52, be ordered engrossed for a third reading.

Carried.

Mr. Marsh moved that,

H. B. No. 54, be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 54, an act amendatory of an act to incorporate the Apex and Gregory wagon road Company, was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods, 18.

Noes—Messrs. Chever, Kelley, Mr. Speaker, 3.

Mr. Sheldon excused.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Chever from the committee of the whole, yesterday submitted the following report.

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 57, a bill for an act to incorporate the Denver and Pacific wagon road Company, and amended the same as follows to-wit:

Strike out the words "ninety-nine" in section 2, and substitute the word "fifty."

By striking out in 4th section, 5th line, the word 'June' and substituting the word 'October,' by adding to section 16, the following.

"The rates of toll as specified in this act, shall be reduced to one-half the present rates ten years after the road shall have been completed according to the provisions of this Charter, and the Company shall thereafter be allowed to collect only at this rate.

By inserting after the word road, in 3d line of section 18, the following "after any such judgment."

By adding of additional section, reading as follows:

"Nothing hereinbefore contained shall be so construed as to prevent other road companies constructing roads from other

points in this Territory, from connecting any road or roads of such Companies with the road authorized by this act.

By adding additional Section as follows:

A failure on the part of the company to comply with any provisions of this charter, shall work a forfeiture thereof.

By adding additional section, as follows:

Whenever after twenty years the Territory or State of Colorado, shall propose to purchase said road for the purpose of making the said road free for travel it shall be binding on the owners of said road to sell the same upon a payment of a price sufficient to pay the cost of building the same.

And with these amendments, report the bill back to the House, and recommend its passage.

Also, considered.

H. B. No. 27, and amended the same by substituting the following in place of Section two, and report the same back and recommend its passage.

SEC. 2. All that Territory embraced in the following limits, to-wit:

Commencing on the top of the divide, between Gregory and Chase Gulch, at a point on the western boundary line of the City of Blackhawk, where said line crosses said divide, thence westerly along the divide between Gregory and Chase Gulches and Eureka Gulch and Quartz Valley, to a point due North from the Rocky Mountain Brewery, at the head of Eureka Gulch, thence in a direct line, southeasterly to a point of rocks on the north side of Nevada Gulch, near Sheffus' Store, thence due south to the summit of South Nevada Mountain, thence easterly across Spring Gulch, and along the top of the divide, between Lake and Gregory Gulches, to a point where said line intersects the westerly boundary line of Black Hawk, thence northerly along said line to the place of beginning; shall be, and the same is hereby declared to be within the limits of the City of Central.

Also, considered.

H. B. No. 22, and amended the same by substituting the following in place of section 2, and report the same back and recommend its passage, to-wit:

SEC. 2. All that Territory embraced in the following limits, to-wit.

Commencing at a point five rods above the stamp mill of J. A. Hale & Co. in Chase Gulch, thence southerly in a direct line to the east line of Smith & Armlee's claims, on the extension of the Gregory Lode, thence easterly across said Lode, thence southerly along said Lode, so as to exclude the property of

Briggs & Brother, Smith & Parmlee, to the east line of No. 1, on the Gregory Lode, thence westerly across said Lode to a point, so as to include the Brick store and Dwelling, owned by D. D. Belden, thence southerly along said Lode, so as to include, claims Nos. 1, 2, 3, 4, and 5, with all the property attached to said claims, thence easterly across said Lode on the east line of No. 6, thence southerly along said Lode, so as to exclude all property to No. 16 on said Lode, thence westerly across said Lode to the east line of No. 18, on said Lode, thence across said Lode in a southerly direction to the top of the divide between Gregory and Lake Gulches, thence easterly on said divide to a point due south of the stamp mill of W. H. Dickinson thence north across Clear Creek to the top of the divide on north side of said creek, thence westerly following the dividing ridge, to a point on the divide due north of the stamp mill of SENDERFER & Buckmiller, thence southerly across North Clear Creek, and across the divide between North Clear Creek and Chase Gulch to the point of beginning; shall be and the same is hereby declared to be within the limits of Black Hawk.

Also, have considered,

H. B. No. 61, and report the same back without amendment, and recommend its passage.

Also, have considered,

H. B. No. 60, and amend the same by adding the following as an additional section.

"This act shall take effect and be in force on and after its passage," and with this amendment recommend its passage.

Also have considered,

H. B. No. 64, and report the same back without amendment and recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Marsh from the committee on judiciary reported as follows:

MR. SPEAKER:—Your committee to whom was referred, C. B. No. 23, having had the same under consideration, beg leave to report the same back without recommendation.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Stansell moved to reconsider the vote on the question to order, H. B. No. 57 engrossed.

Carried.

The question recurring upon the motion to engross was,  
Lost.

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Mr. Stansell moved that the amendments proposed by the committee of the whole be adopted.

Carried.

Mr. Stansell moved that the bill as amended be ordered engrossed.

Carried.

Mr. Welton moved that the vote on motion to order

H. B. No. 52 engrossed, be reconsidered.

Carried.

The question being upon the motion to engross.

Lost.

Mr. Welton moved that the amendments proposed by the committee of the whole to the bill be adopted.

Carried.

Mr. Welton moved that the bill as amended be ordered engrossed.

Carried.

Mr. Marsh moved that

H. B. No. 22 be considered engrossed, and read a 3d time by its title, and put upon its final passage.

H. B. No. 22, an act to incorporate the city of Black Hawk,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—19.

Noes—Messrs. Holland, Kelley, McCannon—3.

Ayes, 19; noes, 3.

So the bill passed, and title agreed to.

Mr. Judd moved that H. B. No. 27 be considered engrossed, and read a 3d time, and put upon its final passage.

Carried.

Mr. Ripley moved that the bill be considered read.

Carried.

H. B. No. 27, an act to incorporate the City of Central, was

Placed upon its final passage,

And the ayes and noes being called, were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Holland, Kelley, McCannon—3.

Ayes, 17; noes, 3.

So the bill passed, and title agreed to.

Mr. Webster moved that

C. B. No. 13 be taken up for consideration.

Carried.

C. B. No. 13 read and considered.

Mr. Chever moved that the amendments proposed by the committee of the Whole to the bill be adopted.

Carried.

Mr. Chever moved to amend, by adding an additional section, as follows:

"Provided, that nothing in this act contained, shall vest in said company the right to prevent any person or persons from diverting the water of said South Platte river, for the purpose of irrigating the soil, or for supplying the city of Denver with water for irrigation or other purposes.

Carried.

Mr. Welton moved that the bill be considered engrossed, and read a 3d time, and put upon its final passage.

Carried.

Mr. White moved that the bill be considered read.

Carried.

The question being upon the final passage of the bill;

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Stansell, White, Webster, Welton, Woods—17.

Noes—Messrs. Leeper, Marsh, Ripley, Sheldon, Mr. Speaker, 5.

Ayes, 17; noes, 5.

So the bill passed, and title agreed to.

The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows :

#### COUNCIL CHAMBER, March 4, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 35, a bill for an act to amend an act, entitled, "an act to incorporate the City of Denver, herewith transmitted; and the concurrence of your Honorable Body therein is respectfully requested.

Also, they have concurred in House amendments to Council amendments to H. B. No. 31.

Very Respectfully,

C. B. HAYNES,  
Secretary of the Council.

Mr. Stansell moved that

H. B. No. 51 be taken up for consideration.

Carried.

Mr. Stansell moved that the amendments proposed to the bill by the committee on Territorial affairs, be adopted.

Carried.

Mr. Hollane moved that the report of the committee on Territorial Affairs be adopted. Carried.

Mr. Stansell moved that the bill as amended be ordered engrossed for a 3d reading; pending which,

On motion of Mr. McCannon, the House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m. The Speaker in the chair.

Roll called.

Absent—Messrs. Chever, Kipp, McCannon, Mallory, Nye and Patterson.

Quorum present.

The consideration of H. B. No. 51 was resumed, and the motion pending being upon the order to engross,

Carried.

Mr. Marsh moved that

C. B. No. 11 be taken up for consideration.

Carried.

C. B. No. 11 was read and considered.

Mr. Marsh moved that the bill be read a 3d time by its title, and put upon its final passage.

Carried.

Messrs. Chever and Nye appeared in their seats.

C. B. No. 11, "an act explanatory of the Clear Creek and Guy Gulch Wagon Road Company," was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton—17.

Noes—Messrs. Chever, Stansell, Woods, Mr. Speaker—4.

Ayes, 17; noes, 4.

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T., }  
March 4th, 1864. }

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz:

An act to amend an act, entitled an act to authorize the appointment of County Commissioners in special cases.

An act for the protection of Sheep, and to prohibit pasturing the same in certain localities.

Very respectfully,

JOHN EVANS,  
Governor of Colorado.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 4, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 41, an act to enlarge the powers of the County Commissioners of Arapahoe County; and your concurrence therein is respectfully requested.

Also, they have concurred in and passed

H. B. No. 48, an act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes, with the following amendments, to wit:

Add to section 1—Provided, that this act shall apply to the official acts of the said Walker heretofore had and done, and shall not be held or construed to continue the said Walker in office.

SEC. 3.—That the Governor, by and with the advice and consent of the Legislative Council, shall, during the present session of the Legislative Session, and biennially thereafter, appoint a Superintendent of Common Schools for this Territory, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and who shall perform such duties and receive such salary as is now or may hereafter be provided by law; *Provided*, that the term of office of the first appointed shall be held to have commenced on the day of the passage of this act:

To which amendment your Honorable Body is respectfully asked to concur.

Also, they have passed, without amendment,

H. B. No. 69, an act supplementary to an act, entitled an act to divide the Territory of Colorado into Judicial Districts, and provide for the holding of Courts therein.

Also, that the Council concurs to House Amendments to C. B. No. 2, and

Do not concur in

H. S. to C. B. No. 8, an act to change the boundaries of Hurfano County, and re-locate its county seat—herewith returned.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. Chever, from the committee on Enrollment, reported C. B's. Nos. 16 and 39 correctly enrolled.

Report received.

Mr. Stansell moved to take up

C. B. No. 10 for consideration. Carried.

Mr. Marsh moved that the bill be laid on the table.

Motion lost.

Mr. Judd moved that the bill be indefinitely postponed.

Carried.

Mr. Marsh moved that the committee on Incorporations be requested to report on H. B. No. 32, *instantly*.

Motion lost.

Mr. Koontz moved to take up

H. B. No. 59 for consideration. Carried.

H. B. No. 59 was read and considered.

Mr. White moved to amend, as follows, viz :

Strike out all after the 2d line, in section 28, and insert in lieu thereof the following: "Any sum not exceeding five hundred dollars, nor less than one hundred dollars, or by imprisonment in the county jail, for a term not exceeding six months, nor less than three months, to be adjudged as other penalties under this act."

Carried.

Mr. Webster moved to amend, as follows:

That section 31 be so amended in the 7th line, as to read "six days" instead of "four days;" and that there be added to the section the following, to wit:

"Provided, that informality in the delivery of poll books as directed by this section, shall not invalidate the vote of any precinct, when said poll books shall have been delivered previous to the transmission by the clerk of the abstract of the return to the Secretary of the Territory."

That section 32 be so amended, as to read "tenth" day instead of "seventh" day.

Carried.

Mr. Marsh moved to take up H. B. No. 47 for consideration.

Carried.

H. B. No. 47 was read for consideration.

Mr. Marsh moved that the bill be considered engrossed, and read a 3d time by its title, and put upon its final passage.

Carried.

H. B. No. 47, "an act to authorize R. W. Steel to sell and convey certain mining claims," was

Read a 3d time by its title, and

The question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Judd, Koontz, McCannon, Ortega, Webster, —5. Ayes, 17; noes, 5.

So the bill passed, and title agreed to.

Mr. Stansell moved to take up H. B. No. 41 for consideration. Carried.

H. B. No. 41 read and considered.

Mr. Stansell moved that the bill be considered engrossed, and read a 3d time, and put upon its final passage.

Mr. Kelley moved that the bill be indefinitely postponed.

The ayes and noes being ordered and called, were,

Ayes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton, Woods—7.

Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Mr. Speaker—15.

So the motion to postpone was lost.

Mr. Judd moved to amend the bill, by striking out the words "Denver City," in 1st section, and inserting "Black Hawk." Motion withdrawn.

Mr. Webster moved to amend, by striking out the words "Denver City" and inserting "on wheels."

Mr. Ripley called for a division of the question.

The ayes and noes being called for and ordered, were,

Ayes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton—6.

Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—16.

Ayes, 6; noes, 16.

So the motion was lost.

Mr. Holland moved to lay the bill on the table.

Lost.

The question then being upon considering the bill engrossed,

The ayes and noes being called for and ordered, were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Koontz, Leeper, Marsh, McCannon, Nye, Ripley, Stansell, White, Woods, Mr. Speaker—14.

Mr. Judd asked to be excused from voting.

Mr. Lynch objected, and moved that Mr. Judd be required to vote. Carried.

Mr. Judd voted, aye—15.

Noes—Messrs. Holland, Kelley, Lynch, Ortega, Webster, Welton—7.

Ayes, 15; noes, 7.

So the motion prevailed.

Mr. Stansell moved that the bill be read a 3d time by its title. Carried.

H. B. No. 41, "An act to re-locate the Capital of Colorado."

Was read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—16.

Noes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton—6.

Ayes, 16; noes, 6.

So the bill passed, and title agreed to.

Mr. Ripley moved to take up

H. B. No. 40. Carried.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, 3 p. m., March 4, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body, that the Council, as a tribute of respect to the memory of Hon. J. B. Doyle, deceased, late a member of the Council, adjourned until 10 o'clock a. m., to-morrow.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Nye moved, that as a tribute of respect to the memory of the Hon. J. B. Doyle, deceased, this House do now adjourn until 10 o'clock to-morrow.

Carried.

The House then adjourned.

SATURDAY, MARCH 5th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

Mr. Marsh moved that the reading of the journal be dispensed with for to-day.

Carried.

Journal approved.

Mr. Marsh, from the committee on judiciary, reported as follows:

MR. SPEAKER: Your committee, to whom was referred C. B.'s Nos. 28, 30 and 35, having had the same under consideration, beg leave to report as follows:

Your committee would recommend the passage of

C. B.'s Nos. 30 and 38 without amendments

They would further recommend the passage of

C. B. No. 28, with the following amendments:

Include the counties of El Paso, Pueblo and Gilpin, with those named in the first section of said act

Insert after "1861," on the 7th line of section two, the following: "and the several amendatory acts thereto."

Insert after the words "respectively," on the 6th line of section four of said act, the following:

"Except the county of Gilpin,"

Insert after the word "act," on the 3rd line of section five, the following:

"Except the county of Gilpin."

Also,

Insert "except the county of Gilpin" after the word "act," on the 3rd line of section seven.

Strike out after the word "act," on the 3rd line of section eight, the following:

"Shall be as now provided by law for the transaction of business under this act."

Insert "except the county of Gilpin" after the word act, on the 3rd line of section fifteen.

Add section seventeen—this act shall take effect and be in force from and after the passage thereof.

Your committee also having had

H. B. No. 50 under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Woods, from special committee, made the following report:

MR. SPEAKER: The special committee to whom was referred H. B. No. 53, "an act to incorporate the Cash Creek and Lake

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County Gold Mining Company" have had the same under consideration, and beg leave to report the same back to the House with the following substitute submitted herewith, and recommend its passage.

JOEL WOODS, Ch'n.

Report received.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 51, 52, 57 and 59 correctly engrossed.

Report received.

Mr. Henson asked leave to withdraw

H. B. No. 19, and,

On motion of Mr. Stansell

Leave was granted and bill withdrawn.

Mr. Stansell, from the committee on incorporations, reported as follows:

MR. SPEAKER: The committee on incorporation, to whom was referred

H. B. No. 32, "an act to incorporate the City of Black Hawk Gas Light Company" have had the same under consideration, and ask leave to report the same back to the House with the following amendments, and recommend its passage, viz:

Add section five,

Provided, the said company shall at no time issue their bonds or certificates of indebtedness to an amount exceeding fifty per cent. of its capital stock.

Also, add the following additional section:

SEC. 11. That the said company shall commence the erection of said gas works within one year from the passage of this act, and shall be so far advanced as to be prepared to furnish gas to consumers thereof within two years thereafter, and a failure to do so, or to comply with any of the provisions of this act shall work a forfeiture of the franchises herein granted.

Also,

Have had under consideration

H. B.'s Nos. 67 and 70, and ask leave to report the same back to the House without amendment, and recommend their passage.

Also,

H. B. No. 19, an act to incorporate the Platte City Ditch Company, and ask leave to report the same back to the House without amendment or recommendation.

J. B. STANSELL, Ch'n.

Report received.

Mr. Chever, from committee on enrollment, reported H. B. No. 69 and C. B.'s Nos. 18 and 24 correctly enrolled.

Report received.

Council amendments to

H. B. No. 48 read and considered.

Mr. Marsh moved that the House do concur in Council amendments to the bill.

Carried.

Mr. Sheldon moved that this House do insist upon

H. sub. for C. B. No. 8.

Carried.

Mr. Kelley offered the following resolution:

*Resolved*, That the committee on printing be authorized to order five hundred copies of the correspondence of the Governor of Colorado and the Governor of New Mexico printed.

Resolution adopted.

C. B.'s Nos. 35 and 41 were read a first and second time by their titles.

Mr. Webster, without previous notice, asked leave to introduce

H. B. No. 71, an act to amend an act entitled "an act to define county boundaries and locate County Seats in the Territory of Colorado."

Leave granted, and

Bill read a first and second time by its title.

Mr. Welton, in pursuance to previous notice, asked leave to introduce

H. B. No. 72, an act to incorporate the Pueblo Town Company, which was

Read a first and second time by its title.

Also, without leave,

H. B. No. 73, an act to incorporate the Excelsior Ditch Company.

Leave granted, and bill

Read first and second time by its title.

Mr. Ripley, in pursuance to previous notice, asked leave to introduce

H. B. No. 74, an act to dissolve the bonds of matrimony between Wm. D. Donaldson and Ruth Donaldson, which was

Read a first and second time by its title.

Mr. Holland having given previous notice, asked leave to introduce

H. B. No. 75, a bill for an act to prevent speculation in Territorial and County Scrip, which was

Read a first and second time by its title.

Mr. Judd having given previous notice, asked leave to introduce

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company, which was  
Read a first and second time by its title.

Mr. Lynch moved that

H. J. R. No. 8 be taken up for consideration.

Carried.

H. J. R. No. 8 read and considered.

Mr. Marsh moved that the bill be considered engrossed, and read a third time and put upon its final passage.

Mr. Webster moved to amend as follows:

Strike out in the preamble the words "desire" and "the."

Motion lost.

The question being upon the question to consider engrossed.

Carried.

Mr. White moved that the bill be read by title.

Carried.

H. J. R. No. 8, in relation to State Government, was

Read a third time by its title, and

The question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Eames, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Woods and Mr. Speaker—16.

Noes—Messrs. Garcia, Holland, Kelley, McCannon, Ortega and Welton—6.

Ayes—16.

Noes—6.

So the bill passed and title agreed to.

On motion of Mr. Judd,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson.

Quorum present.

Mr. Marsh moved that

C. B. No. 28 be taken up for consideration.

Carried.

C. B. No. 28 read and considered with amendments reported by the committee.

Mr. Koontz moved to amend the amendment proposed by inserting Douglas, Clear Creek, Fremont and Jefferson counties.

Carried.

The question then being upon the adoption of the amendment proposed by the committee to section one,

The motion prevailed.

Mr. Marsh moved that the report of the committee on the bill be adopted.

Carried.

Mr. Chever moved the adoption of the following additional section :

That section 10 and 11 of an act amendatory to an act concerning Justices of the Peace and Constables, approved August 15th, 1862 be, and the same are hereby repealed.

Motion lost.

Mr. Kelley moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Koontz moved that the bill be considered read.

Carried.

The question being upon the final passage of the bill, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—20.

Noes—Mr. Speaker—1,

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Chever moved that

C. B. No. 14 be taken up and considered.

Carried.

C. B. No. 14, an act to incorporate the Denver Artesian Well Company, taken up and considered.

Mr. Chever moved that the bill be considered read a third time and put upon its final passage.

Carried.

The question being upon the final passage of the bill, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—18.

Noes—Messrs. Judd, McCannon and Mr. Speaker—3.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Webster moved to take up

H. B. No. 60 for consideration.

Carried.

H. B. No. 60 read and considered.

Mr. Webster moved that the bill be considered engrossed and read a third time for final passage.

Carried.

Mr. Ripley moved that the bill be considered read.

Carried.

H. B. No. 60, an act to amend "an act to enable citizens of this Territory in the military service of the United States to vote" being upon its final passage, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—21.

Ayes—21.

Noes—0.

So the bill passed and title agreed to.

Mr. Lynch moved to take up

H. B. No. 61 for consideration.

Carried.

H. B. No. 61 read and considered.

Mr. Lynch moved that the bill be considered engrossed, and be read a third time for final passage.

Carried.

H. B. No. 61, an act to legalize the acts of the Board of Directors of School District No. 5, in Arapahoe County, in certain cases, was

Read a third time, and the question being upon its final passage, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—21.

Noes—0.

Ayes—21.

Noes—0.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up

H. B. No. 70 for consideration.

Carried.

H. B. No. 70 read and considered.

Mr. Stansell moved that the bill be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 70, an act to revive and amend "an act to incorporate the Ute Pass Wagon Road Company" was

Read a third time, and the question being upon its final passage, the ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster and Woods—18.

Noes—Messrs. White, Welton and Mr. Speaker—3.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Judd moved to take up

H. B. No. 32 for consideration.

Carried.

H. B. No. 32 read and considered.

Mr. Stansell moved that the further consideration of the bill be deferred until Monday next, at 2 o'clock p. m.

Carried.

The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows, viz :

EXECUTIVE DEPARTMENT, C. T.,

March 5th, 1864.

*To the Honorable J. B. Chaffee, Speaker of the House of Representatives :*

SIR : I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz :

An act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same.

An act supplementary to an act entitled "an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of courts in the same."

Very respectfully, your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Chever moved to take up

C. B. No. 25 for consideration.

Carried.

C. B. No. 25 read and considered.

Mr. Chever moved that the amendments proposed by the committee to the bill be adopted.

Carried.

Mr. Ripley moved to amend by adding the following additional section :

SEC. —. That said company shall not obstruct any ford along the line of said river within the limits of their corporate limits.

Carried.

Judd,  
Orte-

Mr. Chever moved that the bill be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 25, "an act granting to Francis Smith the right to erect and maintain a bridge across the South Platte River," was Read a third time by its title, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Welton and Woods—13.

Noes—Messrs. Koontz, Kelley, Lynch, Leeper, Webster and Mr. Speaker—6.

Ayes—13.

Noes—6.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,

March 5, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 43, a bill for an act to amend an act entitled "an act concerning Justices of the Peace and Constables," herewith transmitted, and your Honorable Body is respectfully requested to concur therein.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company, was then taken up for a third reading.

Mr. Koontz moved that the bill be considered read a third time.

Carried.

The question then being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—20.

Noes—Mr. McCannon—1.

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Chever, from the committee on enrollment, reported H. B.'s Nos. 31, 37 and 46 correctly enrolled.

Report received.

H. B. No. 52, an act amendatory of an act entitled "an act relating to fencing," was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Welton and Mr. Speaker—16.

Noes—Messrs. McCannon, Ortega, Stansell and Woods—4.  
Excused—Mr. Kelley.

Ayes—16.

Noes—4.

So the bill passed, and title agreed to.

H. B. No. 59, an act to amend an act entitled "an act regulating elections," was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—20.

Noes—Mr. Speaker—1.

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Kelley moved to adjourn until 10 o'clock a. m., on Monday next.

Mr. White moved to amend by making it 9 o'clock.

Motion lost.

Original motion carried, and the House adjourned.

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### MONDAY, MARCH 7, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, McCannon, Mallory, Nye, Patterson, Welton.

Quorum present.

Journal of the preceding day read and approved.

Mr. Holland presented the petition of one hundred and fifty citizens of Clear Creek county against the removal of the county seat thereof.

Petition received, read, and referred to the Committee of the Whole.

Mr. White, from the committee on Ways and Means, reported as follows:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 75, have had the same under consideration, and beg leave to report the same back to the House, and Recommend its passage without amendment.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh, from the committee on Judiciary, reported as follows:

MR. SPEAKER: Your committee to whom was referred H. B. No. 23, "An act to perpetuate and establish titles to Lode Claims, and for other purposes," have had the same under consideration, and beg leave to report—

"An act to establish the titles to Lode Claims, and establish the time of actions for the recovery of the possession thereof," As a substitute, submitted herewith, And recommend the passage of the same.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Holland, from the committee on Elections and Apportionment, reported as follows:

MR. SPEAKER: The Committee on Elections and Apportionment, to which was referred the communication from the Secretary, giving an abstract of the vote at the last election, beg leave to report the same back, and recommend that it be spread upon the Journal of the House.

E. F. HOLLAND, Ch'n.

Report received.

C. B. No. 43 read a 1st and 2d time by its title, and

Referred to the committee on Judiciary.

Mr. Koontz, without previous notice, asked leave to introduce

H. B. No. 78, an act to prevent unlicensed Practitioners in medicine from practicing in this Territory.

Leave granted, and bill read a 1st and 2d time by its title.

Mr. Marsh, without previous notice, asked leave to introduce

H. B. No. 77, "An act to amend an act, entitled, an act to incorporate the Consolidated Ditch Company."

Mr. Webster objected.

Mr. Stansell moved that leave be granted.

Carried,

Leave granted, and bill read a 1st and 2d time by its title.

Mr. Webster moved to take up H. B. No. 21 for consideration.  
Carried.

H. B. No. 21 read and considered.

Mr. Webster moved to amend, as follows: Amend section 1, by striking out in the 3d line, the words "one and a half," and wherever they occur in said section.

In the 5th line strike out the words, "not less than."

In the 6th line strike out the word "less," and insert "more" in lieu thereof.

In the 7th line insert the word "three" between the words "with" and "plank."

In the 10th line strike out the word "five," and insert "twelve" in lieu thereof.

Strike out all after the word "apart," in the 11th line;

And all of the 12 line.

Mr. Kelley moved to amend the amendment, as follows:

Strike out all of section 2, and insert the following—

"That any structure, hedge or ditch, in the nature of a fence, used for the purposes of an enclosure, which is such as good farmers keep, and, as shall on the testimony of good farmers, appear to be sufficient, shall be deemed a lawful fence.

Motion lost.

The question being upon the original motion to amend,

Carried.

Messrs. McCannon, Nye and Welton appeared in their seats.

Mr. Kelley moved to strike out the words "two feet," in section 1, and insert the word "substantially" in lieu thereof.

Carried.

Mr. Webster moved to amend section 3, as follows:

In the 4th line insert the words "and not otherwise," between the words "acts," and "may."

Motion lost.

Mr. Ripley moved to strike out the words "forty-eight hours" in section three, and insert "five days" in lieu thereof.

Carried.

Mr. Kelley moved to strike out the word "six," in section 1, and insert the word "eight."

Carried.

Mr. Garcia moved that "Conejos, Costilla and Huerfano" be inserted in the blank in section 12.

Carried.

Mr. Ripley moved that "Weld County" be inserted in the blank in section 12.

Mr. Koontz moved to amend, by adding the counties "Douglas and Arapahoe."

Amendment accepted.

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Mr. Sheldon moved to amend, by adding "El Paso and Pueblo."  
Amendment accepted.

Mr. Stansell moved to amend, by adding "Park, Lake, and Summit."

Amendment accepted.

Mr. Marsh moved to amend, by adding "Gilpin."

Amendment accepted.

Mr. Holland moved to amend, by adding "Clear Creek."

Amendment accepted.

The question being upon the motion as amended,

Carried.

Mr. Kelley moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Marsh, without previous notice, asked leave to introduce

H. B. No. 79, an act to amend an act, entitled an act concerning Justices of the Peace and Constables.

Leave granted, and bill received.

Mr. White gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill making appropriations for the fiscal year commencing January 1st, 1864, and ending December 31st, 1864, and for other purposes.

Mr. Marsh moved to take up

C. B. No. 38 for consideration.

Carried.

C. B. No. 38 read and considered.

M. Marsh moved that the bill be considered read the 3d time, and put upon its final passage.

Carried.

C. B. No. 38, "An act further to amend an act concerning civil cases,"

Being put upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods, Mr. Speaker—18.

Noes—Messrs. Henson, McCannon, Stansell—3.

Excused—Mr. Welton.

Ayes, 18; noes, 3.

So the bill passed, and title agreed to.

Mr. Ripley moved that

H. B. No. 40 be taken up from the table, and considered.

Mr. Marsh moved to amend, by taking up C. B. No. 26.

Motion lost.

Original motion—Carried.

H. B. No. 40 taken up and considered.

Mr. Ripley moved to amend the bill as follows:

Add after the name of "B. Keith," in section 1, the name of "Allen A. Bradford."

Strike out all of section 4, after the words "as right of discovery."

Add additional section, as follows:

"Nothing in section 5 shall be so construed, as to prevent any person or persons, or Company, from prospecting in any new District organized under the provisions of section 5, and being entitled to all the rights and privileges allowed by the laws of the United States and of this Territory.

Mr. Holland moved to amend the amendment by striking out all of section 5.

Amendment accepted.

Motion as amended—Carried.

Mr. Leeper moved to strike out the word "two," in 2d line of section 4, and insert "one" in lieu thereof.

Carried.

Mr. Koontz moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Judd moved to take up H. B. No. 74 for consideration. Carried.

Mr. White moved moved to lay the bill on the table.

Motion lost.

H. B. No. 74 was read and considered.

Mr. Kelley moved that the bill be referred to a committee of old bachelors.

Mr. Marsh moved that it be referred to a committee of doctors. Carried.

The Speaker appointed doctors Kelley and Holland such committee.

Mr. Welton moved to take up H. B. No. 71.

Carried.

H. B. No. 71 read and considered.

Mr. Welton moved that the bill be considered engrossed, Read a 3d time, and put upon its final passage.

Carried.

H. B. No. 71, an act to amend an act, entitled, "An act to define County boundaries, and locate County Seats in Colorado Territory," was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were.

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, Webster, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Marsh, McCannon, White—3.

Ayes, 17: noes, 3.

So the bill passed, and title agreed to.

Mr. Koontz moved to take up C. B. No. 35 for consideration.

Carried.  
C. B. No. 35 read and considered.

Mr. Nye moved that the bill be referred to the committee on Incorporations.

Mr. Stansell moved to amend, by referring the bill to the committee of the Whole.

Motion lost.

Original motion carried.

On motion of Mr. Judd the House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson.

Quorum present.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 7, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council has passed the following bills, to wit:

C. B. No. 47, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

C. B. No. 53, an act for re-copying the old records of Gilpin County, Colorado Territory.

C. B. No. 46, an act to amend an act relating to County and County Officers.

Also, C. J. R. No. 2, in relation to translation of Laws into Spanish—herewith transmitted;

And the concurrence of your Honorable Body therein is respectfully requested.

Also, the Council concurs in House Amendments to

C. B. No. 25.

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. Koontz, from the committee on Engrossment, reported H. B. No. 21 correctly engrossed.

Report received.

Mr. Judd asked leave to withdraw H. B. No. 30, and  
On motion, leave was granted, and bill withdrawn.

H. B. No. 32 being the special order of the hour, was taken  
up, read and considered.

The question being upon the amendment proposed by the  
committee, the amendment was adopted.

The question then being upon the adoption of the additional  
section proposed by the committee—

Mr. Marsh moved to amend the proposed section, by striking  
out the word "one" in 3d line, and inserting the word "two."

Carried.

The section as amended was then adopted.

Mr. Judd moved that the bill as amended be ordered en-  
grossed for a 3d reading.

Mr. Nye moved to amend, by adding a section, as follows :

That when this Company shall build or extend their works  
through or into the corporate limits of any other city than the  
city of Black Hawk, such extension or works shall be under the  
direction and with the consent of such Corporation.

Carried.

The question then being upon the order to engross,

Carried.

M. Judd moved that H. B. No. 67 be taken up for considera-  
tion. Carried.

H. B. No. 67 read and considered.

Mr. Nye moved that the bill be ordered engrossed.

Mr. Judd moved to amend, by considering the bill engrossed.

Carried.

H. B. No. 67, "An act to incorporate the Colorado Gold  
Mining Company of Philadelphia," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz,  
Kelley, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell,  
White, Woods—15.

Noes—Messrs. Chever, Leeper, McCannon, Webster, Wel-  
ton, Mr. Speaker—5.

Ayes, 15; noes, 5.

So the bill passed, and title agreed to.

Mr. Sheldon moved that H. B. No. 28 be taken from the ta-  
ble and considered.

Carried.

H. B. No. 28 taken up and considered.

Mr. Sheldon moved to strike out section 10.

Carried.

Mr. Sheldon moved that the bill be ordered engrossed for a  
3d reading. Carried.

Mr. Kelley moved to take up H. B. No. 55 for consideration.  
Carried.

Mr. Kelley moved that the bill be indefinitely postponed.  
Carried.

Mr. Koontz, without previous notice, asked leave to introduce H. B. No. 80, an act to amend an act, entitled, an act to provide for the increase and time of meeting of the Legislature, approved November 8th, 1861.

Leave granted, and  
On motion of Mr. Koontz, bill read a 1st and 2d time by its title.

Mr. Koontz moved that the rules of the House be suspended, and the bill read a 3d time, and put upon its final passage ;

And the ayes and noes being ordered and called, were,  
Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker—18.

Noes—Messrs. Marsh and White—2.

Ayes, 18 ; noes, 2.

So the rules were suspended.

H. B. No. 80 was then read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—18.

Noes—Messrs. Chever, Marsh—2.

Ayes, 18 ; noes, 2.

So the bill passed, and title agreed to.

Mr. Marsh moved that C. B. No. 30 be taken up and considered. Carried.

C. B. No. 30 read and considered.

Mr. Marsh moved that the bill be read a 3d time, and put upon its final passage.

Carried.

C. B. No. 30, an act to amend an act, entitled an act concerning Jurors, approved November 5, 1861, was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—19.

Noes—none.

Ayes, 19 ; noes, 0.

So the bill passed, and title agreed to.

Mr. Marsh moved that the House do now go into committee of the whole on the general file.

Carried.

The House then went into committee of the whole on the general file,

Mr. Ripley in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

The chairman of the committee of the whole asked time to prepare his report, which was granted.

The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, March, 7th, 1864. }

*To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein:

An act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company.

An act to amend an act entitled "an act to incorporate the Cash Creek Park Ditch Company," approved August 14, 1862.

An act securing unto James Miller, of Gilpin County, certain rights.

Very respectfully, your obedient servant,

JOHN EVANS,  
Governor of Colorado.

Mr. Kelley moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making the hour 9 o'clock a. m.

Carried.

The House adjourned until 9 o'clock a. m. to-morrow.

TUESDAY, MARCH, 8th, 1864.

House met pursuant to adjournment, at 9 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Holland, Kipp, Kelley, Mallory, Patterson,

White.

Quorum present.

The Journal of the preceding day read and approved.

Messrs. Holland, Kelley and White appeared in their seats.

Mr. Chever from the committee on enrollment reported,

C. B. No. 2, correctly enrolled.

Report received.

Mr. Sheldon from the committee on County and County lines, made the following report:

MR. SPEAKER: Your committee to whom was referred the petition of citizens of Weld and Larimer Counties, praying to be attached to Boulder County, beg leave to report that they have received information that in consequence of some recent Legislative action materially affecting the interests of those Counties, said petitioners have become divided in their statements regarding the objects therein prayed for, many of them feeling disposed to recall said petition.

Your committee therefore recommend that the further consideration of said petition be indefinitely postponed.

A. L. SHELDON, Ch'n.

Report received.

Mr. Stansell, from the committee on incorporations submitted the following report.

MR. SPEAKER: The committee on incorporations to whom was referred, C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company, have had the same under consideration, and ask leave to report the same back to the House with the following amendments and recommend its passage viz: Strike out section 9.

Also, strike out the words "one branch of" in 2d and 3d line of section 10.

Also, strike out the word "three" in fourth line of section 10 and insert "two" in lieu thereof.

J. B. STANSELL, Ch'n.

Report received.

Mr. Ripley, chairman of the committee of the whole (yesterday afternoon,) submitted the following report.

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company, and beg leave to report the same back to the House amended as follows to-wit:

Strike out the word "five" and insert "ten" when it relates to years.

Strike out the word "Central City" in the 4th section and

insert "south bank of South Clear Creek," and recommend its passage.

Also, C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille Ditch company, and report the same back to the House without amendment and recommend its passage.

Also, C. B. No. 29, "an act concerning "licen ses" and report the same back to the House with the following amendments, to-wit:

Amend section 4 so as to make retail Liquor licences "Fifty Dollars" instead of "twenty-five."

Amend section 21, so as to make Bowling Alleys and Billiard Saloons pay "Ten Dollars" for alley or table instead of "Five."

Also, add additional section.

"Nothing in this act shall be so construed as to make it lawful for the before mentioned tribunals to grant licenses for the keeping of gambling or bawdy houses."

Also, insert after the word "peddling" in the 3d line from the bottom of section 4, the following, "any article, the produce of this Territory."

And recommend its passage.

Also, H. B. No. 56, and report the same back to the House with the following amendment:

Strike out all after the enacting clause and insert.

"That an act establishing the mode of locating and changing County seats approved Nov. 7, 1861, be amended as follows viz:

Strike out the word "inhabitants," and insert the words "loyal voters" in the first line of section 3d of said act, and recommend its passage.

Respectfully Submitted,

D. RIPLEY, Ch'n.

Report received.

C. J. R. No. 2, in relation to translating the laws into Spanish read a first and second time by its title. C. B. No. 44, "an act for the protection of Roads" was read a first and second time by its title and referred to the committee of the whole.

C. B. No. 46, an act in relation to Counties and County officers was read a first and second time by its title, and referred to the Committee of the whole.

C. B. No. 49, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of Towns upon lands of the United States under certain circumstances.

Was read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 53, an act to provide for re-copying the old records of Gilpin County, was read a first and second time by its title and referred to the committee of the whole.

H. B. No. 79, read a first and second time by its title, and referred to the committee of the whole.

H. B. No. 21, a bill for an act concerning fencing was taken up for a third reading.

Mr. Webster moved to amend by the following additional section, to-wit:

The owner of any animal, that is unruly, and in the habit of breaking through or throwing down fence, if after being notified that such animal is unruly and in the habit of breaking through and throwing down fence as aforesaid, he shall allow such animal to run at large, shall be liable for all damages caused by such animal, and any, and all other animals that may be in company with such animals.

Carried.

Mr. Judd moved that the bill be considered read a third time.

Carried.

The question then being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Lynch, Leeper, Nye, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 12.

Noes—Messrs. Chever, Henson, Judd, Koontz, Ortega, Mr. Speaker, 6.

Ayes, 12; noes, 6.

So the bill passed.

Mr. Webster moved to amend the title by substituting the following, viz:

"An act relating to lawful fences, partition fences, and the trespassing of animals,

Carried.

Title as amended agreed to,

Mr. Koontz from the committee on engrossment reported.

H. Bs. Nos. 32 and 40 correctly Engrossed.

Report received.

Mr. Chever from the committee on Territorial affairs without previous notice asked leave to introduce,

H. J. M. No. 2, a memorial to Congress.

Leave granted, and memorial received.

Mr. Marsh moved that,

H. B. No. 77, be taken up for consideration.

Carried.

H. B. No. 77, was read and considered.

Mr. Marsh moved that the bill be considered engrossed, and read a 3d time by its title, and put upon its final passage.

Carried.

H. B. No. 77, an act to amend an act to incorporate the consolidated Ditch Company.

Was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Woods, Mr. Speaker, 15.

Noes—Messrs. Chever, Nye, Lynch, Webster, Welton, 5.

Excused, Messrs. Koontz, Kelley.

Ayes—15.

Noes—5.

So the bill passed and title agreed to.

Mr. Judd, moved that,

H. B. No. 58, be taken up for consideration.

Carried.

H. B. No. 58, read and considered.

Mr. Holland moved to strike out the last clause of the last section.

Carried.

Mr. Marsh moved that the bill be considered engrossed and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read a third time. Carried.

H. B. No. 58, "an act to incorporate the Black Hawk mining company," being put upon its final passage the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, White, Welton Woods,—15.

Noes—Messrs. Chever, Henson, Koontz, Leeper, Ortega, Webster, Mr. Speaker, 7.

Ayes—15.

Noes—7.

So the bill passed and title agreed to.

Mr. Stansell moved that,

H. B. No. 53, be taken up for consideration.

Carried.

H. B. No. 53 read and considered.

Mr. Stansell moved that the bill be considered engrossed for a third reading.

Carried.

Mr. Stansell moved that the bill be considered read.

Carried.

H. B. No. 53, an act to incorporate the Cash Creek and Lake County Mining company, being then upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Lynch,

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Marsh, Nye, Ripley, Sheldon, Stansell, Welton, Woods, 13.  
Noes—Messrs. Chever, Holland, Koontz, McCannon, Ortega,  
White, Webster, Mr. Speaker, 8.

Ayes—13.

Noes—8.

So the bill passed and title agreed to.

Mr. Lynch moved to take up H. B. No. 65, for consideration.

Carried.

H. B. No. 65 read and considered.

Mr. Lynch moved that the bill be ordered engrossed for a third reading.

Motion lost.

Mr. Marsh moved that the amendment proposed by the committee of the whole be adopted.

Carried.

Mr. Holland moved to amend section 4 by inserting after the word "locate" the words "from the two termini named."

Carried.

Mr. Lynch moved that the bill as amended be ordered engrossed for a third reading.

Carried.

Mr. Koontz moved that C. B. No. 41, be taken up for consideration.

Carried.

C. B. No. 41, read and considered.

Mr. Holland moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Webster moved that the bill be considered read a third time.

Carried.

H. B. No. 41, an act to enlarge the powers of the County Commissioners of Arrapahoe County" being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Excused Mr. Lynch.

Ayes—17.

Noes—0.

So the bill passed, and title agreed to.

Mr. White moved that,

H. B. No. 75, be taken up for consideration.

Carried.

H. B. No. 75, read and considered.

Mr. Chever moved that the bill be considered engrossed for a third reading.

Carried.

Mr. Chever moved that the bill be considered read.

Carried.

H. B. No. 75, an act to prevent speculation in Territorial and County scrip.

Being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Sheldon, White, Welton, Woods, Mr. Speaker, 16.

Noes—Messrs. Eames, McCannon, Ripley, 3.

Ayes—16.

Noes—3.

So the bill passed and title agreed to.

Mr. Welton moved that,

C. B. No. 32, be taken up for consideration.

Carried.

Mr. Sheldon, moved that the bill be read a third time by its title, and put upon its final passage.

Carried.

C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille, Ditch Company.

Being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Noes—Mr. Henson, 1.

Ayes—17.

Noes—1.

So the bill passed and title agreed to.

Mr. Marsh moved that,

H. B. No. 79, be taken up for consideration.

Carried.

H. B. No. 79 read and considered.

Mr. Marsh moved that the bill be considered engrossed for a third reading.

Carried.

No objection being made the rules were considered suspended and,

H. B. No. 79, "an act concerning justices of the peace and constables," was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker, 19.

Noe—Mr. McCannon, 1.

Ayes—19.

Noes—1.

So the bill passed, and title agreed to.

Mr. Holland moved that

H. B. No. 40, be read a third time and put upon its final passage.

Carried.

H. B. No. 40, an act to incorporate the Rocky Mountain Exploring, Prospecting and mining company.

Was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Stansell, Welton, 12.

Noes—Messrs. Chever, Koontz, Marsh, McCannon, Sheldon, White, Webster. Mr. Speaker, 8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,  
March 8, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills to-wit:

C. B. No. 33, an act to amend an act entitled an act regulating the "fees of officers, jurors and witnesses" approved Nov. 8th, 1861.

C. B. No. 45, "an act to enable citizens of this Territory in the military service of the United States to vote."

C. B. No. 37, a bill for "an act relating to the sufficiency of the security on Official Bonds, and for other purposes."

And the concurrence of your Honorable Body is respectfully requested therein.

They have also concurred in, and passed,

H. J. R. No. 8, preamble and resolutions, relating to State Government.

Also, H. B. No. 35, an act to amend an act entitled an act, providing for the collection of the revenue, with the following amendments thereto, to-wit:

In section 1, second line from the bottom, strike out the word "five" and insert instead thereof, the word "two."

In section 9, eighth line from the top, strike out the word "fifteenth" and insert the word "last."

Also, insert after the figures "1862," in fourth line of section 12, an act supplemental to an act providing for the collection of the revenue, approved Nov. 7th, 1861. Approved August 15, 1862.

Also, "an act to increase the revenue," approved August 15th, 1862, strike out the word "is" in last line of said section, and insert instead thereof, the word "are."

Also, H. B. No. 16, a bill for an act relating to marriages. And have amended the same, as follows, to-wit:

Strike out all of section 3, after the word cause, in the 11th line.

Also, add section 12, as follows:

All marriages which have been solemnized in this Territory whether by any President or Judge of any mining district elected under, and acting by the laws thereof, or by any Justice of the Peace or Clergyman, prior to the passage of this act, are hereby confirmed and made legal, and all children, the issues of such Marriages shall have the same rights in law and equity, as if such marriages had been solemnized according to the provisions of this act." To which amendments you are respectfully requested to concur.

Also, the Council concur in House amendments to C. B. No. 28.

Very Respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. White, previous notice having been given, asked leave to introduce,

H. B. No. 81, "an act making appropriations for the fiscal year, commencing January, 1st. 1864, and ending December, 31, 1864, which was read a first and second time by its title and referred to the committee on ways and means.

Mr. Nye, without previous notice, asked leave to introduce, H. B. No. 82, an act amendatory of an act, establishing the Common School system.

Leave granted and bill read a first and second time by its title, and referred to the committee of the whole.

Mr. Leeper moved that,

H. B. No 23, be taken up for consideration.

Carried.

Mr. Marsh moved that, the substitute to the bill reported by the committee on judiciary, be read and considered.

Carried.

H. S. for H. B. No. 23, read and considered.

Mr. Leeper, moved that the report of the committee on the bill be adopted.

Carried.

Mr. Marsh moved that the bill be ordered engrossed.

Lost.

Mr. Holland moved to defer the further consideration of the bill until this afternoon.

Carried.

Mr. Welton moved that, H. B. No. 72, be taken up for consideration.

Carried.

H. B. No. 72, read and considered.

Mr. Welton asked leave to withdraw the bill from the House.

Leave granted and bill withdrawn.

Mr. White moved that the House do concur in Council amendments to

H. B. No. 35.

Carried.

Mr. White moved that the House do concur in Council amendments to

H. B. No. 16.

Carried.

Mr. Ripley moved that

C. B. No. 36, with the amendments proposed by the committee of the whole, be read and considered.

Carried.

C. B. No. 36, with amendments, was taken up and considered.

Mr. Marsh moved that the further consideration of the bill be deferred, and the bill be referred to the committee of the whole.

Motion lost.

Mr. Ripley moved that the amendments reported by the committee of the whole be adopted.

Mr. Marsh moved to amend the proposed amendment by striking out the word "two" and insert "one" in lieu thereof, in the 4th line of section ten.

Carried.

The question being upon the adoption of the amendment as amended.

Carried.

Mr. Marsh moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Marsh moved that the bill be considered read a third time.

Carried.

C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company, being put upon its final passage, the ayes and noes were:

Ayes—Messrs. Holland, Koontz, Kelley, Lynch, Marsh, Ripley, Sheldon and Woods—8.

Noes—Messrs. Chever, Eames, Garcia, Leeper, McCannon, Nye, Ortega, Stansell, White, Webster, Welton and Mr. Speaker—13.

Ayes—8.

Noes—13.

So the bill was rejected.

On motion,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m.  
The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson and Welton.

Quorum present.

H. B. No. 51 being the special order for the hour, was taken up, and the question being upon the final passage of the bill,

The ayes and noes were:

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, McCannon, Ortega, Stansell and Woods—10.

Noes—Messrs. Holland, Kelley, Ripley, Sheldon, Webster and Mr. Speaker—6.

Ayes—10.

Noes—6.

So the bill passed and title agreed to.

H. B. No. 23 being the special order for the House, was taken up.

Mr. Welton appeared in his seat.

Mr. Henson moved that the further consideration of the bill be deferred until to-morrow.

Lost.

Mr. Holland moved to strike out the first two sections of the bill, and

The ayes and noes being ordered and called, were:

Ayes—Messrs. Garcia, Holland, Henson, Kelley, Nye and Ortega.

Noes—Messrs. Judd, Koontz, Lynch, Leeper, Marsh McCannon, Ripley, Sheldon, Stansell, White, Welton, Woods and Mr. Speaker.

Messrs. Chever and Webster asked to be excused.

Mr. Leeper objected, and,

On motion,

They were required to vote.

Mr. Chever voted aye,

Mr. Webster voted no.

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Ayes—7.

Noes—14.

So the motion was lost.

Mr. Holland moved to add to section one as follows: *Provided*, also, that actual notice be given to any person claiming a right on any road by record of the same in a District or County Record.

Motion lost.

Mr. Marsh moved to adopt the following additional section, viz:

It shall be the duty of the Recorder last in office, of all the old mining districts in this Territory, or other persons with whom the original records of said Districts may be deposited, and in cases when the same have not heretofore been filed, to file the same with the County Recorders of their respective counties, within ninety days from the passage of this act, or on failure thereof, shall be subject to a fine not to exceed five hundred dollars, to be recovered before any court having jurisdiction thereof; one half of said fine, when collected, to go for the benefit of common schools of this Territory, and the other half to the informer; and when such records are filed, they, or a copy thereof duly certified to by the Recorder, as in other cases, shall be received as evidence in all the Courts of this Territory, subject to all just exceptions as to the credibility.

Mr. White moved to amend the proposed section by striking out the words "ninety days" and insert the word "four months" in lieu thereof.

Amendment accepted.

The section as amended was then adopted.

Mr. Henson moved to strike out the word "two" before years, and insert "five."

Lost.

Mr. Henson moved that the bill be indefinitely postponed.

Motion lost.

Mr. Holland moved to insert "Clear Creek" after the word "Lake," in section four.

Motion lost.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Stansell, from the committee on incorporations, reported as follows:

MR. SPEAKER: The committee on incorporations, to whom was referred

C. B. No. 35, a bill for an act to amend an act entitled "an act to incorporate the city of Denver" have had the same under

consideration, and ask leave to report it back to the House with the following amendments, and recommend its passage, viz:

To the third clause of section three add the following words: "The City of Denver shall have the exclusive right within the corporate limits of said city."

Also, after the word "otherwise," in the fifth line from the bottom, in section twenty-three, add the following:

"And shall return monthly to the City Council all bonds, scrip, or orders he may have redeemed or paid to be canceled by them."

Also, add to section twenty-four "And provided further, That warrants drawn on the City Treasurer of said city, may be drawn in such sums, not less than twenty-five dollars, as the person entitled to such warrants may elect."

J. B. STANSELL, Ch'n.

Report received.

Mr. Lynch moved that

C. J. R. No. 2 be read and considered.

Carried.

Mr. Garcia moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Judd moved that the bill be considered read.

Carried.

C. J. R. No. 2, in relation to translating the laws into Spanish being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Judd, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, Welton and Mr. Speaker—12.

Noes—Messrs. Chever, Koontz, Kelley, Marsh, McCannon, White, Webster and Woods—8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

In accordance with the bill, the Speaker appointed Messrs. Welton, Marsh and Nye as such committee on the part of the House.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 28 and 65 correctly engrossed.

Report received.

Mr. Marsh moved that the House do now go into committee on the general file.

Carried.

The House then went into committee of the whole.

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Mr. Koontz in the chair.

After some time spent therein the committee arose.

The Speaker in the chair.

Mr. Koontz, chairman of the committee of the whole, asked time to prepare his report, which was granted.

The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, C. T.,

March 8th, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have been originated therein, viz:

An act to enable the superintendent of common schools for El Paso and Park counties to apply the school fund of said counties to the use of schools in the several districts thereof.

An act to legalize the assessment of property in certain cases.

An act to authorize the County Commissioners of Gilpin County to pay certain juror's fees.

An act to prevent felons from practicing in the Courts of this Territory.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Chever, from the committee on enrollment, reported

C. B. No. 14 correctly enrolled.

Report received.

Mr. Webster moved to reconsider the final vote on

C. B. No. 36.

Carried.

Mr. Webster moved to defer the final vote upon the bill until to-morrow.

Carried.

Mr. Nye moved to adjourn until 9 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making it until 7 o'clock this evening.

Lost.

The original motion prevailed, and

The House adjourned until 9 o'clock a. m., to-morrow.

WEDNESDAY, MARCH 9th, 1864.

The House met at 9 o'clock a. m., pursuant to adjournment. The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Kelley, Mallory, Patterson.

Quorum present.

Mr. Koontz, from the committee on engrossment, reported

H. B. No. 23 correctly engrossed.

Report received.

Mr. Koontz, chairman of the committee of the whole, (yesterday afternoon) submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration

C. B. No. 44, an act for the protection of roads, and beg leave to report the same back to the House with the following amendments, to wit:

Strike out in section two the words "one hundred", and insert in lieu thereof "ten"; also, strike out in section three the words "twice the sum of"; also, further amend section two by striking "courts of record" and inserting "any court having competent jurisdiction"; also, by adding the following as an additional section:

"That fines accruing by the provisions of this act shall be paid into the County Treasury for the use of common schools of this Territory," and with the above amendments recommend its passage.

Also, H. B. No. 68, an act to provide for the payment of the clerks and other officers of the Legislative Assembly, and recommend its passage with the following amendments, to wit:

Insert in proper place, "to each of the messengers, one dollar." Strike out "five" and insert "six" in section one, where it refers to the Interpreter.

Also, amend so as to make the pay of the Sergeant-at-Arms "three dollars per day" instead of "two dollars per day."

Also, by striking out the words "six" and "three" where they refer to the pay of clerks and other officers of the Council, leaving it blank.

Respectfully submitted,

J. A. KOONTZ,

Ch'n. of Com. Whole House.

Mr. Holland moved that the report of the committee be adopted, excepting that portion relating to roads.

Carried.

Mr. Chever moved the adoption of the following resolution:

*Resolved*, That the enrolling and engrossing committees be authorized to employ assistant clerks if the services of the same shall be necessary. Carried.

Mr. Holland moved that the report of the committee on elections and apportionment be adopted, and the abstract of votes be spread upon the journal of the House.

Mr. White moved that abstract of votes be referred to a special committee. Carried.

The Speaker appointed Messrs. White, Lynch and Stansell such committee.

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses, approved Nov. 8th, 1861, was

Read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 37, an act relating to the sufficiency of official bonds and for other purposes, was read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 45, an act to enable citizens of this Territory in the military service of the United States to vote, was

Read a first and second time by its title.

Mr. White moved that the rules be suspended, and that

C. B. No. 45 be read a third time and put upon its final passage. Carried.

C. B. No. 45 was read a third time.

Mr. Ripley moved that the vote on the bill be deferred until to-morrow.

Mr. Marsh moved to amend by saying, this afternoon.

Amendment accepted.

Motion carried.

Mr. Nye, without previous notice, asked leave to introduce

H. B. No. 83, an act amendatory of "an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company.

Leave granted, and bill

Read a first and second time by its title, and referred to the committee on incorporations.

H. J. M. No. 2 read a first and second time by its title, and referred to the committee on federal relations.

H. B. No. 23 was read a third time, and the question being upon its final passage,

Mr. Stansell moved to amend by adding a section as follows:

That section four, of this act shall not be deemed to extend to the records of the several Districts in Park County.

The ayes and noes being ordered and called were:

Ayes—Messrs. Cheyer, Eames, Garcia, Henson, Nye, Stansell and Woods—7.

Noes—Messrs. Holland, Judd, Koontz, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, White, Webster, Welton and Mr. Speaker—13.

Ayes—7.

Noes—13.

So the motion was lost.

Mr. Holland moved to strike out section five.

The ayes and noes being ordered and called, were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—16.

Noes—Messrs. Lynch, Marsh, McCannon, Nye, and Ortega—5.

Ayes—16.

Noes—5.

So the motion prevailed.

Mr. Marsh moved the adoption of the following additional section :

SEC. —. That the old mining records referred to in section four, of this act, are taken to be the same as required to be filed in pursuance to section twelve, of an act entitled "an act concerning lode claims," approved Nov. 7th, 1861, and no others.

Carried.

Mr. Holland moved to amend the bill by the adoption of three additional sections, as follows :

SEC. —. That when the miners of any organized county in this Territory shall adopt, in mass convention, or convention of delegates from each election precinct therein, any rules or regulations concerning lode claims, not conflicting with the laws of this Territory or of the Congress of the United States, said mining laws shall be recorded in the office of the County Recorder, and shall thereafter become legal evidence in courts of this Territory, and take precedence, and annul all local mining District laws, and be of uniform force and effect throughout said county.

SEC. —. Said convention shall be holden at the County Seat of said County, and at least twenty day's notice of such meeting shall be given by posting notices in each of the mining districts therein, and a copy of such laws and proceedings, sworn to by the officers of said convention, shall be filed in the office of the County Clerk of said county, within three days after said meeting.

SEC. —. That when the citizens of any unorganized county in this Territory, or the miners of any portion of an organized county of the same, at a distance of over twenty miles from the County Seat, or separated from the latter by a range of mountains, impassable at any season of the year, shall institute or

adopt any local laws or regulations as above prescribed, such mining laws shall clearly define the boundaries of said new mining district, and all the original laws and record books of the same shall be filed in the office of the County Recorder, or if there be no Clerk or Recorder acting in the county, in the office of some adjoining county within ninety days from the day of holding said convention;

Mr. Webster moved that the further consideration of the bill be postponed.

Motion lost.

Mr. Sheldon called for a division of the question.

The question then being upon the adoption of section one of the proposed amendments, and the ayes and noes being ordered and called were:

Ayes—Messrs. Garcia, Holland, Henson, Lynch, McCannon, Nye, Webster, Welton and Woods—9.

Noes—Messrs. Chever, Eames, Judd, Koontz, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, White and Mr. Speaker—12.

Ayes—9.

Noes—12.

So the motion was lost.

Mr. Holland withdrew the amendments.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Judd, Lynch, Leeper, Marsh, Sheldon, Stansell, White and Mr. Speaker—8.

Noes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, McCannon, Nye, Ortega, Ripley, Webster, Welton and Woods—13.

Ayes—8.

Noes—13.

So the bill was rejected.

The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER,

March 9, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council have concurred in and passed without amendment H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company.

H. B. No. 22, an act to incorporate the City of Black Hawk.

H. B. No. 49, an act concerning weights and measures.

Also,

They have passed

H. B. No. 27, "an act to incorporate the City of Central," with the following amendments, to wit:

Insert after the word "years," in 2nd line of section two, article four, the words "not being negroes or mulattoes."

Also,

H. B. No. 38, an act to amend "an act to organize and establish the Treasury Department" with the following amendments:

Strike out in fourth and fifth lines of section three, after the words "sum of," the words "one hundred," and insert instead thereof the words "three hundred;" and in fifth and sixth lines of section eight, between the words "of" and dollars" the words "eight hundred," and insert "one thousand" instead.

Also,

H. B. No. 59, an act to amend an act entitled "an act regulating elections," with the following amendments thereto, to wit:

Insert after the word "months," in the third line of section one, and in the second insert after the word "upwards" "not being a negro or mulatto."

Add section 2. And if the person to whom such oath shall be tendered shall refuse to take the same, he shall not be allowed to vote at such election.

Also,

H. J. R. No 6, for compensation to Fred. J. Stanton for services on publication of the statutes of the Legislative Assembly, and have amended the same by striking out the words "three hundred and thirteen dollars and fifty cents" and inserting the words "two hundred and fifty dollars" instead thereof.

Also,

H. J. R. No. 7, for the payment of Fred. J. Ebert for constructing maps of the Territory of Colorado, with the following amendments, to wit:

Strike out the words "three hundred" whenever it occurs in the bill, and insert the words "one hundred and fifty,"

To which amendments you are respectfully asked to concur.

Also, that they have passed:

C. B. No. 57, "an act relating to contagious diseases" in animals.

Also,

C. B. No. 56, an act to amend an act entitled "an act to establish the common school system."

Also,

C. J. R. No. 3, joint resolution in relation to compensation to Samuel Howe, Sheriff of Arapahoe county, and your concurrence therein is respectfully requested.

Also,

That they have concurred in House amendments to Council Bill No. 13.

And that the Council has appointed as committee to act with the committee appointed by the House on C. J. R. No. 2, in relation to translation of laws into Spanish, Messrs. Loveland and Whitsett.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company, was

Read a third time.

Mr. Ripley moved the adoption of the following additional section, viz :

That all fines accruing by the provisions of this act shall be paid into the County Treasury for the use of common schools of this Territory, except that part to be paid to the informer.

Carried.

The question being upon the final passage of the bill, the ayes and noes were :

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, Welton and Woods—16.

Noes—Messrs. Nye, White, Webster and Mr. Speaker—4.

Ayes—16.

Noes—4.

So the bill passed and title agreed to.

H. B. No. 32, an act to incorporate the Black Hawk Gas Light Company, was taken up for a third reading.

Mr. Marsh moved that the bill be read the third time by its title.

Carried.

The bill was then read a third time by its title, and the question being upon its final passage,

The ayes and noes were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Webster, Welton and Woods—19.

Noes—Messrs. Ripley and Mr. Speaker—2.

So the bill passed and title agreed to.

H. B. No. 28, an act for the collection of taxes from the non-resident stock owners, was then taken up for a third reading.

Mr. Sheldon moved that the bill be read a third time by its title.

Carried.

The bill was read by its title, and the question being upon its final passage,

The ayes and noes were :

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Marsh, Nye, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—16.

Noes—Messrs. Chever, Eames, Leeper, McCannon and Ripley—5.

Ayes—16.

Noes,—5.

So the bill passed and title agreed to.

C. B. No. 36 was then taken up.

Mr. Chever moved to defer further action on the bill until tomorrow.

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Chever, Eames, Garcia, Henson, Koontz, Leeper, McCannon, Nye, Ripley, Stansell, Webster, Welton, Woods and Mr. Speaker—14.

Noes—Messrs. Holland, Judd, Lynch, Marsh, Ortega, Sheldon and White—7.

Ayes—14.

Noes—7.

So the motion prevailed.

Mr. Chever moved that the House do concur in Council amendments to H. B. No. 27.

Carried.

Mr. Judd moved to take up

H. B. No. 68 for consideration.

Carried.

H. B. No. 68 taken up and considered.

Mr. McCannon moved that the further consideration of the bill be deferred.

Motion lost.

Mr. Koontz moved that the bill be ordered engrossed as amended.

Carried.

Mr. Judd moved to take up

C. B. No. 49 for consideration.

Carried.

C. B. No. 49 read and considered.

Mr. Ripley moved to amend by inserting after the word "Judge" the words "other person or persons," whenever it occurs in this act relating to entry of town sites.

On motion of Mr. White,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.  
The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Kelley, Mallory, Patterson.  
Quorum present.

The consideration of C. B. No. 49 resumed.

The question being upon the adoption of amendment proposed by Mr. Ripley, the ayes and noes being called for, and ordered were,

Ayes—Messrs. Garcia, Ripley, Webster, 3.

Noes—Messrs. Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Woods, Mr. Speaker, 15.

Ayes—3.

Noes—15.

So the amendment was lost.

Mr. Sheldon moved to amend by adding the following to section 10, "Provided" that nothing in this section shall be so construed as to recognize the right of any persons who have virtually abandoned any land held as a townsite to any title therein.

Carried.

Mr. Sheldon moved that the bill be read a third time by its title, and put upon its final passage.

Carried.

C. B. No. 49, an act prescribing rules for the government of towns and cities entering land under the pre-emption laws of the United States," was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker, 19.

Noes—0.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. Chever from the Committee on enrollment, reported C. Bs. Nos. 25, 32, 38, 41 and C. J. R. No. 2, correctly enrolled.

Report received.

Mr. Koontz from the Committee on engrossments reported, H. B. No. 68, correctly engrossed.

Report received.

C. B. No. 45, being the special order for the House, was then taken up.

Mr. Lynch moved that the bill be referred to a special Committee. Motion lost.

The question being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd

Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Noes—Messrs. McCannon, Stansell, Webster, 3.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

Mr. Webster moved that C. B. No. 27, be taken up for consideration.

Carried.

C. B. No. 27, read and considered.

Mr. Webster moved that the bill be read a third time for final passage.

Carried.

C. B. No. 27, an act to amend an act to establish and regulate Territorial Roads.

Was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—Mr. White, 1.

Ayes—18.

Noes—1.

So the Bill passed.

Mr. Webster moved to amend the title by adding "August 15th, 1862."

Carried.

Title as amended agreed to.

Mr. Welton, moved to take up,

H. B. No. 73, for consideration.

Mr. Judd, moved to amend by taking up C. B. No. 29.

Lost.

Original motion carried.

H. B. No. 73, read and considered.

Mr. Ripley moved to amend by adding a section as follows:

That all fines incurred by the provisions of this act shall be paid into the County Treasury, for the use of "Common Schools,"

The ayes and noes being called for, and ordered were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, Sheldon, White, Webster, Woods, Mr. Speaker, 17.

Noes—Messrs. McCannon, Welton, 2.

Ayes—17.

Noes—2.

So the motion prevailed.

Mr. Sheldon moved to fill the blank in section 3, by inserting "twenty."

Carried.

Mr. Koontz, moved to fill the blank in section 4, by inserting the words "not to exceed three dollars per annum."

Carried.

Mr. Sheldon moved that the bill be considered engrossed.

Mr. Stansell moved to amend by ordering the bill engrossed.

Amendment accepted.

Motion as amended.

Carried.

Mr. Nye moved that C. J. R. No. 2, be read a first and second time, and referred to a special committee.

Carried.

C. J. R. No. 2, read a first and second time by its title.

The Speaker appointed,

Messrs. Nye, Chever and Welton such committee.

Mr. Lynch moved that,

C. B. No. 26, be taken up for consideration.

Carried.

C. B. No. 26, read and considered.

Mr. Sheldon moved to amend,

Section 3, by inserting after the word "payable" in the fifth line, the words "as therein specified."

Carried.

Mr. Sheldon moved to adopt the following additional section:

"Section 14. That nothing in this act shall be construed to affect or impair an act entitled an act to provide for stay of proceedings in Foreign indebtedness, approved Nov. 5th, 1861."

Carried.

Mr. Leeper moved to strike out all after the enacting clause, and insert substitute as follows, viz:

Section 1. That all voluntary debts, contracted within this Territory, after the 4th day of July, 1864, for property and value of any kind, shall be exempt from the operations of all laws for the collection of debts and no suits shall thereafter be entertained by any Court of this Territory, for the collection thereof.

Section 2. The term voluntary debts, as applied in this act, shall be held and taken to be all debts and obligations to pay money or value of any kind or character, growing out of a contract made or contracted directly by the free will and voluntary consent of both the contracting parties.

Section 3. This act shall not be so construed as to affect suits for the collection of debts, now commenced and pending.

Section 4. All laws and parts of laws intervening with and contrary to this act are hereby repealed, and declared void, so far as they apply to voluntary debts.

Section 5. This act shall be in force and effect after the 4th day of July 1864.

Motion lost.

Mr. Holland moved that the bill be indefinitely postponed. Carried.

Mr. White moved that the House do concur in Council amendments to H. B. No. 38.

A division of the question was ordered.

The question then being upon Council amendment to section 3.

The ayes and noes being called for, and ordered were,

Ayes—Messrs. Chever, Nye, Stansell, White, Welton, Mr. Speaker, 6.

Noes—Messrs. Garcia, Holland, Henson, Koontz, Lynch, Leeper, McCannon, Ortega, Ripley, Sheldon, Webster, Woods.

Ayes—6.

Noes—12.

So the House disagreed to the amendment.

The question then being upon the amendment to section 8, and the ayes and noes being ordered, and called were,

Ayes—Messrs. Chever, Eames, Leeper, Nye, Stansell, White, Welton, 7.

Noes—Messrs. Holland, Henson, Koontz, Lynch, McCannon, Ortega, Ripley, Sheldon, Webster, Woods, Mr. Speaker, 11.

Ayes—7.

Noes—11.

So the House disagreed to the amendment.

Mr. Chever moved that the House do concur in Council amendments to H. J. R. No. 6,

Carried.

Mr. White moved that the House do not concur in Council amendments to H. J. R. No. 7.

Carried.

Mr. Stansell, from the Committee on Incorporations made the following report.

Mr. Speaker the Committee on Incorporations, to whom was referred,

H. B. No. 83, an act amendatory of an act to Incorporate the 'Colorado and Pacific Wagon, Telegraph and Railroad Company' have had the same under consideration, and report the same back without amendment, and recommend its passage.

J. B. STANSELL, Ch'n.

Mr. Webster moved to take up,

H. B. No. 56, for consideration.

Carried.

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H. B. No. 56, read and considered.

Mr. McCannon moved a call of the House.

Carried.

The Speaker ordered a call of the roll.

The roll having been called,

Messrs. Eames, Judd, Kipp, Kelley, Mallory, Patterson, were reported absent.

The Sergeant-at-Arms, was ordered to bring the absentees into the House.

Mr. Stansell moved that Mr. Judd, be excused.

Carried.

Mr. Nye moved that Mr. Kelley be excused.

Carried.

Mr. Stansell moved that Mr. Eames be excused.

Lost.

Mr. moved that further proceedings under the call be dispensed with.

Carried.

The Sergeant-at Arms appeared with Mr. Eames, and reported Mr. Kelley not found.

The Speaker under the rules assessed a fine of two dollars against Mr. Eames to be paid to the Sergeant-at-Arms.

Mr. Lynch moved that the report of the Committee on the bill be adopted.

Carried.

Mr. Stansell moved that the bill be considered engrossed.

Mr. Webster moved that the bill be ordered engrossed.

Carried.

Mr. Webster moved to take up H. B. No. 50.

Carried.

Mr. White moved that the bill be indefinitely postponed.

Carried.

Mr. White moved that C. B. No. 35, be taken up and considered.

Carried.

C. B. No. 35, read and considered.

Mr. White moved that the report of the Committee be adopted. Carried.

Mr. Nye moved that the bill be read a third time for final passage.

Mr. White moved that the bill be read a third time by its title. Carried.

C. B. No. 35, an act to amend an act to incorporate the City of Denver, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell,

White, Webster, Welton, Woods, 17.

Noes—McCannon, Sheldon, Vr. Speaker, 3.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

Mr. Lynch without previous notice, asked leave to introduce H. B. No. 84, an act to regulate the recording of lode mining claims, in Colorado Territory.

Leave granted, and on motion of Mr. Lynch, the bill was read a first and second time.

Mr. Webster moved to take up, C. B. No. 44, for consideration. Carried.

C. B. No. 44, read and considered.

Mr. Webster moved that the report of the Committee on the bill be adopted.

Carried.

Mr. Koontz moved to amend by rejecting the amendments. Motion lost.

Original motion carried.

Mr. Webster moved that the bill be ordered to a third reading.

Carried.

C. B. No. 44, an act for the protection of roads was

Read a third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Koontz, Nye, Ortega, Ripley, Sheldon, Welton, Webster, Woods and Mr. Speaker—11.

Noes—Messrs. Chever, Eames, Henson, Judd, Lynch, Leeper, McCannon, Stansell, White—9.

Ayes—11.

Noes—9.

So the bill passed and title agreed to.

Mr. Holland moved that the House do now resolve itself into a committee of the whole, on the general file.

Carried.

The House then went into committee of the whole,

Mr. Holland in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

Mr. Stansell moved that the use of this hall be tendered to the Territorial Convention, to meet to-morrow at 2 o'clock p. m.

Carried.

Mr. Koontz, from the committee on engrossment, reported:

H. B.'s Nos. 56 and 73 correctly engrossed.

Report received.

Mr. Koontz moved to adjourn until 7 o'clock this evening.

Lost.

On motion of Mr. Chever,

The House adjourned until 9 o'clock, to-morrow.

THURSDAY, MARCH 10, 1864.

The House met pursuant to adjournment, at 9 o'clock, a. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Marsh, from the committee on Judiciary, submitted the following report:

MR. SPEAKER: Your Committee to whom was referred

C. B. No. 37, having had the same under consideration, beg leave to report, that they would recommend the passage thereof without amendment,

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Ripley, from the committee on Education, reported as follows:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 82, have had the same under consideration, and would recommend that the bill be so amended as to require the County Commissioners of each County of this Territory to allow a reasonable compensation to the School Superintendent of their respective counties as shall be just, in proportion to the amount of services performed by said Superintendent.

All of which is respectfully submitted.

DAVID RIPLEY, Ch'n.

Report received.

Mr. Ripley, from the committee on Mines and Minerals, reported verbally, that they have had

H. B. No. 84 under consideration, and report the same back to the House with the following amendments, and recommend its passage:

Add to Section 1—"And it shall be the duty of all District or

local Recorders in the organized counties of this Territory, to file their books and records in the County Recorder's office, on or before the first day of June, 1864."

Report received.

Mr. Holland, chairman of the committee of the Whole, (yesterday afternoon,) submitted the following report :

MR. SPEAKER : The chairman of the Committee of the Whole beg leave to report, that it has had under consideration

C. B. No. 31, and amended the same by striking out the word "them," when it refers to years, and insert the word "three" in its stead, in section 4, and report the same back without recommendation.

Also, H. B. No. 78, amended, by adding the following section: "That the counties of Conejos, Costilla, Huerfano and Lake, be exempted from the provisions of this act ;" and report the same back.

Also, C. B. No. 46, amended, by inserting the word "executed," instead of "execution," in section 8, and report the same back.

Also, C. B. No. 53, and report the same back without amendment or recommendation.

Also, H. B. No. 76, and report the same back without recommendation. Respectfully,

E. F. HOLLAND, Ch'n.

Report received.

Mr. Nye, from Special committee, reported as follows :

MR. SPEAKER : Your Special Committee, to whom was referred

C. J. R. No. 3, having had the same under consideration, beg leave to report : That we find the facts set forth in said C. J. R. are substantially correct : That Samuel Howe was compelled to receive said prisoners, according to the statutes of this Territory, and that the price charged was the the same as was allowed for other prisoners at that time : Also, that we are not advised that the claimant can get his pay in any other manner than made and provided for in said Resolution.

Therefore, we would unanimously recommend the passage of the same by this House, without amendment.

JOHN A. NYE, Ch'n.

Report received.

Mr. Kelley, from Special Committee, reported as follows :

Mr. SPEAKER: Your committee to whom was referred H. B. No. 74, an act for the dissolution of the bonds of matrimony between W. D. Donaldson and Ruth Donaldson, have had the same under consideration, and beg leave to report the same back, and recommend that it be indefinitely postponed.

JAMES KELLEY, Ch'n.

Report received.

Mr. Ripley asked leave to withdraw H. B. No. 74 from the House.

Leave granted, and bill withdrawn.

Council Amendments to H. B. No. 59 were read and considered.

Mr. Judd moved that the House do concur in Council Amendments to the bill.

A division of the question being called for,

The question was upon the concurrence in amendment to Section 1—Carried.

The question then being upon the amendment to section 2—Carried.

C. B. No. 56, an act to amend an act to establish the Common School System, was

Read a 1st and 2d time by its title, and

Referred to the committee on Education.

C. B. No. 57, an act concerning Contagious Diseases among animals, was

Read fi 1st and 2d time by its title, and

Referred to the committee on Agriculture.

Mr. Nye moved to take up H. B. No. 83 for consideration.

Carried.

H. B. No. 83 read and considered.

Mr. Nye moved that the bill be considered engrossed, and read a 3d time for final passage.

Carried.

H. B. No. 83, an act to amend the Colorado aud Pacific Wagon Road Charter, was read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Woods, Mr. Speaker.

Noes—Mr. Henson.

Messrs. Marsh and Welton asked to be excused from voting.

Mr. Stansell objected, and on motion, they were required to vote.

Mr. Welton voted aye.

Mr. Marsh voted no.

Ayes, 19; noes, 3.

So the bill passed, and title agreed to.

Mr. Koontz moved that H. B. No. 78 be taken up and considered. Carried.

H. B. No. 78 read and considered.

The question being upon the adoption of the amendment proposed by the committee of the Whole.

Mr. Welton moved to amend the amendment, by including Huerfano County.

Mr. Woods moved to include Lake County.

Amendment accepted.

Motion lost.

The question recurring upon the motion to adopt amendment

Motion lost.

Mr. Koontz moved that the bill be considered engrossed.

Lost.

Mr. Koontz moved that the bill be ordered engrossed.

Carried.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

#### COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council have concurred in and passed without amendment, the following bills, to-wit:

H. B. No. 3, an act to legalize the records of Fremont County.

H. B. No. 54, an act amendatory of an act to incorporate the Apex and Gregory Wagon Road Company.

H. B. No. 10, a bill for an act concerning Roads and Highways.

H. B. No. 64, a bill for an act to amend an act, to establish and regulate Territorial Roads.

H. B. No. 67, an act to incorporate the Colorado Gold Mining Company of Philadelphia.

H. B. No. 75, a bill for an act to prevent speculation in Territorial and County Scrip.

H. B. No. 77, an act to amend an act, entitled, an act to incorporate the Excelsior Ditch Company.

H. B. No. 80, a bill for an act to amend an act, entitled, an act to provide for the increase and time of the meeting of the Legislature, approved November 8, 1861.

Also, H. B. No. 52, an act amendatory to an act, entitled, "An act relating to Fencing," with the following amendments, to-wit: Strike out all of Section 1.

Also, H. B. No. 47, "An act to authorize and enable Robert W. Steel, to sell and convey certain mining claims," with the following amendment, to-wit:

Strike out the word "obtained," in 2d line from bottom of section 1, and insert the word "attained," instead thereof.

H. B. No. 43, an act to incorporate the Occidental Gas-light Company of the City of Denver, with the following amendments, to-wit: Strike out all of Sections 6, 7, 8, 9 and 10, and insert as follows:

SEC. 6.—The said Company shall be allowed to charge for the Gas manufactured and furnished to the city of Denver, or any of the inhabitants thereof, not to exceed six dollars for each thousand cubic feet, for the term of ten years from the date of the passage of this act; and at the rate of five dollars per thousand cubic feet, after the expiration of ten years, and during the remainder of their corporate existence.

Sec. 7.—The corporation hereby created shall complete the works for manufacturing Gas to be supplied to the city of Denver, and the inhabitants thereof, so far as to supply Gas to said city and inhabitants thereof within three years from the passage of this act; and if the said corporation shall fail to comply with the provisions of this section, the said corporation shall have no exclusive right to furnish Gas as aforesaid, whatsoever, and any and all exclusive privileges herein granted to said corporation shall cease and determine.

Add the following section:

The provisions of this charter shall extend to all the additions that have been or may hereafter be added to the city of Denver.

Strike out House amendments to Section 10.

Also, H. B. No. 26, an act entitled an act to amend an act to enable Road, Ditch, Manufacturing, and other Companies to become bodies corporate, with the following amendments, to-wit:

Strike out the word "forty," in the 9th line from the bottom of Section 1, and insert the word "twenty" in lieu thereof.

Add to Section 10 the following:

"Nor for the purchase of stock in their own company or corporation, in the corporate name, nor shall such company or corporation acquire or hold any stock or share therein."

Strike out the word "legal" in the last line of Section 11, and insert the words "prima facie" instead thereof.

Strike out the word "stock" in the 6th line of Section 14.

Strike out the word "payment" in the 2d line from the bottom of Section 17, and insert the word "re-payment" instead thereof.

Strike out the word "personal" in 6th line of Section 19, and insert the word "person" instead thereof.

Strike out the words, "Provided, that the route named does not conflict with the rights of any Company already acquired," in 10th, 11th, 12th and 13th lines of Section 28; and add the same at the end of that section.

Insert, after the word "incorporation," in the 2d line of said section, the following: "In addition to the matters herein before required to be stated therein."

“Strike out the word “specify,” in the 8th line of Section 31, and insert in lieu thereof, the following: “In addition to the matters required in Section 1 of this of this act specified.”

Strike out the word “where,” in 11th line of said section, and insert the words, “at, or near which.”

Insert in the 2d line from the bottom of Section 32, after the word “miners,” the words “and agriculturalists.”

Strike out the words “the way,” occurring after the word “as,” in 5th line of Section 33.

Insert after the word “certificate,” in the 4th line of Section 35 the following: “In addition to the matters required in the 1st section of this act.”

Insert after the word “certificate” in the 6th line of Section 36 the following: “In addition to the matters required by the 1st section of this act.”

Add the following section:

“Whenever any road, ditch, telegraph, or fluming Company, organized under the provisions of this act, shall not have acquired by gift or purchase, any land, real estate or claims, required for the construction or maintenance of any road, ditch, telegraph or flume, or which may be affected by any operation construction or maintenance of the same, the said corporation may present to the Probate Judge of the county wherein such land, real estate, or claim shall lie, a petition signed by the president, attorney or agent of the same, describing with convenient accuracy, and certainty, by map or otherwise, the land, real estate or claims so required to be taken, or as aforesaid, setting forth the name and residence of each owner, or other person interested therein as owner, lessee or incumbrancer, as far as known to such president, attorney or agent, or appearing of record, and praying the appointment of three appraisers, to ascertain the compensation to be made to such owners and persons interested for the taking or injuriously affecting such lands, real estate or claims as aforesaid, the Probate Judge shall have satisfactory evidence that notice of an intended application, and the time and place thereof for the appointment of appraisers between said corporation and the owners and persons interested in such lands, real estate and claims had been given, at least ten days previously, to such owners personally, at their residence, or on the premises, or by the publication thereof, in a newspaper printed in the county in which said lands, real estate or claims shall lie; or if no newspaper is published in said county, then by posting three or more notices in some public places in said county, such publications to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county known to such president, attorney or agent, which notice shall be published at least thirty

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days prior to the time fixed for the application, as aforesaid. The Court may adjourn the proceedings from time to time, shall order any future notice thereof to be given that may seem proper, shall have proofs and allegations of all parties interested touching the regularity of the proceedings, and shall by an entry in its minutes appoint three disinterested appraisers as aforesaid, specifying in such entry a time and place for the first meeting of said appraisers. The said appraisers before entering upon the duties of their office shall take an oath to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them. They may issue subpoenas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties, and any two of them after reviewing the premises, shall, without fear, favor or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested, for the lands, real estate, or claims to be taken or affected as well as all damages accruing to the owners or parties interested in consequence of the condemnation of the same, taken, or injuriously affected as aforesaid, making such deductions or allowances for real benefits or advantages which such owners or parties interested may derive from the construction of said road, ditch, telegraph or flume. They, or a majority of them, shall make, subscribe and file with the Clerk of the county, in which such lands, real estate or claims shall lie, a certificate of their ascertainment and assessment, in which said lands, real estate or claims shall be described with convenient certainty and accuracy. The Probate Judge upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the County Treasury or other place for that purpose approved by the Court, shall make and cause to be entered in its minutes, a rule describing such lands, real estate, or claims in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the compensation as aforesaid, a certified copy of which rule shall be recorded and indexed in the Recorder's office of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule the said corporation shall become seized in fee, or shall have the exclusive right, title and possession of all such lands, real estate, or claims described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, and may take possession of

and hold and use the same for the purposes of said road, ditch, telegraph or flume, and shall therefore be discharged from all claim for any damages by reason of any matter specified in such petition, certificate or rule of said Probate Judge.

If at any time after an attempted or actual ascertainment of compensation under this act, or any purchases by, or donation to, said corporation of lands or claims for the purpose aforesaid, it shall appear that the title acquired thereby, to all or any part of such lands for the use of said corporation, or if said assessment shall fail, or be deemed defective, the said corporation may proceed and perfect such title, by procuring an ascertainment of the compensation proper to be made, to any person who has title, claim or interest in, or lives upon such lands, and by making payment thereof in the manner hereinafter provided as near as may be; and at any stage of such new proceedings, or of any proceedings under this act, the Probate Judge may by rule in that behalf made, authorize the said corporation, if already in possession, and if not in possession, to take possession of and use said premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation, on account thereof; *Provided* such corporation shall pay a sufficient sum into Court or give approved security to pay the compensation in that behalf when ascertained and in any case, when possession shall be so authorized it shall be lawful for the owners to conduct the proceedings to a conclusion if the same shall be delayed by the company. The said appraisers shall receive ten dollars per day as compensation for each day actually employed, such compensation to be taxed and allowed by the Probate Judge. If any appraiser so appointed, shall die, be unable or fail to serve, the Court may appoint another in his place, on reasonable notice of the application, to be approved by the Probate Judge. Applications may be made to the District Court in the same manner as herein provided and the District Court may thereupon cause such proceedings to be had and taken in like manner, and with the same effect as herein required respecting the Probate Court.

Strike out the word "flume" in the 13th line from the bottom of Section 42; and add to said section the following: "The time for the completion of any flume constructed under the provisions of this act, shall not be extended beyond a period of four years."

To which amendments you are respectfully asked to concur. The Council has also passed

C. S. to H. B. No. 29, a bill for an act for the protection of farmers against the depredations of Stock in Douglas and Weld counties.

C. B. No. 48, an act to exempt soldiers from service by publication in suits at law.

C. B. No. 50, an act to repeal an act, entitled an act to incorporate the Tarryall and Arkansas River Wagon Road Company

All of said bills herewith transmitted; and the concurrence of your Honorable Body therein is respectfully requested.

Very respectfully,

C. B. HAYNES,

Sec'y of Council

Mr. Holland moved that H. B. No. 76 be taken up for consideration. Carried.

H. B. No. 76 taken up for consideration.

Mr. Holland moved that the bill be considered engrossed.

Carried.

Mr. Holland moved that the bill be read a 3d time for final passage. Carried.

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company was put upon its final passage.

Mr. Ripley moved to amend by adding section as follows:

"That all fines incurred by the provisions of this act shall be paid into the County Treasury for the use of Common Schools."

Carried.

The question then being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, Woods—18.

Noes—Messrs. White, Webster, Mr. Speaker—3.

Ayes, 18; noes, 3.

So the bill passed and title agreed to.

H. B. No. 56, an act to re-locate the county seat of Clear Creek County, was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—21.

Noes, none.

Ayes, 21; noes, 0.

So the bill passed.

Mr. Koontz moved to amend the title by striking out all of title, and insert as follows:

"An act to amend an act, entitled an act to establish the mode of locating and changing County Seats, approved November 7th, 1861.

Carried.

Title as amended agreed to.

H. B. No. 73, an act to incorporate the Excelsior Ditch Company, was

Read a 3d time, and the question being upon its final passage, The ayes and noes were;

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Welton, Woods—17.

Noes—Messrs. Stansell, White, Webster, Mr. Speaker—4.

Ayes, 17; noes, 4.

So the bill passed, and title agreed to.

H. B. No. 68, "An act to provide for the payment of the clerks and other officers of the Legislative Assembly," was

Read a 3d time, and the question being upon its final passage, The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Welton, Woods—17.

Noes—Mr. Stansell, Mr. Speaker—2.

Ayes, 17; noes, 2.

So the bill passed, and title agreed to.

C. B. No. 6 being the special order for the hour, was taken up;

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods—19.

Noes—Mr. White, Mr. Speaker—2.

Ayes, 19; noes 2.

So the bill passed, and title agreed to.

Mr. Koontz moved that C. S. for H. B. No. 29 be taken up, and read the 1st and 2d time.

Carried.

C. S. for H. B. No. 29 read a first and second time.

Mr. Koontz moved that the rules be suspended, and the bill be read a 3d time for final passage.

Motion lost.

Mr. Leeper moved that the House do concur in Council Amendments to H. B. No. 47.

Carried.

Mr. Judd moved that the House do concur in Council Amendments to H. B. No. 43; and

The ayes and noes being called for, and ordered, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—17.

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Noes—Messrs. Leeper, Marsh, Sheldon, Webster, Welton—5.  
Ayes, 17; noes, 5.

So the House concurred in the amendments.

Mr. Chever, from the committee on Enrollment, reported  
C. Bs. No. 30, and H. B's. Nos. 16, 35, 48, 57, and H. J. R.  
No. 8, correctly enrolled.

Report received.

Mr. Ripley moved that

H. B. No. 84 be taken up for consideration.

Carried.

H. B. No. 84 read and considered, and amendment proposed  
by the committee on mines and minerals adopted.

Mr. Holland moved to amend, by adding thereto the following:

"Who shall record the same in conformity with the local laws  
of the mining district in which the lode may be situated: *Provid-*  
*ed*, no one lode shall be recorded more than eight hundred feet  
from the discovery, each way."

Mr. White moved to amend the amendment, by striking out  
after the word "laws," all to the word "situated;" and strike  
out the word "local;" and insert after the word "laws," "of  
Colorado Territory."

Carried.

Amendment as amended adopted.

Mr. Ripley moved that the bill be ordered engrossed, as  
amended.

Carried.

The Sergeant-at-arms announced a communication from the  
Council, which was received and read, as follows:

COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the  
Council have adopted the following Resolution:

"*Resolved*, That a joint committee of two from the Council,  
and three from the House of Representatives shall be appointed  
to ascertain whether any errors exist in the enrolled copy of

C. B. No. 25, "An act granting to Francis Smith the right to  
erect and maintain a bridge across the South Platte River."

And to correct the same, and report their action to their respec-  
tive Houses, and have appointed Messrs. Loveland and Ber-  
ry, and ask that your Honorable Body appoint a like commit-  
tee on the part of the House.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

The Speaker appointed Messrs. White, Chever and Holland,  
as such committee.

Mr. Ripley moved to take up H. B. No. 26, and consider Council amendments to the bill.

Carried.

H. B. No. 26 taken up, and amendments considered.

Mr. White moved that the House do not concur in Council amendments to Section 1.

Motion lost.

Mr. White moved that the bill be read a 3d time by its title, for final passage.

Mr. Ripley moved that the House do concur in the Council amendments to the bill.

Carried.

Mr. White moved that C. B. No. 29 be taken up for consideration. Carried.

C. B. No. 29 taken up and considered.

Mr. Ripley moved that the bill be indefinitely postponed.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, C. T., }  
March 10, 1864. }

*To the Honorable J. B. Chaffee, Speaker of the House of Representatives:*

SIR—I have the honor to inform the House that I have this day approved and signed the following Joint Resolutions and Bills, certified to have originated therein, viz:

Preamble and Resolution relative to State Government.

An act to amend an act, entitled, an act providing for the collection of Revenue.

An act relating to Marriages.

An act to incorporate the Denver and Pacific Wagon Road Company.

An act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes.

Very respectfully, your obedient servant,

JOHN EVANS,

Governor of Colorado.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 40, an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company," with the following amendments, viz :

Strike out Sections 3 and 4.  
Add Section 8. Nothing in this act contained shall be held or construed to authorize said corporation to make, sign, issue, emit, or circulate any bank bills, or other evidence of indebtedness, to be used or circulated as money.

SEC. 9. Nothing in this act contained, shall be held or construed to vest in the corporation hereby created any rights or privileges not possessed by natural persons, citizens of this Territory.

Also, they have passed

C. B. No. 54, a bill for an act to amend an act, entitled, "An act concerning Wills, Executors, and Administrators."

C. B. No. 59, an act for the collection of demands for improvements on the Public Lands—herewith transmitted ;

And the concurrence of your Honorable Body is respectfully requested therein. Very Respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Marsh moved that C. B. No. 23 be taken up for consideration. Carried.

C. B. No. 23 read and considered.

Mr. Ripley moved that the bill be indefinitely postponed.

Lost.

Mr. Marsh moved that the bill be read a 3d time by its title, for final passage.

Carried.

C. B. No. 23, an act to authorize clerks of Courts of Records, Probate Judges, and Justices of the Peace, to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were.

Ayes—Messrs. Garcia, Holland, Judd, Leeper, McCannon, Nye, Ortega, Sheldon, Stansell, Mr. Speaker—10.

Noes—Messrs. Chever, Henson, Koontz, Kelley, Lynch, Marsh, Ripley, White, Webster, Welton, Woods—11.

Ayes, 10; noes, 11.

So the bill was rejected.

Mr. McCannon moved that C. B. No. 50 be taken up, and read a 1st and 2d time.

Carried.

C. B. No. 50 read a 1st and 2d time by its title.

Mr. Stansell moved that the rules be suspended, and the bill read a 3d time for final passage.

Carried.

C. B. No. 50, an act to repeal an act, entitled an act to incorporate the Tarryall and Arkansas River Wagon Road Company,

Was read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—20.

Noes—Mr. Speaker—1.

Ayes, 20; noes, 1.

So the bill passed, and title agreed to.

Mr. Stansell asked leave to withdraw H. B. No. 62, and

On motion, leave granted, and bill withdrawn.

Mr. Marsh, from the committee on Judiciary, submitted the following report, viz:

MR. SPEAKER: Your Committee, to whom was referred

C. B. No. 33, having had the same under consideration, beg leave to report that they would recommend the passage thereof, with the following amendments, viz:

Insert immediately preceding the words "sheriff's fees," the following:

"Clerk's fees in the Supreme Court—

For docketing each suit, fifty cents.

For each motion in a case, twenty-five cents.

For each order made, interlocutory motion, continuance or otherwise, twenty-five cents.

For indexing suit, fifty cents.

For each writ or summons, one dollar.

For entering appearance of attorneys, twenty-five cents each.

For filing each paper required to be filed, twenty cents.

For entering final judgment, seventy-five cents.

For recording all papers required to be recorded, fifteen cents per hundred words.

For making complete records, fifteen cents for each one hundred words.

For entering return on any writ or process, except executions, thirty cents.

For taking acknowledgment of deed, fifty cents.

For certificate making out and recording the first papers in cases of persons declaring their intention to become citizens of the United States, two dollars,

For naturalization final oath and record, five dollars.  
 For administering oaths, and adding jurat to affidavits, twenty-five cents.  
 Taking depositions, fifteen cents per folio.  
 For certificate to attorneys, to practice, five dollars.  
 For recording certificate for U. S. Commission, two dollars.  
 Administering oaths, ten cents.  
 For fee bill, one dollar.  
 For docketing fee bill, twenty-five cents.  
 Entering return of execution, twenty-five cents.”  
 Insert the following immediately preceding the words, “Fees of County Attorney:”  
 “That so much of said act as relates to the County Clerk’s fees, be amended as follows—  
 Administering each oath, ten cents.  
 Taking any acknowledgment, fifty cents.  
 For every instrument authorized to be recorded, first one hundred words, forty cents.  
 For each additional folio, fifteen cents.  
 Copies of records, per one hundred words, fifteen cents.  
 For making abstract of title, for each conveyance, fifty cents.”

Respectfully submitted,

A. MARSH, Ch’n.

Mr. Eames from the Committee on Agriculture reported follows:

MR. SPEAKER: Your committee on Agriculture to whom was referred,

C. B. No. 57, have had the same under consideration and report the same back to the House, and recommend its passage without amendment.

Also, have had under consideration.

C. S. to H. B. No. 29, and report the same back to the House, and recommend its passage without amendment.

J. H. EAMES, Ch’n.

Mr. Ripley moved that the House do concur in Council amendments to H. B. No. 40.

Carried.

Mr. Koontz moved that C. S. to H. B. No. 29, be taken up.

Carried.

Mr. Koontz moved that the rules be suspended, and the bill be read a third time for final passage.

Carried.

Mr. Judd moved that the bill be considered read.

Carried.

C. S. to H. B. No. 29, an act for the protection of “Farmers

against the depredations of Stock in Douglas and Weld County," being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 17.

Noes—Mr. White, Mr. Speaker, 2.

Ayes—17.

Noes—2.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up C. B. No. 57, for consideration. Carried.

C. B. No. 57, read and considered.

Mr. Ripley moved the adoption of the following additional section, viz.

That all fines accruing under the provisions of this act, shall be paid into the County Treasury for the use of Common Schools.

Carried.

Mr. Garcia, moved that the bill be indefinitely postponed. Lost.

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

Carried.

Mr. Judd moved that the bill be read the third time by its title. Carried.

C. B. No. 57, an act relating to contagious diseases, among animals, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Holland, Henson, Judd, Koontz, Kelley, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, —19.

Noes—Mr. Garcia—1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Marsh moved that,

C. B. No. 37, be taken up for consideration.

Carried.

C. B. No. 37, read and considered.

Mr. Marsh moved that the bill be considered read a third time, and put upon its final passage.

Carried.

C. B. No. 37, "an act relating to the sufficiency of official bonds," being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Henson, Kelley, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 14.

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Noes—Messrs. Holland, Koontz, McCannon, Stansell, Mr. Speaker—5.

Excused, Mr. Judd.

Ayes—14.

Noes—5.

So the bill passed and title agreed to.

Mr. Koontz, from the committee on engrossment reported, H. B. No's. 78 and 84, correctly engrossed.

Report received.

Mr. Holland moved that the House do now adjourn until 2 o'clock this Afternoon, or until the close of the Convention, to meet this Afternoon

Mr. White moved to amend by adjourning until half-past 3 o'clock, p. m.

Amendment accepted.

Motion as amended,

Carried.

The House adjourned.

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AFTERNOON SESSION.

The House met at 3½ o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Chever, Eames, Kipp, Marsh, Mallory, Patterson, Welton.

Quorum present.

Mr. White moved that the House do now adjourn until 9 o'clock, a. m., to-morrow.

Mr. Ripley moved to amend by making it 7 o'clock, this evening.

Motion lost.

Original motion carried.

And the House adjourned until 9 o'clock a. m., to-morrow.

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FRIDAY, MARCH, 11th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Mr. Chever, from the committee on enrollment, reported

H. B.'s Nos. 49, 59, 75, H. J. R. No. 6. H. B.'s Nos. 22, 64, 47, 80, 83, 77 and 43; also, C. B.'s Nos. 13 and 28 correctly engrossed.

Report received.

Mr. Lynch, from the committee on federal relations, reported as follows:

MR. SPEAKER: The committee on federal relations, to whom was referred H. J. M. No. 2, beg leave to report that they have had the same under consideration, and believe that could the objects therein set forth be secured to the people of this Territory by the Congress of the United States, the benefits accruing therefrom would be incalculable, and give a new impetus to the development and future growth of our country, and would, therefore, report the same back to the House with the recommendation that it pass.

J. G. LYNCH, Ch'n.

Report received.

Mr. Ripley, from the committee on education, reported as follows:

MR. SPEAKER: Your committee to whom was referred

C. B. No. 56, an act to amend "an act to establish the common school system, have had the same under consideration, and would ask leave to report the same back to the House without recommendation.

All of which is hereby respectfully submitted.

D. RIPLEY, Ch'n.

Report received.

C. B. No. 54, an act to amend an act concerning wills, executors and administrators, was

Read a first and second time by its title.

C. B. No. 59, an act to provide for the collection of demands for improvements on the public lands, was

Read a first and second time by its title.

C. B. No. 48, an act to exempt soldiers from service by publication, was

Read a first and second time by its title.

The Sergeant-at-Arms, announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER,

March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 41, an act entitled "an act to relocate the Capitol

of Colorado Territory," with the following amendments, to wit:

Strike out section 2, 3 and 4, and insert

SEC. 2. That at the election to be held in the month of September, A. D., 1864, the legal voters of this Territory shall declare by ballot whether the Seat of Government of Colorado Territory shall be located at Central City, in the County of Gilpin, at Golden City, in the County of Jefferson, at Denver City, in the County of Arapahoe, which ballot may be in the following form:

"For Central City," to be used by those voting for Central City. "For Golden City," to be used by those voting for Golden City." "For Denver City," to be used by those voting Denver City.

SEC. 3. The returns of such election shall be canvassed in the several counties and returned to the Secretary of the Territory, and be canvassed by the Auditor, Treasurer and Secretary of the Territory in like manner as in cases of the election of Territorial officers.

After such returns shall have been canvassed, as aforesaid, the Governor shall issue his proclamation, declaring the result of such election, and if the highest number of legal votes shall be cast in favor of Central City, the said Central City, in the County of Gilpin, shall, thereupon be, and become the Seat of Government of said Territory, and if the highest number of votes shall be cast for Golden City, the said Golden City shall be and become the Seat of Government of said Territory; and if the highest number of votes shall be cast in favor of said Denver City, the Seat of Government of said Territory shall remain at Denver City, in the County of Arapahoe.

Also,

Strike out sections 2, 3 and 4 of the bill.

Also,

H. B. No. 25, "an act to regulate irrigation," with the following amendments, viz:

Strike out the words in the third line of section one, after the word "improving," as follows:

"And who have filed on, under the pre-emption act of 1841, or entered upon, under the Homestead act of 1862.

Insert after the word "person," in the 6th line of section fifteen, the word "wrongfully."

Insert after the word "ditch," in 6th line of section fifteen the words "or wrongfully obstruct the flow of the water in such ditch.

Strike out the word "and," in the 7th line of said section, and insert "or" instead thereof.

Add to section 22 as follows:

SEC. 22. All the provisions of this act, excepting section one, thereof, shall be held to apply to persons settling after the passage of this act as well as to those settling previous thereto.

Add section 23. That the provisions of this act shall not be construed to extend, or to affect Jefferson, Costilla, Conejos, Boulder, Weld or Larimer counties.

Also,

That the Council has concurred in and passed without amendment.

H. B. No. 58, an act to incorporate the Black Hawk Mining Company.

Also,

H. B. No. 61, an act to legalize the acts of the Superintendent and Board of Directors of School District No. 5, in the County of Arapahoe, in certain cases.

Also,

H. B. No. 71, an act to amend "an act to define County boundaries, and to locate County Seats in Colorado Territory

Also,

That the Council has passed

H. B. No. 21, an act relating to lawful fences and the trespassing of animals, with the following amendments, viz.

Insert after the word "Clear Creek," in 5th line of section 12, the word "Jefferson County."

All of said bill is herewith transmitted, and the concurrence of your Honorable Body therein is respectfully asked.

Also,

That the Council have concurred in House amendments to C. B.'s Nos. 36, 49, 27 and 44; and also, they concur in House amendments to C. B. No. 35, with the following amendment to said amendments, to wit:

Add to the amendment to section four, as follows:

"In cases when the amount due exceeds twenty-five dollars," and the concurrence of your Honorable Body therein is respectfully requested.

Also,

The Council recedes from the amendments to H. J. R. No. 7 and H. B. No. 38, herewith transmitted.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Judd moved that

H. B. No. 82 be taken up for consideration. Carried.

H. B. No. 82 was read and considered.

Mr. Lynch moved to strike out the word "three," before "dollars," and insert the word "two."

Carried.

Mr. Sheldon moved to insert in the blank "Fremont, El Paso, Pueblo, Park, Lake, Summit, Douglas, Conejos, Costilla and Huerfano counties.

Carried.

Mr. Ripley moved that Weld and Larimer counties be also inserted in the blank.

Carried.

Mr. Judd moved that the bill be considered engrossed, and read a third time for final passage.

Carried.

H. B. No. 82, an act amendatory of "an act to establish the common school system, was

Read a third time, and the question being upon its final passage,

The ayes and noes were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Nye, Ripley, Stansell, Webster, Welton and Woods—15.

Noes—Messrs. Leeper, McCannon, Ortega, Sheldon, White, and Mr. Speaker—6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. Judd moved to take up C. B. No. 35 for consideration.

Carried.

C. B. No. 35 was taken up and considered with amendments.

Mr. Judd moved that the House do concur in the Council amendments to the bill.

Carried.

Mr. Judd moved to take up H. B. No. 56 for consideration.

Mr. Koontz moved to amend by taking the bills in the order in which they stand on the calender.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read as follows, viz :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
DENVER, March, 11th, 1864. }

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to lay before the House the amended report of the Adjutant General of the Territory,

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Judd moved that the report of the Adjutant-General be referred to a special committee.

Carried.

The Speaker appointed Messrs. Judd, Holland and Sheldon such committee.

Mr. Holland moved to take up C. B. No. 53 for consideration.

Carried.

C. B. No. 53 was read and considered.

Mr. Holland moved to lay the bill on the table.

Carried.

H. B. No. 84, an act regulating the recording of lode claims, was read a third time.

Mr. McCannon moved to lay the bill on the table.

Lost.

Mr. Holland moved to strike out section two.

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Garcia, Holland, Kelley, McCannon, Nye, Ripley and Woods—7.

Noes—Messrs. Henson, Koontz, Lynch, Leeper, Marsh, Ortega, Stansell, White, Webster, Welton and Mr. Speaker—11.

Ayes—7.

Noes—11.

So the motion was lost.

Mr. Holland moved the adoption of the following additional section:

That nothing in this act shall be so construed as to prohibit miners in distant and unorganized parts of the Territory from instituting laws and regulations respecting the pre-emption of mining and and other claims.

Motion lost.

The question then being upon the final passage of the bill.

The ayes and noes were:

Ayes—Messrs. Eames, Henson, Judd, Lynch, Leeper, Sheldon, White, Webster and Mr. Speaker—9.

Noes—Messrs. Garcia, Holland, Koontz, Kelley, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, Welton and Woods—12.

Ayes—9.

Noes—12.

So the bill was rejected.

H. B. No. 78, an act to prevent unlicensed persons from practicing medicine, was

Read the third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Eames, Holland, Henson, Judd, Koontz, Leeper, Marsh, Sheldon, White and Webster—10.

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Noes—Messrs. Garcia, Kelley, Ripley, Stansell, Welton, Woods and Mr. Speaker—11.

Ayes—10.

Noes—11.

So the bill was rejected.

Mr. White, from the committee on ways and means, reported as follows:

MR. SPEAKER: Your committee to whom was referred H. B. No. 81, have had the same under consideration, and beg leave to report the same back and recommend its passage.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh moved to take up C. B. No. 33 for consideration.

Carried.

C. B. No. 33 was read and considered with Council amendments thereto.

Mr. Judd moved that H. R. No. 13 be suspended for to-day.

Motion lost.

Mr. Marsh moved to amend the bill as follows:

Insert "fees of the clerk of the Supreme Court" immediately before the word "Sheriff," in the 16th line from the bottom of section one.

Carried.

Mr. Marsh moved that the amendments proposed by the committee on judiciary, be adopted.

Carried.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 33, an act in relation to counties and county officers, was

Read a third time by its title, and the questions being upon its final passage.

The ayes and noes were:

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White and Woods—13.

Noes—Messrs. Holland, Koontz, McCannon, Ortega, Webster and Mr. Speaker—6.

Ayes—13.

Noes—6.

So the bill passed and title agreed to.

Mr. White moved that H. B. No. 81 be read for consideration.

Carried.

H. B. No. 81 was read and considered.

Mr. White moved that the bill be made the special order for 2 o'clock p. m.

Carried.

Mr. White moved that C. J. R. No. 3 be taken up for consideration.

Carried.

C. J. R. No. 3 was read and considered.

Mr. White moved that the bill be read a third time for final passage.

Carried.

C. J. R. No. 3, in relation to compensation to Samuel Howe, Sheriff of Arapahoe county, was

Read a third time, and the question being upon its final passage,

The ayes and noes were.

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Sheldon, Ripley, Stansell, White, Webster, Welton and Mr. Speaker—18.

Noes—Messrs. Leeper and Marsh—2.

So the bill passed and title agreed to.

Mr. White moved to take up H. B. No. 81 for consideration.

Carried.

Mr. White moved to amend by inserting for "the payment of Samuel Howe four hundred and fifty-eight dollars and forty cents."

Carried.

Mr. White moved that the bill be read a third time for final passage.

Carried.

H. B. No. 81, an act making appropriations for the fiscal year ending Dec. 31, 1864, was

Read a third time, and the question being upon its final passage,

The ayes and noes were :

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White, Welton and Mr. Speaker—16.

Noes—Messrs. McCannon, Sheldon, and Webster—3.

Ayes—16.

Noes—3.

So the bill passed and title agreed to.

Mr. Koontz moved that the House do now go into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

After some time spent therein, the committee arose,

The Speaker in the chair.

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Mr. Marsh, from the committee of the whole, reported as follows:

MR. SPEAKER: The chairman of the committee of the whole having had H. B.'s Nos. 63 and 66 under consideration, report H. B. No. 63 back to the House without recommendation, and H. B. No. 66 back with a recommendation that it pass.

Also, all bills on general file, without recommendation.

Respectfully submitted,

A. MARSH, Ch'n.

Mr. Welton moved to take up C. B. No. 31 for consideration.

Motion carried.

C. B. No. 31 was read and considered.

Mr. Kelley moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 31, an act to operate a ferry on the Arkansas river, was

Read a third time by its title, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Judd, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton and Mr. Speaker—13.

Noes—Messrs. Eames, Koontz, Nye and White—4.

Ayes—13.

Noes—4.

So the bill passed and title agreed to.

Mr. Sheldon moved that the House do not concur in Council amendments to H. B. No. 25.

Carried.

Mr. Judd moved that the House do not concur in Council amendment to H. B. No. 41.

Mr. Marsh moved that the further consideration of the motion be deferred until 2 o'clock p. m.

Carried.

On motion of Mr. Marsh,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 41 being the special order for the House,

Was taken up.

The question pending being upon the motion that the House do disagree to the Council amendments to the bill.

Mr. Webster moved to amend Council amendments as follows:

After the word "Arapahoe," in 9th line of section 2, insert "or Canon City, in the County of Fremont;" also, add at the end of the same section "for Canon City to be used by those voting for Canon City."

Carried.

Mr. Webster moved to amend section 3 by inserting in the proper place the following:

"And if the highest number of legal votes shall be cast for Canon City, the said Canon City, in the County of Fremont, shall, thereupon, be and become the Seat of Government of said Territory.

Carried.

Mr. Marsh moved that the words "City of Black Hawk" be inserted after the word "Central City," when it occurs in the bill.

Carried.

Mr. Kelley moved to lay the bill on the table, and

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch, Ripley, Sheldon, Webster and Welton—10.

Noes—Messrs. Chever, Eames, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Stansell, White, Woods and Mr. Speaker—12.

Ayes—10.

Noes—12.

So the motion was lost.

Mr. Lynch moved that the bill, with amendments, be referred to a special committee.

Lost.

The question then recurring upon the motion not to concur in Council amendments.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 11, 1864. }

*To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House that I have this day approved and signed the following resolutions and bills, certified to have originated therein:

Joint resolution for compensation to Fred J. Stanton, for services on publication of the statutes of the Legislative Assembly.

An act to amend an act entitled "an act to regulate and establish Territorial Roads."

An act to amend an act entitled "an act regulating elections."

An act concerning weights and measures.

An act to legalize the records of Fremont County.

An act to amend an act entitled "an act to incorporate the Consolidated Ditch Company."

An act to amend an act entitled "an act to provide for the increase and time of the meeting of the Legislature, approved Nov. 8th, 1861.

An act to authorize and enable Robert W. Steel to sell and convey certain mining claims.

An act to prevent speculation in Territorial and County scrip.

Very respectfully, your obedient servant,

JOHN EVANS,  
Governor of Colorado.

Mr. Webster moved that the House do concur in Council amendments to H. B. No. 21.

Lost.

Mr. Ripley moved to reconsider the vote on the motion not to concur in Council amendments to H. B. No. 41, and

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Koontz, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White, Webster, Woods and Mr. Speaker—14.

Noes—Messrs. Holland, Henson, Judd, Kelley, McCannon, Sheldon and Mr. Welton—7.

Ayes—14.

Noes—7.

So the motion prevailed.

Mr. Koontz moved to strike out section 2, of Council amendments as amended, and insert "the people of this Territory shall, at the next general election, designate some town or place, by their ballots, for the Capitol of this Territory, and the town or place receiving the highest number of votes, shall be declared to be the Capitol."

Mr. Sheldon moved to amend the amendment as follows:

Strike out the words "highest number of votes" and insert a majority of all the votes. Lost.

The question being upon the amendment, was lost.

The question then being upon the motion not to concur in Council amendments, and

The ayes and noes being ordered and called, were:

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell and Mr. Welton—13.

Noes—Messrs. Chever, Eames, Koontz, Marsh, McCannon, White, Webster, Woods and Mr. Speaker—9.

Ayes—13.

Noes—9.

So the motion prevailed.

Mr. Holland moved that the House do not concur in Council amendments to H. B. No. 25.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER, }  
March 11, 1864. }

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in House amendments to C. B.'s Nos. 33 any 57, also, that the Council insists on their amendments to H. B. No. 25.

Very respectfully,

C. B. HAYNES,  
Secretary of the Council.

Mr. Ripley moved to take up H. B. No. 59 for consideration.  
Carried.

Mr. Ripley moved to amend as follows:

Add thereto; "*Provided*, also, that the use and occupation of such improvements as cannot be removed from the premises, shall be deducted from the amount to be removed as the value of said improvements. Carried.

Mr. Leeper moved to lay the bill on the table.

Carried.

Mr. Judd, from the special committee, reported as follows:

MR. SPEAKER: The select committee to whom was referred the report of the Adjutant General of Colorado Territory, ask leave to report the same back to the House and recommend that it be spread upon the journal of the House.

Report received, and on motion of Mr. Judd,

Adopted, and the report ordered spread upon the journal.

OFFICE OF THE ADJUTANT GENERAL OF C. T., }  
March 10th, 1864. }

To His Excellency, John Evans, Governor of Colorado Territory:

SIR: I have the honor to transmit through you, to the Legislative Assembly of Colorado Territory, a report from this Department.

*To the Honorable, the Legislative Assembly of Colorado Territory :*

GENTLEMEN: I have the honor to submit the following report of the state of the militia of Colorado Territory, organized under the provisions of "an act to organize the militia of Colorado Territory," approved August 14th, 1862:

Commander-in-Chief—Gov. John Evans.

Staff Officers—Adjutant and Inspector General—D. H. Moffat, Jr.

Judfie Advocate—General Alvin Marsh.

Paymaster—General Amos Widner.

Quartermaster-General—John A. Nye.

Engineer-in-Chief—Hal. Sayr.

Aides-de-Camp—Major Jacob Stansell, Charles W. Mather, Robert Berry, W. D. Esterday and Wm. Dailey.

There are now eight organized companies, organized under the militia law as follows, to wit:

The "Governor's Guards," organized September 13th, 1863, and officered as follows:

1st Lieutenant, Wm. Kiskadden.

2nd Lieutenant, Daniel Moyn.

3rd Lieutenant, John L. Dailey.

The "Central City Light Guards," organized August 1st, 1863, and officered as follows, to wit:

Captain, W. C. M. Jones.

1st Lieutenant, Gov. E. Wilson.

2nd " Hal. Sayr.

Ensign, T. J. Bower.

The "Boulder County Mounted Rifles," organized October 24th, 1862, and officered as follows:

Captain T. A. Aikin.

1st Lieutenant, Thos. J. Jones.

2nd " G. W. Chambers.

3rd " W. M. Barney.

Ensign, L. C. Wellman.

The "Buckskin Grays," organized in March, 1863, and officered as follows:

Captain, J. B. Stansell.

1st Lieutenant, J. W. Buckman.

2nd " W. H. K. Smith.

3rd " B. M. Mallory.

The "Empire Guards," organized May 23d, 1863, and officered as follows, to wit:

Captain, Geo. H. Packard.

1st Lieutenant, Justus Cook.

2nd " J. W. Drips.

3rd " C. L. Bristol.

Ensign, W. Meriman.

The "Evans Guards," organized June 20th, 1863, and officered as follows, to wit:

Captain, Andrew Jackson Pennock.

1st Lieutenant, Alfred Cushman.

2nd " Lewis W. Dickson.

3rd " Robert Woodward.

The "Elbert Guards," organized Nov. 11th, 1862, and officered as follows, to wit:

Captain, Frank Hall.

1st Lieutenant, L. D. Judd.

2nd " H. M. Orahood.

Ensign, J. M. Combs.

The "Montgomery Home Guards," organized in February, 1863, and officered as follows, to wit:

Captain Hatch, (resigned.)

1st Lieutenant, E. H. Baker.

2nd " T. J. Cooper.

3rd " N. F. Spicer.

The above companies have been furnished with Garibaldi and Mississippi rifles and accoutrements, sufficient to fully equip them for active service.

The arms and accoutrements have been furnished by the War Department and distributed by this Department on the order of His Excellency, John Evans, Commander-in Chief of the militia, upon bonds filed for their safe keeping and proper use,

All of which is most respectfully submitted.

D. H. MOFFATT, JR.

Adjutant General.

Mr. Holland moved that the select Committee to whom was referred the abstract of votes cast at the last general election be requested to report them and the abstract spread upon the Journal.

Carried.

Mr. Holland offered the following resolution.

*Resolved*, That the consent of this House be given to the Chairman of the Standing Committees for the employment of a Clerk and Messenger. Lost.

Mr. Nye moved that H. B. No. 63, be taken up for consideration.

Carried.

H. B. No. 63 read and considered.

Mr. McCannon moved to strike out the name of "Webster Christian."

Carried.

Mr. Nye moved that the bill be read a third time for final passage.

Carried.

Mr. Judd moved that it be read by its title.

Carried.

H. B. No. 63, "an act to amend an act to incorporate the Cash Creek Fluming Company," was read a third time by its title.

Mr. Nye moved to amend by inserting an enacting clause to the bill.

Carried.

The question then being upon its final passage the ayes and noes were,

Ayes—Messrs. Eames, Holland, Henson, Nye, Ortega, Ripley, Sheldon, Webster, Stansell, Welton, and Woods—16.

Noes—Messrs. Koontz, Leeper, White, and Mr. Speaker—4.

Ayes—16.

Noes—4.

So the bill passed and the title agreed to.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, March 11, 1864.

Mr. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed H. B. No. 68.

"An act to provide for the payment of Clerks and other officers of the Legislative Assembly," with the following amendments to-wit:

Insert in section 2, in blank left, for enrolling and engrossing clerks the word "six" in blank left for chief Secretary the word "four" in blank left for assistant Secretary the word "two" and in blank left for Sergeant-at-Arms the word "three" and the concurrence of your Honorable body in said amendments is respectfully requested.

Also, without amendment H. B. No. 65,

"An act to incorporate the Central City and Montgomery Wagon Road Company.

H. B. No. 28, an act for the collection of taxes from non-resident stock owners.

And also, H. B. No. 73, "An act to incorporate the Excelsior Ditch Company herewith transmitted:

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Marsh moved to take up,

H. B. No. 45, for consideration.

Carried.

H. B. No. 45, read and considered.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

H. B. No. 45, an act to incorporate the Ralston Creek and Black Hawk Wagon Road Company, was read a third time by its title and the question being upon the final passage of the bill the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Lynch, Marsh, Nye, Ortega, Welton and Mr. Speaker—11.

Noes—Messrs. Chever, Holland, Ripley, Koontz, Leeper, White, Webster, and Woods—8.

Ayes—11.

Noes—8.

So the bill passed and the title agreed to.

Mr. Welton moved to take up H. B. No. 52, with Council amendments,

H. B. No. 52, taken up and considered.

Mr. Welton moved that the House do now concur in Council amendments.

Carried.

Mr. White from special Committee reported as follows:

MR. SPEAKER: Your Committee to whom was referred abstract of votes cast at Territorial election in September, 1863, have had the same under consideration and beg leave to report the same back according to resolutions of the House, they having changed the vote of Summit County in accordance with the Official vote of said County.

M. C. WHITE, Ch'n.

Report received.

Mr. Koontz moved that,

H. J. M. No. 2 be taken up for consideration.

Carried.

H. J. M. No. 2 read and considered.

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

Carried.

Mr. Ripley moved to take up H. B. No. 59.

Lost.

Mr. Marsh moved to take up C. B. No. 56 for consideration.

Carried.

Mr. White moved to lay the bill on the table.

Carried.

Mr. Marsh moved to take up H. B. No. 66 for consideration.

Carried.

H. B. No. 66 read and considered.

Mr. White moved that the bill be read a third time by its title for final passage.

Carried.

H. B. No. 66, "an act to define the right of Ranch owners in mining districts" was read a third time by its title and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Lynch, Leeper, Marsh, Ripley, Sheldon, Stansell, White, Webster, 12.

Noes—Messrs. Henson, Koontz, Kelley, Nye, Ortega, Welton, Woods, Mr. Speaker, 8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

Mr. Koontz moved to take up C. B. No. 48, for consideration.

Carried.

C. B. No. 48, read and considered.

Mr. White moved that the bill be read a third time by its title.

Carried.

C. B. No. 48, "an act to exempt Soldiers in the United States service, from service by publication" was read a third time by its title, the question being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—0.

So the bill passed and title agreed to.

Mr. Koontz moved to take up C. B. No. 46; for final passage.

Carried.

C. B. No. 46, read and considered.

Mr. Ripley moved to strike out the word "commissioned" in section 3.

Carried.

Mr. Ripley moved to strike out the word "Execution" in section 8, and insert "executed."

Carried.

Mr. Ripley moved to amend by adding the following section.

Section "That all fines incurred under the provisions of this act shall be paid into the County Treasury for the benefit of Common Schools.

Carried.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 46, "an act relating to Counties and County officers" was read a third time by its title and the question being upon its final passage, the ayes and noes were,

Ayes—Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, White, Webster, Welton, Woods, Mr. Speaker, 17.

Noes—Koontz, Lynch, Sheldon—3.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 40, "an act to incorporate the Denver Ditch and water Company."

C. B. No. 51, "an act to amend an act concerning Criminal Jurisprudence. Approved, Nov. 5, 1861."

And also, C. B. No. 60, "an act to define the extent of Mineral and Quartz Lodes" herewith transmitted.

And the concurrence of your Honorables is respectfully requested therein also.

They have concurred in, and passed without amendment,

H. B. No. 56, an act to amend an act entitled an act to establish the mode of locating and changing County Seats, approved Nov. 7, 1861.

Also, H. B. No. 32, an act to incorporate the City of Black Hawke, with the following amendments by striking out in Section 1, in the thirteenth line after the word "within" the words "a circumference of three miles from the mouth of Gregory Gulch" and insert in lieu thereof, the words "the present corporate limits of the City of Black Hawk, to which amendment you are respectfully requested to concur,

Very respectfully,

C. B. HAYNES,

Sec'y of Council.

Mr. Koontz moved that, C. B. No. 40, be taken up and read first and second time.

Carried.

C. B. No. 40, was then read a first and second time by its title.

Mr. White moved that House Rule, No. 17, be suspended.

Carried.

Mr. Koontz moved that C. B. No. 40, be read for consideration. Carried.

C. B. No. 40, read and considered.

Mr. Ripley moved to amend by inserting the words "per annum" after the word "acre" in sixth line of Section 9.

Carried.

Mr. Nye moved to strike out section 19.

Carried.

Mr. Nye moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 40, "an act to incorporate the Denver Ditch and water Company" was read a third time by its title and the question being upon its final passage, the ayes and noes were, Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, 15.

Noes—Messrs. Kelley, McCannon, Webster, Mr. Speaker, 4.

Ayes—15.

Noes—4.

So the bill passed, and title agreed to.

Mr. Nye moved that the House do concur in Council amendment to H. B. No. 32.

Carried.

Mr. Judd moved that the House do concur in Council amendment to H. B. No. 76.

Carried.

The Sergeant-at-Arms, announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER,  
March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed,

H. B. No. 81, an act making appropriations for the fiscal year commencing January 1st, 1864, and ending Dec. 31st, 1864, with the following amendments viz: Amend section 7 so as to read that the warrants already drawn shall be paid out of the money now appropriated, in all cases in which such appropriations shall be sufficient for that purpose. And any money hereafter appropriated to the respective fund and not drawn, shall be added to foregoing appropriations respectively."

To which amendment your Honorable body is respectfully requested to concur.

Also, the Council recedes from its amendment to H. B. No. 52.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Judd moved to concur in Council amendment to H. B. No. 81. Carried.

Also, moved to take up C. B. No. 54 for consideration. Carried.

C. B. No. 54 read and considered.

Mr. Nye moved that the bill be read a third time by its title for final passage. Carried.

C. B. No. 54, an act to amend an act concerning, Wills, Executors and Administrators, approved Nov. 8th 1861. Was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 15.

Noes—Messrs. Eames, Holland, Koontz, Kelley, Ortega, Mr. Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. Marsh, moved that C. S. to H. B. No. 6, be read a third time by its title for final passage.

Carried.

C. S. to H. B. No. 6, "an act creating a lien in favor of Mechanics, in certain cases," was read a third time by its title and the question being put upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, 14.

Noes—Messrs. Eames, Koontz, Lynch, McCannon, Webster, Woods, Mr. Speaker, 7.

Ayes—14.

Noes—7.

So the bill passed and title agreed to.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed,

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company, with the following amendments (see amendments in bill,) and your Honorable body is respectfully requested to concur therein.

Also, that the Council inserts on their amendment to H. B.

No. 41, and recede from their amendments to H. B. No. 21, herewith transmitted.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

On motion of Mr. Marsh, the House adjourned until 7 o'clock this evening.

EVENING SESSION.

House met pursuant to adjournment, at 7 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 41, was taken up.

Mr. Marsh moved that the bill be indefinitely postponed.

The ayes and noes being called for and ordered were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 19.

Noes—Messrs. Nye, White, 2.

Ayes—19.

Noes—2.

So the motion prevailed.

Sheldon, moved to reconsider the motion to indefinitely postpone, H. B. No. 41.

Mr. Marsh moved to lay the bill on the table.

Carried.

Mr. Chever, from the Committee on enrollment reported, C. J. R. No. 3, C. B. No's. 27, 31, 44, 45, 48, 50, 57, C. S. to H. B. 29, H. B. No's. 18, 21, 26, 27, 40, 48, 54, 61, 67, 58, 68 and 73, correctly enrolled.

Report received.

C. B. No. 60 was taken up, and on motion was read a first and second time by its title.

Bill received for consideration.

Mr. McCannon moved to amend by striking out the words "five hundred" and insert "one thousand."

Mr. Sheldon moved to amend the amendment by striking out the words "one thousand" and inserting "eight hundred."

Amendment accepted.

Motion as amended,

Carried.

Mr. Koontz, moved that the bill be considered, read a third time and put upon its final passage.

Carried.

C. B. No. 60, "an act to define the extent of Mineral and Quartz Lodes" being upon its final passage, the ayes and noes were.

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, McCannon, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 15.

Noes—Messrs. Eames, Kelley, Marsh, Nye, White, Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,  
March 11, 1864. }

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 58, an act for an appropriation in favor of Citizens of Lake County Col. Ter., and the concurrence of your Honorable body is respectfully requested therein, herewith transmitted.

Very respectfully,

C. B. HAYNES,  
Secretary of the Council.

Mr. McCannon moved that,

H. B. No. 58 be read a first and second time.

Carried.

C. B. No. 58, read a first and second time by its title.

Mr. McCannon moved that the bill be read for consideration.

Carried.

C. B. No. 58, read and considered.

Mr. Marsh moved that the bill be referred to a special committee and that they be required to report on the 4th of July next. Carried.

The Speaker appointed Messrs. Marsh, McCannon, and White such committee.

C. B. No. 51, was then taken up and read a first and second time by its title.

Mr. Marsh moved that the bill be read for consideration.

Carried.

C. B. No. 51, read and considered.

Mr. Marsh moved to amend Section 122, by striking out the words "in writing" in first and second line of said section.

Carried.

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Mr. Holland moved that the further reading of the bill be dispensed with.

Carried.

Mr. Marsh, moved that the bill be read a third time for final passage.

Carried.

C. B. No. 51, an act to amend an act concerning Criminal Jurisprudence,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Koontz, Lynch, Leeper, Marsh, Nye, Stansell, White, Webster, Welton, Woods, Mr. Speaker—12.

Noes—Messrs. Eames, Garcia, Holland, Henson, Kelley, McCannon, Ortega, Ripley, Sheldon—9.

Ayes, 12; noes, 9.

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body that the Council do not concur in House Amendment to

C. B. No. 40, an act to incorporate the Denver Ditch and Water Company—herewith returned.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Nye moved that the House do insist on its amendments to C. B. No. 40.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body, that the Council do not concur in House Amendment to

C. B. No. 51.

Also, that they insist in their disagreement to House amendment to C. B. No. 40.

Also, that they have passed the enclosed Joint Resolution in relation to adjournment—herewith transmitted.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Holland moved that the House do now consider the Resolution by the Council in relation to adjournment.

Mr. Ripley moved to defer further action upon the Resolution until 11 o'clock this evening.

Carried.

Mr. Stansell moved that the Special Committee to whom was referred C. B. No. 58, be requested to report instanter.

Mr. Marsh moved to amend, by giving the committee until the 4th of July next in which to report.

Carried.

Motion as amended—Carried.

Mr. Stansell moved that the House do take a recess for half an hour, subject to the call of the Speaker.

Carried.

The Speaker called the House to order.

Mr. Koontz moved that C. B. No. 51 be laid on the table.

Carried.

Mr. Ripley moved that the House do recede from its amendments to C. B. No. 40.

Motion lost.

Mr. Ripley moved that the further consideration of the bill be indefinitely postponed. Carried.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T., }  
DENVER, March 11, 1864. }

*To the Honorable J. B. Chaffee, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House, that I have this day approved and signed the following bills, certified to have originated therein, viz:

An act concerning Roads and Highways.

An act for the protection of farmers against the depredations of Stock in the counties of Weld and Douglas.

An act for the incorporation of the Gold Mining Company of Philadelphia.

An act to incorporate the Rocky Mountain Exploring, Prospecting, and Mining Company.

An act to incorporate the Occidental Gas-light Company of Denver.

An act to legalize the acts of the Superintendent and Board of Directors of School District No. 5, in Arapahoe County, in certain cases.

An act to amend an act to incorporate the Apex and Gregory Wagon Road Company.

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An act to incorporate the City of Black Hawk.  
An act to incorporate the Black Hawk Mining Company.  
An act to amend an act, entitled an act to enable Road, Ditch, Manufacturing, and other Companies, to become bodies corporate.

An act amendatory to an act entitled "an act relating to fencing," approved August 18th, 1863.

Joint resolution for the payment of Fred. J. Ebert for constructing maps of Colorado Territory.

An act making appropriations for the fiscal year commencing January 1st, 1863, and ending December 31st, 1864.

An act to amend an act entitled "an act to define County boundaries, and to locate County Seats in Colorado Territory."

An act to provide for the payment of the clerks and other officers of the Legislative Assembly.

An act to incorporate the Excelsior Ditch Company.

An act to amend an act entitled "an act to organize the Treasury Department," approved Nov. 6th, 1861.

An act to amend an act entitled "an act to establish the mode of locating and changing County Seats," approved November 7th, 1861.

An act to incorporate the City of Central.

An act concerning fences.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Ripley moved that the Council do take a recess for half an hour, subject to the call of the Speaker. Carried.

The Speaker called the House to order.

Mr. Nye, without previous notice, asked leave to introduce

H. B. No. 85, an act amendatory to "an act to incorporate the Denver and Pacific Wagon, Telegraph and Railroad Company."

Leave granted, and bill

Read a first and second time by its title.

Mr. Nye moved that the bill be read a third time and put upon its final passage. Carried.

H. B. No. 85 read then a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods and Mr. Speaker—20.

Noes—Messrs. Stansell and Welton—2.

Ayes—20.

Noes—2.

So the bill passed and title agreed to.

C. J. R. in regard to adjournment was then taken up.

Mr. White moved that it be read the first and second time.

Carried.

Resolution read first and second time by its title.

Mr. White moved that the resolution be read a third time for final passage.

Carried.

The resolution read, and the question being upon its final passage,

The ayes and noes were :

Ayes—Messrs. Garcia, Holland, Henson, Koontz, Kelley, Lynch, Marsh, McCannon, Nye, Sheldon, Stansell, White, Webster and Welton—14.

Noes—Messrs. Chever, Eames, Judd, Leeper, Ripley and Mr. Speaker—6.

Ayes—14.

Noes—6.

So the resolution passed, and title agreed to.

The Speaker appointed Messrs. White, Stansell and Lynch a special committee, in accordance with the resolution.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows :

EXECUTIVE DEPARTMENT, C. T., }  
DENVER, March 11, 1864. }

*To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives :*

SIR : I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz :

An act to incorporate the Central City and Idaho Wagon Road Company.

An act providing for the collection of taxes from new resident stock owners.

An act to incorporate the Central City and Montgomery Wagon Road Company.

An act creating a lien in favor of mechanics and others, in certain cases.

An act to incorporate the City of Black Hawk Gas Light Company, of Gilpin County, Colorado Territory.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Marsh offered the following resolution, viz :

*Resolved*, That this House do hereby tender a vote of thanks to the Honorable Jerome B. Chaffee, Speaker of the same, for his uniform kindness and courtesy towards the members thereof, and for the able and impartial manner in which he has presided over the deliberations of the same during the present session, and that this resolution be spread upon the journal of the House.

The ayes and noes being ordered and called, were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Lynch, Leeper, Koontz, Kelley, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—21.

Noes—0.

So the resolution was adopted.

Mr. Lynch moved to adopt the following resolution, viz :

*Resolved*, That we, the members of the Legislative Assembly of Colorado Territory, tender our most hearty and sincere thanks to B. B. Styles, Chief Clerk, L. L. Robinson, Assistant Clerk, Captain R. Sopris, Sergeant-at-Arms, C. C. Carpenter, Enrolling Clerk, and J. Walker, Engrossing Clerk of this House, for the very correct and able manner in which they have discharged their respective duties.

The ayes and noes being ordered and called, were :

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon Stansell, White, Webster, Welton, Woods and Mr. Speaker—22.

Noes—0.

Resolution adopted.

Mr. White, chairman of the special committee to wait upon the Governor, reported verbally that they had discharged the duties assigned them, and presented the following communication from His Excellency, the Governor, viz :

*Hon. Messrs. White, Stansell and Lynch, Committee of the House :*

GENTLEMEN: You will please say to the House that I have no further official communication to make.

In parting, I desire to congratulate the members upon their harmonious and useful session, and to thank them for their uniform courtesy and kindness,

I have the honor to be,

Very respectfully your obedient servant,

JOHN EVANS,  
Governor of Colorado.

On motion of Mr. White, the House then adjourned *sine die* according to law.

B. B. STILES,

Chief Clerk of the House.

Resolved, That the members of the Legislative Assembly of Colorado Territory, under and most hearty and sincere thanks to B. B. Stiles, Chief Clerk, L. J. Robinson, Assistant Clerk, Captain R. Smith, Sergeant-at-Arms, C. C. Carpenter, Enrolling Clerk, and A. Walker, Recording Clerk of the House, for their many and able services, in which they have discharged their respective duties with fidelity and efficiency, be and are hereby ordered and resolved, that the ayes and noes be taken thereon.

The ayes and noes being ordered and called, were—  
Ayes—Messrs. (Chavez, Evans, Hanson, Johnson, Ketchum, Kibbey, Lusk, McKim, McManis, Newcomb, Rogers, Smith, Stiles, Walker, White, Wilson, Woods, and the Speaker—  
Yeas—0.

Resolution adopted.  
Mr. White, speaker of the House, announced to well upon the Governor's report verbally, that they had discharged the duties assigned them and presented the following communication from the Governor:

Hon. Mr. Stiles, Speaker and Joint Committee of the House:  
Gentlemen: I am with pleasure to the House that I have no further official communication to make.  
In passing I desire to congratulate the members upon their harmonious and genial session, and in appreciation for their form courtesy and kindness.

I have the honor to be,  
Very respectfully, your obedient servant,  
JOHN EVANS,  
Governor of Colorado.

C. V. A. Green.

# HOUSE JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF COLORADO.

FOURTH SESSION.

BEGUN AND HELD AT GOLDEN CITY, JAN. 2, 1865.

PUBLISHED BY AUTHORITY.

DENVER:

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1865.

[January 3rd]

The committee on Credentials, through their chairman reported the following named members present, and entitled to seats in this House:—

Messrs. D. B. Stiles, Francis M. Case, H. J. Broadbent, Rufus Clark, D. H. Nichols, A. O. Patterson, Thos. D. Worral, E. H. Harsh, A. Mansur, B. Lake, C. M. Tyler, B. F. Pine, R. F. Holland, J. T. Lynch, A. Hopkins, W. T. Stone, T. E. Harsh, James Thompson and C. North.

## HOUSE JOURNAL

In all nineteen members. Mr. Worral moved that the report of the committee be received and adopted.

## LEGISLATIVE ASSEMBLY OF COLORADO

## FOURTH SESSION.

MONDAY, JANUARY 2nd, 1865.

Begun according to law, at Golden City, Colorado Territory, on Monday, January 2nd, 1865.

The House was called to order by Mr. Stiles, and on motion of Mr. Stone, A. O. Patterson was appointed Speaker *pro tem*.

On motion of Mr. Harsh,

B. Lake was appointed Chief Clerk *pro tem*.

Mr. Holland moved to adjourn.

Motion lost.

On motion of Mr. Pine,

A committee of three, on credentials, were appointed by the chair, consisting of the following named gentlemen: Messrs. Pine, Stone and Harsh.

On motion of Mr. Lynch,

The House adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, JANUARY 3rd, 1865.

House met pursuant to adjournment. Speaker *pro tem* in the chair.

Journal read, and on motion of Mr. Holland,

Was laid over until to-morrow morning.

The committee on Credentials, through their chairman, reported the following named members present, and entitled to seats in this House:

Messrs. B. B. Stiles, Francis M. Case, H. J. Brendlinger, Rufus Clark, D. H. Nichols, A. O. Patterson, Thos D. Worrall, L. H. Harsh, A. Mansur, B. Lake, C. M. Tyler, B. F. Pine, E. F. Holland, J. T. Lynch, A. Hopkins, W. F. Stone, J. Ehrhart, James Thompson and C. North.

In all nineteen members.

Mr. Worrall moved that the report of the committee be received and adopted.

Motion withdrawn.

Mr. Stone offered the following resolution:

*Resolved*, That until all questions relating to supposed contested seats in this House are settled by members thereof, no person shall be allowed a vote in said House except those whose seats are not contested.

Resolution lost.

Mr. Holland moved that all proceedings heretofore had by this House in relation to the appointment of a committee on credentials be hereby rescinded, and that the House now proceed to the election, by ballot, of a committee of three, to examine and report upon the credentials of members of this body.

On motion,

The House adjourned until 1½ o'clock p.m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

Roll called.

Present—Messrs. D. H. Moffat, Jr., E. M. Ashley, A. W. Bailey, B. B. Stiles, H. J. Brendlinger, Rufus Clark, J. A. Koontz, B. F. Pine, A. Hopkins, J. Castello, C. North, D. H. Nichols, A. O. Patterson, T. D. Worrall, L. H. Harsh, B. Lake, C. M. Tyler, A. Mansur, E. F. Holland, J. T. Lynch, James Thompson and J. Ehrhart.

In all twenty-two members.

Mr. Stiles moved that the House proceed to ballot for a committee on credentials to consist of three members, one at a time, and the committee so appointed to have power to send for persons and papers.

Motion adopted.

January 3rd]

## HOUSE JOURNAL

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On motion of Mr. Stiles,  
Mr. W. F. Stone, member from Park County, was admitted  
to a seat as a member of the House without presenting his  
credentials.

The House then proceeded to ballot for a committee on cre-  
dentials.

Nominations being in order,

Messrs. Lynch, Tyler, Holland, Worrall, Mansur and Hop-  
kins were nominated.

The chair appointed Messrs. Nichols and Pine as tellers.

On the first ballot twenty-three votes were cast, of which

J. T. Lynch received eleven votes,

E. F. Holland received seven votes, and

Tho's D. Worrall received five votes.

No one having received a majority of the votes cast, the  
House proceeded to a second ballot.

On the second ballot there were twenty-three votes cast,  
necessary to a choice, twelve.

Mr. Lynch received eleven votes,

Mr. Holland received eleven votes,

Mr. Worrall received one vote.

There being no choice, the House proceeded to the third  
ballot.

There were, twenty-three votes cast, necessary to a choice,  
twelve.

Mr. Holland received fourteen votes,

Mr. Lynch received nine votes,

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

The House then proceeded to ballot for the second member  
of said committee, and

Mr. Lynch received eleven votes,

Mr. Worrall received twelve votes.

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

The House then proceeded to the fifth ballot.

There were twenty-three votes cast.

Mr. Tyler received eleven votes,

Mr. Mansur received twelve votes.

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

The committee on credentials therefore consisted of Messrs.  
Holland, Worrall and Mansur.

On motion of Mr. Stiles,

The House, at 2½ o'clock p. m., adjourned one hour.

House met at 3½ o'clock p. m., pursuant to adjournment.  
 Speaker *pro tem* in the chair.

The committee on credentials made the following report :

*To the Honorable Speaker pro tem of the House of Representatives of Colorado Territory :*

The committee on credentials beg leave to report the following gentlemen as members elect, entitled to seats in the House of Representatives of Colorado Territory :

Messrs. J. Ehrhart, E. F. Holland, A. Hopkins, L. H. Harsh, Benj. Lake, J. T. Lynch, C. North, A. Mansur, D. H. Nichols, B. F. Pine, A. O. Patterson, J. Thompson, C. M. Tyler, T. D. Worrall.

They beg leave further to report, that two sets of certificates were presented by claimants of seats from Park County, and on examination of the facts they find that James Thompson had a majority of one vote over Mr. Castello in the local vote of the county, and that the soldiers vote claimed for Mr. Castello was not in accordance with the statute of last session, regulating the suffrages of Colorado soldiers. They therefore consider Mr. Thompson entitled to his seat.

Two sets of certificates were presented by delegates from the Second District, to consider which your committee ask further time.

E. F. HOLLAND, Ch'n.

On motion of Mr. Stone,

The report of the committee was received and farther time allowed them to report.

On motion of Mr. Pine,

The House adjourned until 10 o'clock a. m. to-morrow.

### WEDNESDAY, JANUARY 4th, 1865.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

On motion of Mr. Lynch,

The reading of the Journal was dispensed with until to-morrow morning.

On motion of Mr. Bailey,

The House took a recess of thirty minutes.

The House was called to order by the Speaker *pro tem*.

The committee on credentials through their chairman, Mr. Holland, made the following report :

To the Honorable Speaker pro tem of the House of Representatives of Colorado Territory:

The committee on credentials beg leave to report that Wilber F. Stone has presented a proper certificate; and also, report progress in the investigation of the character of other credentials, and as testimony has been sent for which has not yet arrived, would ask further time; and, in consideration of the fact that both sets of claimants of seats in this House, from the Second District, have certificates given them in accordance with the provisions of the law, and with a view to secure to Arapahoe and Douglas Counties their due influence in the House, we recommend that the claimants meet and elect, from among their number, four members who shall hold seats in this House until the question of credentials shall have been settled.

All of which is respectfully submitted.

E. F. HOLLAND, Ch'n.  
THO'S D. WORRALL,  
A. MANSUR.

Mr. Holland moved that the clerk proceed to make a list of the members reported to the House, by the committee on credentials, who are entitled to their seats, and that the Secretary of the Territory of Colorado be requested to administer to them the oath required by law.

Motion lost.

On motion of Mr. Harsh,

The report of the committee was received.

On motion of Mr. Stiles,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker pro tem in the chair.

Roll called.

Quorum present.

On motion of Mr. Holland,

The report of the committee on credentials was taken up for consideration.

Mr. Stiles moved that so much of the report of said committee as refers to Mr. Stone, member from Park county, be adopted.

Motion carried, and

Mr. Stone was admitted to a seat in this House.

Mr. Ashley moved that the report of the committee be recommended for further consideration and report.

Mr. Koontz offered the following amendment:

That the committee be instructed to report upon the delegation from the Second District, allowing the seats to the delegation from that District who may seem to them entitled to the seats according to the testimony before them.

On motion of Mr. Stiles,

The House adjourned until 9 o'clock a. m., to-morrow.

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THURSDAY, JANUARY 5th, 1865.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

Journal read, and

On motion of Mr. Pine,

The further consideration of the Journal was dispensed with until the permanent organization of the House.

Mr. Harsh moved that the House take a recess of thirty minutes.

Motion lost.

The committee on credentials, through their chairman, reported as follows:

MR. SPEAKER *pro tem*:—Your committee was instructed to report which delegates from the Second District seems to them, by testimony before them, are entitled to their seats in this House.

They beg leave to report that they have examined all the Poll Books and Abstracts of Votes in and for the Second Representative District, and have made considerable progress in the testimony in the case, but as all necessary evidence is not yet presented, they do not feel justified in making a decisive report.

In reporting progress in obedience to the above instructions, they would represent that there seems to be informality and fraud throughout, and that so far as we have proceeded, the whole vote of the district is invalid, and that none of the applicants seem entitled to their seats.

And as the investigation of such fraud is, (in the opinion of your committee,) the legitimate business of the House, after its permanent organization, your committee beg leave to offer this as its final report, and ask to be discharged from the further consideration of the question as a committee on credentials.

E. F. HOLLAND, Ch'n.

T. D. WORRALL,

A. MANSUR,

On motion of Mr. Bailey,

The House adjourned until 2 o'clock p. m.

# AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

Mr. Stiles moved that the report of the committee on credentials be received.

Carried.

Mr. Harsh moved that the report be laid upon the table.

Lost.

Mr. Harsh moved that the members from the Second Representative District, having the County Clerk's certificates, be allowed their seats.

Motion withdrawn.

Mr. Stone moved that this House now proceed to its permanent organization.

The motion was decided out of order by the chair.

Mr. Stone moved that the report of the committee on credentials be laid on the table.

Lost.

Mr. Tyler moved that the report be adopted and the committee on credentials be discharged from further duty in the contested cases now before them.

Carried.

Mr. Lynch offered the following resolution:

*Resolved*, That all persons holding certificates of election to this House from the district composed of Arapahoe and Douglas Counties, issued by the Secretary and Acting Governor of the Territory of Colorado, shall be admitted to seats in this House; but, whereas it is charged by other persons holding certificates from the County Clerks that the soldiers vote cast for the first named persons is illegal by reason of fraud, this resolution shall in no way impair the right of the other party to contest their seats, and that without giving the notice required by law.

Mr. Lynch moved that the House proceed to vote, by ballot, upon the resolution.

Carried.

Whereupon the House proceeded to ballot.

Messrs. Worrall and Tyler were appointed tellers.

On the first ballot there were fourteen votes cast, seven in the affirmative and seven in the negative.

The resolution was declared lost.

On motion of Mr. Worrall,

The House proceeded to another ballot.

There were fifteen votes cast, six in the affirmative and nine in the negative.

The resolution was lost.

Mr. Holland moved that the Secretary of the Territory of Colorado be sent for to administer the oath of office to the members.

Carried.

Messrs. Holland and Lynch were appointed a committee, by the Speaker *pro tem*, to wait upon the Honorable Secretary and invite him to administer the oath to the members of the House.

The committee returned with the Honorable Secretary, and the oath was administered to the members present.

There being fifteen members present, Mr. Stone moved that the House proceed to a permanent organization.

Carried.

Mr. Worrall moved that the House proceed to an informal ballot for Speaker.

Carried.

Nominations being in order,

Mr. Harsh nominated Mr. T. D. Worrall.

The Chair appointed Messrs. Harsh and Thompson as tellers.

Whereupon the House proceeded to the informal ballot.

There were fifteen votes cast.

Mr. Holland received five,

Mr. Nichols received one,

Mr. Worrall received six,

Mr. Patterson received one,

Mr. Mansur received one,

And blank one vote.

On motion of Mr. Harsh the House then adjourned to meet at nine o'clock a. m. to-morrow.

FRIDAY, JANUARY, 6, 1865.

House met pursuant to adjournment.

Speaker, *pro tem* in the chair.

There being no quorum present, the House took a recess of half an hour.

The time having expired, the Speaker *pro tem* called the House to order.

There being no quorum present,

On motion of Mr. Pine,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

Roll called.

Present—Messrs. Ehrhart, Harsh, Lake, Mansur, Pine, Patterson, Thompson, Tyler, Worrall and Stone.

Absent—Messrs. Holland, Hopkins, Lynch, Nichols and North.

Messrs. Hopkins and North appeared and took their seats.

There being no quorum,

On motion of Mr. Hopkins,

The House adjourned until 5 o'clock p. m.

## EVENING SESSION.

House met pursuant to adjournment.

Speaker *pro tem* in the chair.

Roll called.

Quorum present.

On motion of Mr. Mansur,

The vote of yesterday in relation to the House proceeding to the election of Speaker was reconsidered.

The committee on credentials presented the name of Mr. Mills Craig, member elect from the Thirteenth District, and entitled to a seat in this House.

Mr. Worrall moved that the House proceed to the election of a Speaker, the first ballot to be informal.

Carried.

Nominations being in order,

The following named gentlemen were nominated:

Messrs. C. M. Tyler, L. H. Harsh, T. D. Worrall and E. F. Holland.

On the informal ballot there were fifteen votes cast, of which

Mr. Worrall received six votes,

Mr. Patterson received one vote,

Mr. Tyler received four votes,

Mr. Harsh received two votes,

Mr. Mansur received one vote, and

Mr. Holland received one vote.

Mr. Holland moved that the House adjourn until 9 o'clock

a. m. to-morrow.

Lost.

On the first formal ballot fourteen votes were cast, of which

Mr. Worrall received seven votes,

Mr. Tyler received five votes, and

Mr. Harsh received two votes.

Necessary to a choice, eight; no choice being made, the House proceeded to the second ballot, in which there were sixteen votes cast, which resulted as follows:

Mr. Worrall received eight votes, and

Mr. Tyler received eight votes.

Necessary to a choice, nine; no choice being made, the House proceeded to the third ballot, in which there were sixteen votes cast, which resulted as follows:

Mr. Worrall received eight votes, and

Mr. Tyler received eight votes.

Necessary to a choice, nine.

Mr. Worrall arose and respectfully declined having his name used farther in connection with the speakership.

The House then proceeded to a fourth ballot, in which there were sixteen votes cast, which resulted as follows:

Mr. Tyler received eight votes, and

Mr. Harsh received eight votes.

There being no choice, the House proceeded to a fifth ballot, in which there were sixteen votes cast, which resulted as follows:

Mr. Tyler received seven votes, and

Mr. Harsh received nine votes.

Mr. Harsh having received a majority of all the votes cast was declared duly elected Speaker of the House.

Messrs. Tyler and Worrall were appointed a committee to conduct Mr. Harsh, the Speaker elect, to the chair.

The Speaker, in a few brief remarks, thanked the House for the honor conferred upon him.

On motion of Mr. Patterson,

The House adjourned until 7 o'clock p. m.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

The oath was duly administered to the Speaker elect by B. B. Stiles, Clerk of the Supreme Court of the Territory of Colorado.

On motion of Mr. Patterson,

The House proceeded to the election of Chief Clerk.

Mr. Stone nominated Mr. C. M. Graves.

Messrs. Tyler and Nichols were appointed tellers by the Speaker.

Sixteen votes were cast, nine being necessary to a choice.

On motion of Mr. Worrall,

The House proceeded to the election of an Assistant Clerk.

Mr. Worrall nominated Mr. McAllister.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. McAllister received ten votes, and was declared duly elected Assistant Clerk.

On motion of Mr. Stone,  
The House proceeded to the election of Engrossing Clerk.

Mr. Hurd and Mr. Cooper were put in nomination.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. Cooper received seven votes, and  
Mr. Hurd received nine votes.

Mr. Hurd having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Patterson,  
The House proceeded to the election of Enrolling Clerk.

A. D. Cooper and Mr. Slaughter were put in nomination.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. Cooper received ten votes, and  
Mr. Slaughter received six votes.

Mr. Cooper having received a majority of the votes cast, was declared duly elected.

On motion of Mr. Worrall,  
The House proceeded to the election of Sergeant-at-Arms.

Mr. Gibson and Mr. Haskell were nominated.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. Gibson received ten votes, and  
Mr. Haskell received six votes.

Mr. Gibson having received a majority of the votes cast, was declared duly elected.

On motion of Mr. Worrall,  
The House proceeded to the election of Page.

D. W. Fall and Amos Smith were nominated.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. Smith received four votes, and  
Mr. Fall received twelve votes.

D. W. Fall having received a majority of the votes cast, was declared duly elected.

On motion of Mr. Stone,  
The House proceeded to the election of Foreman and Door-keeper.

R. Thoroughman was nominated.  
Sixteen votes were cast, nine being necessary to a choice.

Mr. Thoroughman received the unanimous vote of the House, and was declared duly elected.

On motion of Mr. Worrall,  
The House proceeded to the election of Chaplain.

Rev's Mr. Crawford and Mr. McLeod were nominated.  
Sixteen votes were cast, nine being necessary to a choice.

Rev. Mr. Crawford received six votes, and

Rev. Mr. McLeod received ten votes.

Rev. Mr. McLeod having received a majority of the votes cast was declared duly elected.

The oath of office was administered to the officers elect by B. B. Stiles, Clerk of the Supreme Court of Colorado Territory.

Leave of absence was granted to Mr. Mansur until 10 o'clock a. m. Monday.

On motion of Mr. Patterson,

The House adjourned until 10 o'clock a. m. Monday.

### MONDAY JANUARY 9, 1865.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Craig, Ehrheart, Hopkins, Mansur, North, Nichols, Thompson, Stone and Tyler.

No quorum being present,

On motion of Mr. Patterson the House took a recess of one hour.

House called to order.

Roll called.

Absent, Messrs. Mansur and Tyler.

On motion of Mr Lake.

The Speaker appointed a committee of three to inform the Council that the House was organized and ready to proceed to business.

Messrs. Lake, Nichols and Holland were made such committee.

The oath of office was administered to A. D. Cooper, Enrolling Clerk, and N. S. Hurd, Engrossing Clerk, by B. B. Stiles, Clerk of the Supreme Court of Colorado Territory..

On motion of Mr. Lynch, it was

*Resolved, By the House of Representatives of Colorado Territory, the Council concurring, That a joint committee of three members on the part of the House and two on the part of the Council be appointed to inform His Excellency, the Acting Governor, that the Legislative Assembly is duly organized and ready to receive any communication he may see proper to make.*

The Speaker appointed Messrs. Lynch, Worrall and Stone, on the part of the House.

The Committee appointed to wait on the Council reported that they had performed the duty assigned them, whereupon they were discharged.

On motion of Mr. Lake, it was

*Resolved*, That the thanks of this House be tendered to Mr. Patterson for the courteous and able manner in which he discharged the duties of Speaker in the temporary organization of this House.

The following message was received from the Council by Mr. Loveland:

MR. SPEAKER:—I am instructed to inform the House that the Council is now permanently organized, and ready to proceed to business.

Mr. Stone, from the committee appointed to wait upon the Governor to inform him of the permanent organization of the House, reported that they had performed that duty.

The committee was discharged.

On motion of Mr. Worrall,

A committee of three on the part of the House was appointed to act in conjunction with a committee of the Council, for the purpose of escorting the Governor to the hall of the House of Representatives.

The Speaker appointed as said committee

Messrs. Worrall, Lynch and Hopkins.

Mr. Lynch, chairman of the joint committee appointed to inform the Governor of the organization of the House and Council and of their readiness to receive any communication he might have to make, reported that they had performed the duty assigned them, whereupon the committee were discharged.

On motion of Mr. Stone, the

House went into joint convention with the Council.

The Council and House of Representatives, in joint session assembled, were called to order by the President of the Council, and the following message was delivered by Hon. S. H. Elbert, Acting Governor.

*Gentlemen of the Legislative Assembly of the Territory of Colorado:*

As Representatives to whom the people of Colorado have confided the important trust of legislation, you have assembled for the purpose of enacting such laws as may contribute to their welfare and advance their material interests.

While the responsibilities which rest upon you as the legislative guardians of our Territory are grave and important, calling for wisdom, vigilance and industry, you cannot fail to find encouragement in the fact that the laws heretofore enacted by

your predecessors, while calling for revision and amendment in many particulars, have in the aggregate secured individual protection and collective prosperity.

It is only by a series of legislative sessions, amending, revising and enlarging laws already enacted, correcting errors, supplying deficiencies, reconciling conflicting provisions, and providing for new wants, that any State secures a full, complete and satisfactory code of laws. Amendatory legislation, therefore, rather than radical change, is recommended.

#### REPORTS OF THE AUDITOR AND TREASURER.

The reports of the Territorial Auditor and Treasurer, which are herewith transmitted, will show you the financial condition of the Territory, and suggest some amendments to the revenue law. The reports show a surplus in our Treasury, and indicate the gratifying fact that we are free from the incubus of any public debt, and that the administration of our Territorial government has been one of care and economy.

#### REPORT OF THE SUPERINTENDENT OF PUBLIC SCHOOLS.

The report of the Superintendent of Public Schools, which I also transmit, herewith, will suggest legislative action. To a matter on which the future character and permanent interests of our country are so largely and obviously dependent, it seems scarcely necessary to urge your earnest attention. To educate all its citizens has been the wise and far-seeing policy of our government from its foundation.

In a country where the action and thought of the masses are so directly felt by the government, the importance that educational avenues should be open and accessible to all cannot be easily over estimated.

"The ballot box is a recipient, not a salvent," and is a certain public good only so far as the vote cast is, to some degree, intelligent. Educate your citizens and you secure safe and fitting depositaries of political franchise.

The proper guardianship and management of the grants of land by Congress for school purposes, and the mining claims reserved by territorial statute for the same purpose, is of the first importance, and they should be made the basis of a broad and liberal system of Schools.

The legislation of some of the States, in this regard, has been unwise and improvident, in that they have sought to make these grants for school purposes the source only of immediate revenue, without any reference to the claims of the future. They should be managed with a view of creating therefrom a permanent fund, constituting a principal undiminished and

inviolable through all time, giving not only present aid, but promoting the permanent interests of education.

A law thus reconciling the interests of the present with the just claims of the future, recommends itself as wise and necessary.

#### AMENDMENTS.

The general incorporation act, passed at the last session of the Legislature, is very full and complete in its provisions, and has met the general and varied wants of the country. It is, however, urged by many citizens of our Territory, who have been engaged in the organization of mining companies East, that the provision, requiring that a majority of the trustees shall be residents of the Territory, is a matter of great embarrassment in the formation of companies, under this law, in eastern cities. The propriety, therefore, of its amendment, in this regard, is submitted for your consideration, as also the propriety of guarding more stringently against speculating and inactive monopolies.

Under our present statutes, both County Clerks and the Governor of the Territory are authorized to issue "certificates of election to members of the Legislative Assembly." This should be changed, and the authority vested exclusively either in one or the other.

Under the provisions of the act, passed at the last session of the Legislature, providing for the vote of Colorado soldiers, out of the Territory, it is a question whether they can vote for members of the Legislative Assembly. Heretofore they have been accustomed to enjoy all the franchises of free citizens. Serving as soldiers does not diminish their interest in the character of the laws under which their families live and their property is held, &c. They are more deeply interested in the election of the members of the Legislature, than of any other officers, and should have the privilege of voting for them. It is, therefore, recommended that the law be so amended as to give them the unquestionable right of voting for these officers.

#### POOR HOUSES.

In our populous counties are found many objects of charity and cases of destitution and suffering. Humanity demands that they should be taken care of, and justice demands that this burden should not fall on a charitable few. Some law should be passed for the establishment of poor houses in our more populous counties, into which these objects of charity should be received and cared for, and for the support of which

all should be taxed. Counties where, from the sparseness of population, such establishments would not only be onerous, but to a large extent unnecessary, should be allowed to send their poor to counties having poor houses, on just and equitable terms of admission.

#### POSTAL LAW.

During the last session of Congress, a law passed requiring that the postage on papers, periodicals, &c., sent to the Territories west of the Missouri (except papers sent to regular subscribers), should be prepaid at the same rate as letters. This law, most effectually and unjustly, cuts off our people from all the press and periodical literature of the States, except at a great expense. It is so unwise, unjust and without reason, that we regard it as an oversight on the part of Congress, and have no doubt but what a proper memorial would effect its repeal.

#### TRESPASS ON THE PUBLIC LANDS.

During the last summer much excitement has been caused by the arrest and punishment of many of our citizens as trespassers on the public lands; especially in the case of cutting timber in our mining districts. Under the existing laws of Congress this must continue to be a source of vexation and embarrassment to our people. A violation of these laws of Congress is necessary to our continuance here as a mining people. The general government has no desire or intention to stop the production of gold, or the general development of the country, by the rigid enforcement of laws against settlers on the public domain, and a memorial setting forth the hardships and necessities of the case should not fail to secure some modification of these laws, and result in great relief to our people.

#### INDIAN WAR.

The before unbroken peace of our Territory has been disturbed, since the last spring, by an Indian war. Allied and hostile tribes have attacked our frontier settlements, driven in our settlers, destroyed their homes, attacked, burned and plundered our freight and emigrant trains, and thus suspended agricultural pursuits in portions of our country, and interrupted our trade and commerce with the States. This has, for the time, seriously retarded the prosperity of our Territory.

At the commencement of the war, the general government, taxed to the utmost in subduing the rebellion, was unable to help us, and it became necessary to look to our own citizens for protection. They everywhere responded with patriotism and alacrity. Militia companies were organized in the frontier

counties, and secured local protection. Much credit is due to Capt. Tyler's company of militia, for the important service they rendered in opening and protecting our line of communication with the States.

In response to the call of the Governor for a regiment of cavalry for hundred day service, over a thousand of our citizens—the large majority of them leaving lucrative employment—rapidly volunteered, and in that short time, despite the greatest difficulties in securing proper equipments, organized, armed, made a long and severe campaign amid the snows and storms of winter, and visited upon these merciless murderers of the plains a chastisement smiting and *deserved*. The gratitude of the country is due to the men who thus sacrificed so largely their personal interests for the public good, and rendered such important service to the Territory; and their work, if it can be followed up with a vigorous winter campaign, would result in a permanent peace.

The necessity of such a campaign, and the imperative demand for immediate and complete protection for our line of communication with the States, has been, and is now being, earnestly urged on the government at Washington, and with a prospect of success. These efforts should be seconded by your honorable body, with whatever influence there may be in resolution or memorial, setting forth the facts and necessities of our situation.

#### EMIGRATION.

A matter of great and vital interest to our Territory is the subject of emigration. The great scarcity of laborers and particularly of miners, has been, during the past summer, a source of serious inconvenience and discouragement to our mining interest. The operation of many of our mines has been suspended from inability to procure laborers. It is difficult to suggest a practical and feasible plan to secure an emigration of miners from Europe. A general system of emigration (as proposed by some), sending out its salaried agents and advancing or assuming cost of transportation either from European or our eastern ports, such as might be adopted by an old and wealthy State, would be a hazardous experiment for a young Territory. While the difficulty is thus without immediate adequate remedy, much may be done to turn a tide of emigration to our doors by a proper dissemination of information and facts in regard to our country in the mining districts of Europe.

Statistics show, that while the United States secures the bulk of agricultural emigration from Europe, the mining emigration flows principally to Mexico, Australia, and South America. This to a large extent is attributable to the fact that our agri-

cultural resources are much better known and understood than our mining resources.

Bring to the knowledge of the miners of England, Wales, Ireland, Germany, Bohemia and Saxony, who toil from year to year for twenty-five or thirty cents per day, the superior inducements offered by our country, the high wages paid for labor, the richness of our mines, the fact that they lay within the grasp of every industrious prospector—let all these and similar facts, published in the language of these different countries and duly accredited by foreign consulates, resident at our ports, be brought to their attention, and you will do much to turn to your doors the thousands who now yearly emigrate to Mexico, Australia, and South America.

A salary paid by the Territory to a competent and reliable emigrant agent, selected by and acting agent under the direction of a commission of miners, would, we think, be money judiciously expended. To some such plan, and the co-operative efforts of our large mining companies in eastern cities, who are so directly interested, we must look for relief in this regard.

#### MINES.

Our mines form the basis of our prosperity, and to them we must look for the golden future of our Territory. To foster this vital interest by protective legislation, to shield it, if possible against embarrassing and unwise legislation on the part of the General Government, is your first and most imperative duty to your Territory.

The mining interests of the Western States and Territories has become so vast in the last few years, and is so rapidly increasing, that there is a demand for some settled policy on the part of the General Government.

The relation which the occupants and claimants of our mines are to sustain to the General Government—the conditions of their occupancy—is the great and difficult question to be met and settled, and upon the wise and proper adjustment of which depends the future, not only of our own Territory, but of the vast gold fields stretching from the eastern slope of these mountains to the Pacific seaboard.

The Seigniorage Act now pending before Congress, proposes a system of tenantry and rental. All experience and all reason point to a system of absolute ownership as the only wise and correct policy.

It is the better policy for our Territory; it gives us a permanent population by giving settlers permanent homes. Americans settle permanently as freeholders, not as tenants. It gives us permanent improvements by giving us a permanent popula-

tion. Occupants make permanent improvements as owners not as tenants. It gives us largely increased investments of capital, by reason of the great security afforded by the fee-simple. Capital seeks investment where its securities and rights are settled, known, and absolute, and where its management is unembarrassed by any outside controlling landlord power. It invests with rational reluctance in mines without title, when its only guaranty of possession is the liberality and forbearance of the General Government. It gives us all the greater wealth and prosperity, evoked by the superior care, greater industry, thriftier habits, more enlightened labor and untrammelled enterprise of the owner as contra-distinguished from the tenant.

It is the better policy for the General Government. Revenue is the end desired. The wealth of a nation consists in the wealth of its citizens. Lands, whether mineral or agricultural, are only valuable to the General Government as a means of revenue, as they are made productive. This is true, whether you tax the product, or the land, the value of which is determined by the product. Increase the product and you enlarge your true basis of taxation. By which of these two systems will this end be best secured: a system of ownership, or a system of tenantry? Ownership of the soil is the basis of our agricultural prosperity. Make the American farmer a tenant and you destroy the life of this great interest. If this be true with regard to our agricultural lands, why is it not true with regard to our mineral lands? Wherein, in habits of productive industry, or unsuccessful labor, will the owner or tenant of a mine differ from the owner or tenant of a farm? What is there peculiar in the mine to make different the results of these two different systems of occupancy? It matters not to the General Government whether the title be in itself or its citizens, so long as the land and product remains subject to her demands for revenue, and becomes purely a question which system will most enhance the value of the property by increasing the production, and thus enlarging the permanent basis of taxation.

Prussia dates her prosperity from 1807, when she abolished her system of tenantry, and placed the fee-simple of her soil within the reach of all her citizens. The mines of Mexico, rich and exhaustless, perhaps, as our own, are of largely diminished value to the world in the production of the precious metals, as also to their government as a source of revenue, by reason of her system of tenantry. Mr. Benton attributes the prosperity of the mines of England, and, as a consequence, to a large extent, the wealth and prosperity of the Kingdom itself, to fee-simple ownership of the mines by the citizen. These are the material results of the two policies. The social and

political results in time would be equally marked and distinct. Ownership elevates—tenantry degrades. Independent ownership of the soil lays a foundation for all those higher virtues which constitute the good citizen, and safe participant in the franchises of constitutional government.

Our citizens have no desire to escape their just share of taxation. What they oppose are policies equally ruinous to both miner and government. Let Congress pass a Revenue law, taxing the gross proceeds of our mines five per cent., and they will drive our miners from the country.

The General Government will have the title to the mines, but no gross proceeds to tax. Let Congress pass the Seignorage Act, establishing a system of tenantry, and crowd our mountains with rent collectors, and the system will fail, as years ago it failed as applied to our lead mines.

But let the General Government provide for the survey of our mining districts; let her give, at a moderate compensation, these mines in fee simple to the discoverer and prospector, under pre-emption and discovery laws, guarding against fraud and monopoly; let her leave their development and operation to the energy and enlightened self-interest of the owner, and this Territory will pour into her coffers largely more revenue than under any system of tenantry. What action Congress can be induced to take, may be a question; but there is no question as to your duty to urge these great interests most earnestly on their attention.

#### OUR PROSPECTS.

During the last summer many things have conspired to discourage our people. Floods have swept away our crops on the bottom lands and obstructed the operation of our mines. The Indian war has frightened emigration, delayed machinery, obstructed trade and commerce with the States, and enhanced the cost of living. Notwithstanding all these discouragements, our prospects are flattering. Our population is gradually increasing; our agricultural resources are much greater and more abundant than had at first been supposed, and are being rapidly developed to meet the demands of the country. Notwithstanding entire crops were swept away by floods, the agricultural product of the Territory for the last year is much larger than that of any preceding year.

Our mines give daily increasing evidence of richness and inexhaustable supply. The energy and enterprise of our people, calling science to their aid, are treading surer pathways to new and rich discoveries, and testing improved methods of separating and saving gold, with a degree of success that promises to capital unexampled returns, and our Territory a wealth that is

almost fabulous. During the last year the attention of eastern capital has been attracted in an encouraging degree to our country. It is estimated that over one hundred mining companies have been formed for the purpose of operating our mines, with an aggregate working capital paid into the hands of treasurers of the companies, of over ten million dollars.

The resources of our Territory have been developed thus far by the energy, industry, and enterprise of its citizens, unaided by capital. With this amount of capital coming to their aid and with every element of great and prosperous empire, within the bosom of her mountains and plains, our Territory will soon enter upon a no limited career of prosperity and power.

For near four years the American people have been engaged in a war for the preservation of their National Government. For a long time darkness and cloud hung over the nation. The ponderous proportions of the public debt; the vast lines of armies; disaster on the field, and dissensions in the council chambers; elections that apparently rebuked the Administration in its efforts to crush the rebellion; foreign relations that were uneasy and threatening, all created doubt and distrust and shrouded the loyal heart in gloom. But I congratulate you to-day on the happier omens under which we assemble, which auspicate for the Republic re-establishment of its rightful authority and the perpetuity of its inestimable blessings.

Our foreign relations have assumed a friendly aspect which forbids all thought of a foreign war. Our elections show an improved public opinion; a disposition on the part of the great majority of the people to throw aside all party prejudice and passion, and a settled determination to prosecute the war to a successful issue.

Our armies, every where victorious, are closing up around the already open grave of the rebellion, and all doubts of final triumph is vanishing before the light of the victories of Sheridan and Sherman. Our Government will soon be re-established in all its integrity. Founded in the consent and moulded by the intelligence of the people, it will be preserved by their valor.

I congratulate you on the part your Territory has taken in this great struggle. Young, and far removed from the scene of conflict, she has sent twenty-four hundred gallant soldiers to the aid of the general Government. We are justly proud of the record they have made. By virtue of their endurance, their bravery and gallantry rebel hordes were driven from New Mexico. By virtue of the same high, soldierly qualities, you re-assemble to-day with a new page of proud history, written by the gallant Second on the battle fields of Kansas and Missouri. The record our soldiers have made—the service they have rendered the country—the proud reputation they have

won on the battle fields of the republic—Colorado will ever regard as priceless.

SAM. H. ELBERT.

### AUDITOR'S REPORT.

AUDITOR'S OFFICE, COLORADO TERRITORY,  
December 31st, 1864.

*To the General Assembly of Colorado:*

In pursuance of law I have the honor of submitting to your honorable body the following exhibits of the affairs of this Territory for the year ending December 31st, 1864.

Respectfully Yours,

RICHARD E. WHITSITT, *Territorial Auditor,*  
E. H. L. BERARD, *Deputy.*

#### RECEIPTS AND DISBURSEMENTS OF THE REVENUE—1864.

Dec. 31, 1864. Balance in Treasury, Jan. 1, 1864	57 68
Am't of Revenue received from Dec. 31, 1863,	14, 674 45
Total,	14, 732 13

#### CONTRA.

Auditor's Warrants redeemed to date,	\$12, 590 01
Interest paid on same	236 05
Mileage paid County Treasurers,	449 50
	13, 305 56
Balance in Treasury, Jan. 1, 1865,	\$1, 426 57

EXPENDITURES—Showing the amount of warrants issued, to what account charged, and other expenditures during the year just closed:

Upon what fund drawn.	Am't expended.	Am't app'ted & undrawn
Legislative Fund,	\$2, 316 15	\$4, 885 95
Treasurer's Salary,	802 31	352 44
“ Contingent,	95 82	492 68
Auditor's Salary,	937 37	412 63
“ Contingent,	50 00	401 65
Ter. Sup't's Salary,	375 00	109 72
“ Contingent,	15 00	420 50
Ter. Librarian's Salary,	450 00	746 67
“ “ Contingent	21 50	445 00
Special Fund,	6, 948 40	1, 060 00
General Contingent Fund,	885 95	4, 870 62
Warrants issued, \$170 40		
Interest paid on same, 266 05		
Mil'gep'd Co. Treas., 449 50		
	\$885 95	
Territorial Militia,	200 00	200 00
	\$13, 097 50	\$14, 397 86

January 9th]

# HOUSE JOURNAL.

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AMOUNT OF WARRANTS ISSUED, REDEEMED AND OUTSTANDING, 1864.

Balance scrip outstanding issued in years 1861-2-3, \$546 11  
 " " " Redeemed in 1864, 468 11

Balance outstanding Jan. 1st, 1865, 78 00  
 Amount of Warrants issued in 1864, \$12, 381 95  
 " " Redeemed, 12, 121 90  
 260 05

Total amount outstanding Jan. 1st, 1865, \$338 05

Warrants of 1861-2-3-4.

## RESOURCES OF THE TERRITORY.

Balance of Revenue in the Treasury, Jan. 1st, 1865 \$1, 426 57  
 " " due from Counties, \$8, 516 37  
 Less 50 ¢ cent estimated unavailable, 4, 258 18  
 Probable Tax of 1865 @ 2½ mills, 20, 000 00  
 \$25, 684 76

## PRESENT INDEBTEDNESS OF TERRITORY.

Balance due Territorial Officers on acc't of Salaries, \$1, 975 00  
 Probable Interest on outstanding Warrants 15 00  
 " Mileage due County Treasurers 175 00  
 \$2, 165 00

## ESTIMATED EXPENDITURES.

*Estimated expenses for succeeding year, amount of appropriation undrawn and estimated amount necessary to pay salaries and other expenses to Jan. 1, 1866.*

Upon what Fund	Est'd exp'd's	Ap'n und'n	Est'd ap'n to Jan 1st '66.
Legislative Fund, \$3, 000 00	\$4, 885 95	\$3, 000 00	
Treas. Salary " 600 00	352 44	600 00	
" Cont'g't " 100 00	492 68	100 00	
Aud's Salary " 800 00	412 63	800 00	
" Cont'g't " 100 00	401 65	100 00	
Ter'l Sup't Sal'y " 500 00	109 72	500 00	
" Cont. " 300 00	420 50	300 00	
Libra'n Salary " 600 00	746 67	600 00	
" Cont'g't " 200 00	445 00	200 00	
Gen'l Cont'g't " 2, 500 00	4, 870 62	200 00	
Ter'l Militia " "		200 00	

## BALANCE OF TAX DUE FROM COUNTIES.

Arapahoe County,	\$1,386 68
Boulder "	289 05
Clear Creek "	515 57
Conejos "	589 83
Costilla "	1,518 40
Douglas "	8 50
El Paso "	46 09
Fremont "	49 02
Gilpin "	2,320 73
Huerfano "	312 64
Jefferson "	926 58
Lake "	172 81
Larimer "	76 58
Park "	63 50
Pueblo "	152 97
Summit "	87 92
Weld "	
Total,	\$8,516 37

## VALUATION OF TAXABLE PROPERTY FOR THE YEAR 1864.

Arapahoe County,	\$2,007,298 00
Boulder "	242,700 00
Clear Creek "	238,602 90
Conejos "	166,219 00
Costilla "	336,930 00
Douglas "	No Report.
El Paso "	97,770 50
Fremont "	69,112 00
Gilpin "	2,097,026 00
Huerfano "	No Report.
Jefferson "	244,708 00
Lake "	70,640 00
Larimer "	No Report.
Park "	"
Pueblo "	"
Summit "	"
Weld "	"
	\$5,571,006 40

GENERAL REMARKS.

By reference to report headed "Valuation of Taxable Property for the year 1864," it will be seen that the counties of Douglas, Huerfano, Larimer, Park, Pueblo, Summit and Weld, have not returned to this office any abstracts of assessments for the year 1864, and this office is unadvised of the cause why the clerks of the different counties have failed to make reports as required by law.

In a letter addressed to this office by the Clerk of Conejos County, it appears that through errors committed by its late Assessor, that the larger part of tax of said county has not been collected, and also that the road from there to Denver is unsafe to travel. Hence the failure in returns being made.

An act entitled "an act concerning Weights and Measures," passed by the last Legislature, provides in its 6th section, that it shall be the duty of the Treasurer of this Territory to procure as soon as possible from the Federal Government all necessary weights and measures for use of Territory.

The Treasurer of the Territory notifies me, under date of December 28th, 1864, that said measures and weights have arrived. The charges on same for transportation are so heavy (amounting in the aggregate to \$324.25,) that I deem it advisable to lay the matter before the Legislature for instructions prior to issuing warrant in payment.

DENVER, Jan., 10, 1865

We, the undersigned, appointed by the Secretary of Colorado Territory, for the purpose of settling with the Treasurer and Auditor of said Territory, have examined the accounts of R. E. Whitsitt, Auditor of said Territory, from the 1st day of January, 1864, to the 31st day of December, 1864, both days inclusive; have compared the same with the several vouchers in this office and find the same correct. The total amount of warrants issued during the year 1864, we find to be twelve thousand, three hundred and eighty-one dollars and ninety-five cents, of which there has been twelve thousand, one hundred and twenty-one dollars and ninety cents redeemed.

The total amount of warrants outstanding, issued in 1861, 1862, 1863 and 1864, we find to be, three hundred and thirty-eight dollars and five cents. Balance of revenue in the Treasury, Jan, 1st 1865, we find to be fourteen hundred and twenty-six dollars and five cents, as per Treasurer's report.

MOSES HALLET,

*Member of the Council.*

A. O. PATTERSON,

C. M. TYLER,

*Members of the House.*

## TREASURER'S REPORT.

TREASURY DEPARTMENT OF COLORADO TERRITORY.

Treasurer's Office, December 26, 1864.

*To the General Assembly of Colorado Territory:*

I have the honor of submitting the following report of the business of this department, from the 1st day of January, 1864, to the 26th day of December, 1864.

## RECEIPTS:

Balance in Treasury as per Treasurer's Report,	January 1, 1864.	57 68
Total amount of revenue received to date,		14,674 45
		<u>\$14,732 13</u>

## DISBURSEMENTS.

Total am't of Auditor's war'nts redeemed,	\$12,590 01
“ “ Interest paid on same,	266 05
“ “ Mileage certificates paid	
County Treasurers,	449 50
Balance in Treasury,	1,426 57
1864, December 26, Balance in	<u>\$14,732 13</u>
Treasury brought down,	\$1,426 57.

The following tables and statements will exhibit the amounts due from the several counties as per Treasurer's report, 1864, January 1st, with the additional assessments for 1862 and 1863, and the assessments reported to this office by the Auditor for the year 1864, added thereto; the receipts into the Treasury, and balances due from said counties; also the amount of war-rants issued, redeemed and outstanding, and the disbursements from the several funds of the Territory.

MOSSES H. ALLET,  
Member of the Council.  
A. O. PATTERSON,  
G. M. TYLER,  
Members of the House.

# STATEMENT OF REVENUE RECEIVED AND BALANCES DUE FROM THE SEVERAL COUNTIES.

COUNTIES.	Balance due Jan. 1st, 1864.	Assessm't for 1864.	Total.	Amount paid in 1864.	Balance due.
Arapahoe County, . . . . .	\$592 31	\$6,021 89	\$6,614 20	\$5,624 58	\$989 62
Boulder " . . . . .	154 13	728 10	882 23	593 18	289 05
Clear Creek " . . . . .	614 44	715 80	1,330 24	814 67	515 57
Conejos " . . . . .	899 68	498 65	1,398 33	809 00	589 33
Costilla " . . . . .	507 61	1,010 79	1,518 40		1,518 40
Douglas " . . . . .	85 41	No report	85 41	76 91	8 59
El Paso " . . . . .	37 23	296 52	333 75	287 66	46 00
Fremont " . . . . .	\$69 78				
" " Additional assessments 1862-3 reported 1864,	24 58				
Gilpin " . . . . .	94 36	207 35	301 71	252 69	49 02
" " Additional assessments for 1862-3	\$1,258 75				
	79 54				
Huerfano " . . . . .	1,338 29	6,291 08	7,629 37	5,208 12	2,421 25
Jefferson " . . . . .	512 64	No report	512 64	200 00	312 64
Lake " . . . . .	292 46	734 12	1,026 58	100 00	926 58
Larimer " . . . . .	191 00	No report	191 00	230 11	
Park " . . . . .	222 13	No report	222 13	145 55	76 58
Pueblo " . . . . .	187 50	" "	187 50	124 00	63 50
Summit " . . . . .	152 97	" "	152 97		152 97
Weld " . . . . .	\$277 99				
" " Additional assessments for 1862-3,	17 93				
	295 90	" "	295 90	207 98	87 92
	\$6,178 06	\$16,504 30	\$22,682 36	\$14,674 45	\$8,047 02

## SCRIPT ISSUED, REDEEMED AND OUTSTANDING.

Balance of war'nts drawn in 1862-3, as per	
Treas. report, Jan. 1, 1864,	\$546 11
“ “ Redeemed in 1864,	468 11
	<hr/> 78 00
Total am't of war'nts issued in 1864 as per	
Auditor's m'thly rep'ts, \$12,381 95	
“ “ “ Redeemed,	12,121 90
	<hr/> 260 05
Balance outstanding,	\$338 05

STATEMENT OF DISBURSEMENTS FROM THE DIFFERENT FUNDS OF THE  
TERRITORY DURING THE YEAR 1864.

Legislative Fund	\$2,248 10
Special “	6,816 40
Librarian's salary Fund,	528 33
“ cont'g't “	30 00
Superint'd't salary “	440 28
“ cont'g't “	47 50
Auditor's salary “	1,087 62
“ cont'g't “	103 25
Treas'r's salary “	812 31
“ cont'g't “	105 82
Adj't Gen's salary “	200 00
General cont'g't “ upon Audit's war'nts, \$170 40	
“ Interest on warrants,	266 05
“ Mileage to County Treasurers	449 50
	<hr/> 885 95
	<hr/> \$13,305 56

The above report is respectfully submitted.

ALEX. W. ATKINS,  
*Treasurer of Colorado Territory.*

We, the undersigned, appointed by the Secretary of Colorado Territory, for the purpose of settling with the Auditor and Treasurer of said Territory, have examined the accounts of Alex. W. Atkins, Treasurer of said Territory, from the 1st day of January, A. D. 1864, to the 26th day of December, 1864, both days inclusive, and have compared the same with the several vouchers, and find the same correct.

A summary statement of said accounts is given above, and we find the balance on hand on the 26th day of December, 1864, to have been fourteen hundred and twenty six dollars and fifty seven cents. (1,426 57.)

MOSES HALLETT,

*Member of the Council.*

A. O. PATTERSON,

C. M. TYLER,

*Members of the House.*

On motion of Mr. Lynch,

The joint session was dissolved.

The Speaker called the House to order.

On motion of Mr. Stone, it was

*Resolved*, That a committee of three be appointed by the chair, for the purpose of having one thousand copies of the Governor's message and accompanying documents printed for the use of the House of Representatives.

Messrs. Stone, Lynch and Ehrhart were appointed as such committee.

On motion of Mr. Lake, it was

*Resolved*, That a committee of three be appointed to analyze the various matters contained in the Governor's message, and to assign the same parts to appropriate committees, for the consideration and action of the House.

The Speaker appointed Messrs. Lake, Holland and Stone as such committee.

The following message from Colonel Moonlight was received and ordered spread upon the journal of the House:

HEADQUARTER DISTRICT OF COLORADO TERRITORY.

Denver, January 9, 1865.

*Gentlemen*:—Learning that the Legislative Body of Colorado Territory is now in session, I respectfully suggest for your consideration the propriety of immediately reorganizing the Militia Law. Your country is in a manner isolated from the balance of the Federal Government, on which you depend for supplies; your line of transportation is now inoperative, and it devolves upon you, the representatives of the people, to take a step in a direction that will insure you at least an active and efficient militia force to guard over your interests.

As the matter now stands, the militia must be called out sooner or later, and I make these suggestions that there may be no misunderstanding between the civil and military.

*Gentlemen*, pardon my intrusion, I mean it for your good.

Very Respectfully Your Ob't Serv't.

T. MOONLIGHT,

Col. 11th Kansas Cav. Commanding District,

Hon. Speaker of the House of Reps.,

Golden City, C. T.

On motion of Mr. Holland,  
The foregoing communication was ordered to be spread upon  
the Journal, and referred to a special committee of three.  
The Speaker appointed as said committee,  
Messrs. Holland, Nichols and Worrall.  
On motion of Mr. Patterson,  
The House adjourned until 9 o'clock a. m. to-morrow.

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## TUESDAY, JANUARY 10th, 1865.

House met pursuant to adjournment.

Roll called.

Absent.—Messrs Mansur and Tyler.

Journal read, amended and approved.

On motion of Mr. Worrall,

A select committee of three was appointed by the Speaker,  
to consider that portion of the Governor's Message relative to  
emigration, and report thereon.

Messrs. Worrall Thompson and Lake were appointed as such  
committee.

Mr. Holland from the special committee to which was re-  
ferred the communication from Col. T. Moonlight, made the fol-  
lowing report.

The special committee to which was referred the communi-  
cation of the United States commander of this District, respect-  
fully beg leave to report that they have had the matter under  
consideration, and recommend that, in view of the exposed and  
defenseless state of our settlements and the inefficiency of our  
present militia law, the standing committee on military affairs  
be requested to immediately consider the matter with a view of  
revising our statutes so as to render a part, at least, of our mili-  
tia force available in case of the invasion of our homes.

The formation of independent companies should be encour-  
aged, and every facility offered to render them efficient; system  
and order should be instituted and the spirit of our people  
trained to meet the stern realities of war, a thing your com-  
manders have been unable to accomplish under the present law.

The young State of California fitted out one or two expedi-  
tions against her hostile tribes. The Territory of Oregon raised  
one or two regiments to chastise the Pi-Utes and other tribes  
on her northern borders; and in the opinion of your committee,  
a battalion of men might be raised and equipped under the  
commander of the late Third Regiment, which would do good  
service in averting one of the most deplorable of events—the to-  
tal and continued severance of our communications with the  
States.

The late campaign of the 3d Regiment is a master stroke at those who are accustomed to sneer at home military organizations, and deride the efficiency of the citizen soldier.

In the opinion of your committee the communication under consideration, coming from the source it does, is complimentary to the bravery and reliability of Colorado troops.

All of which is respectfully submitted.

E. F. HOLLAND, Chm.

D. K. NICHOLS,

T. D. WORRALL.

The report was referred to the committee on military affairs with instructions to report as soon as practicable.

The Speaker announced the following standing committees.

*On Judiciary.*—Messrs. Stone, Patterson, Pine, Holland and Lynch.

*On Ways and Means.*—Messrs. Patterson, North, Hopkins, Mansur and Pine.

*On Elections and Apportionments.*—Messrs. Holland, Mansur, Stone and Tyler.

*On Federal Relations.*—Messrs. Nichols, Ehrhart, Tyler and Worrall.

*On Incorporations.*—Messrs. Lynch, Mansur, Patterson, Thompson and Hopkins.

*On Mines and Minerals.*—Messrs. Pine, Holland, Thompson, Stone and Mansur.

*On Agriculture and Manufactures.*—Messrs. Nichols, Mansur, Craig, Ehrhart and Holland.

*On Territorial Affairs.*—Messrs. Worrall, Nichols, Stone, Craig and Ehrhart.

*On Counties and County Lines.*—Messrs. North, Craig, Nichols, Hopkins and Lake.

*On Military Affairs.*—Messrs. Holland, Tyler, Nichols, Lake and Hopkins.

*On Education.*—Messrs. Worrall, Lake, Patterson, Pine and Ehrhart.

*On Roads and Bridges.*—Messrs. Tyler, Thompson, Nichols, Hopkins and Craig.

*On Printing.*—Messrs. Lake, Worrall, Craig, Thompson and Ehrhart.

*On Rules and Joint Rules.*—Messrs. Holland, Lynch, Stone, Patterson and North.

*On Indian Relations.*—Messrs. Stone, Tyler, North, Lake and Craig.

*On Engrossment.*—Messrs. Lake, North and Thompson.

*On Enrollment.*—Messrs. Lynch, Pine and Tyler.

Mr. Lynch offered the following resolution:

*Resolved*,—That the delegates from the 2nd Representative District, comprised of Arapahoe and Douglas Counties, having the Governor's certificate be admitted to seats in this body; allowing the delegates holding the County Clerk's certificates the right to contest, without giving the notice required by law.

On motion of Mr. Worrall,

The resolution was laid on the table.

Mr. Patterson gave notice that on to-morrow or some subsequent day, he would introduce a bill creating the office of Flour Inspector.

Also,

A bill to prevent Stallions, Rams and Boars from running at large.

Mr. Holland gave notice that he would on to-morrow or some subsequent day, introduce

A bill asking for the Incorporation of a Rail Road Company.

Mr. Worrall gave notice that he would at an early day, introduce

A bill providing for Emigration to this Territory.

Also,

That on Thursday next, or some subsequent day, he would introduce

A bill to prevent Medical Practitioners from practicing in this Territory.

Also,

That on Friday next, or some subsequent day he would introduce

A bill to Regulate Elections.

Mr. Stone gave notice that on to morrow or some subsequent day, he would introduce bills of the following titles:

A bill to define the extent of Lodes.

A bill amendatory of the laws concerning School Claims.

A bill to repeal the Denver, Bradford and Blue River Road Charter.

A bill amendatory of an act in relation to Stock Grazing.

A bill amendatory of an act concerning Replevin.

A bill amendatory of an act in relation to practice in Civil Cases.

Mr. Stone offered the following resolution:—

*Resolved*,—That two persons from each of the two delegations claiming seats in this House, from the 2nd District be admitted to seats in this House until the contest is determined finally, and that the persons so to be admitted be selected by the respective delegations claiming seats from said District.

The following message was received from the Council:

MR. SPEAKER,—I am instructed to inform the House that the Council has appointed a committee of two on the part of the

Council, to act in conjunction with a committee on the part of the House, to frame and report Joint Rules for the government of the two Houses.

On motion of Mr. Worrall,

The Speaker was authorized to appoint said committee.

Mr. Patterson offered the following as a substitute for the resolution offered by Mr. Stone:

*Resolved*—That B. B. Stiles, A. W. Bailey, E. M. Ashley and H. J. Brendlinger be admitted to seats as members of this House until the question of contested seats is decided, by this House.

Mr. Lynch moved to lay the substitute and original resolution on the table.

The ayes and noes being called for,

Those voting in the affirmative were

Ayes—Messrs. Craig, Holland, Hopkins, Lake, Lynch, Nichols and North—7.

Noes—Messrs. Ehrhart, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker—7.

The motion was lost.

The question being upon the adoption of the substitute,

The ayes and noes were called for,

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhart, Pine, Patterson, Stone, Worrall and Mr. Speaker—7.

Noes—Messrs. Holland, Hopkins, Lake, Lynch, North, Nichols and Thompson—7.

The motion to accept the substitute was lost.

The substitute was then amended, by consent, by inserting the word "temporarily" after the word "admitted," so as to read as follows:

*Resolved*—That B. B. Stiles, A. W. Bailey, E. M. Ashley and H. J. Brendlinger be admitted temporarily to seats in the House until the question of contested seats is decided by this House.

On the motion to adopt the substitute thus amended,

The ayes and noes were called for and the vote resulted as follows:

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhart, Lake, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker—9.

Noes—Messrs. Holland, Hopkins, Lynch, Nichols and North—5.

The substitute was adopted.

Mr. Lynch moved that the House adjourn till 2 o'clock p. m.

The motion was lost.

On motion of Mr. Worrall

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called,

Quorum present.

On motion of Mr. Holland the Committee on Printing was instructed to furnish the Clerk with a blank list of the members as soon as possible.

The Speaker appointed Messrs. Worrall, North and Stone on the joint committee to frame Joint Rules for the government of the House and Council.

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

SECRETARY'S OFFICE, COLORADO TERRITORY,

January, 9th 1865.

*To The Honorable Speaker of the House of Representatives:*

SIR: I beg leave to call your attention to the following extract from instructions sent me by the Treasury Department:

"This Department claims and exercises the right under existing laws to regulate the price and quantity of Territorial printing. The limits of the annual appropriation, aside from any other consideration, would not admit of any indefinite action in this respect, by the General Assembly. You will therefore suggest to the presiding officer of each House that memorials, petitions and documents having no necessary connection with the duties of legislation or the dissemination of useful information among the people will be excluded, and not printed at the expense of the United States."

The proprietors of the *Miner's Register* have been employed by me to do the incidental printing of the session, and will do such printing as your committee on printing, with proper regard to the above instructions may order.

I am also authorized by the Department to furnish each member of the Legislature with one newspaper during the session. The members will oblige me by giving their names to the Clerk with the name of the paper published in our Territory, which they desire.

I am also instructed by the Department, to pay the postage of members during the session. Letters and papers which they desire to mail, they will please frank and place in the hands of the Sergeant-at-Arms.

Very Respectfully

Your ob't servant,

SAMUEL H. ELBERT,

Secretary of Col. Territory.

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Mr Patterson having obtained leave of the House, introduced  
A bill entitled "an act to create the office of Flour Inspector," which was read the first time.

On motion of Mr. Patterson,  
The bill was read a second time and referred to a special committee of three.

Messrs. Patterson, Nichols and Pine were appointed as said committee.

On motion of Mr. Holland,

The House took a recess until 4 o'clock p. m.  
Time having expired the Speaker called the House to order.

The following message was received from the Council:  
MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 1, entitled "an act to divide the Territory of Colorado into Judicial Districts, and to provide for holding Courts in the same."

Yours Respectfully,

JAMES O. ALLEN,

Clerk of the Council.

On motion of Mr. Holland,

The bill was read first time.

On motion of Mr. Lynch,

The bill was read second time and referred to the Committee on Judiciary.

On motion of Mr. Thompson,

The House adjourned until 9 o'clock a. m. to-morrow.

WEDNESDAY, JANUARY, 11, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Mr. Mansur.

Journal of yesterday read and approved.

Mr. Patterson from a special committee appointed by the Governor, to examine the Reports of the Auditor and Treasurer of Colorado Territory, submitted the Report of the Treasurer, which was read and received.

On motion of Mr. Holland,

That part of the Governor's Message relative to the Incorporation act of last session was referred to the Committee on Incorporations.

On motion of Mr. North,

The resolution admitting the delegates from the 2nd Representative District, holding the Governor's certificate of election

to seats in this House, was taken from the table for consideration.

On motion of Mr. Stone,

The resolution was indefinitely postponed.

Mr. Lake offered the following resolution.

*Resolved, By the House of Representatives, the Council concurring;*

That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet at Central City on Monday next, 16th inst., at 2 o'clock, p. m.

Mr. Hopkins moved to strike out the word "Central" and insert the word "Denver."

Mr. Holland moved to lay the motion on the table.

Motion withdrawn.

Mr. Holland moved that the resolution be indefinitely postponed.

Lost.

On motion of Mr. Patterson,

The resolution was laid on the table.

Previous notice having been given,

Mr. Worrall introduced

H. B. No. 2, entitled "an act to prevent unlicensed practitioners of medicine from practising of medicine in Colorado Territory," which was read first time.

On motion of Mr. Patterson

The bill was read second time by its title.

On motion of Mr. Thompson,

The bill was referred to a special committee of three.

The Speaker appointed Messrs. Thompson, Worrall and Holland assaid committee.

Previous notice having been given,

Mr. Stone introduced

A bill entitled an act amendatory of an act entitled "an act concerning Probate Courts and Justices of the Peace in certain Counties," Approved March 11, 1864., which was read first time.

Mr. Stone introduced the following resolution:

*Resolved, That the Committee on Ways and Means be instructed to examine the organic act of this Territory, and if there is nothing in the same, prohibiting the Legislature of this Territory from voting an additional amount to that received from the General Government in per diem for their services, to report a bill granting them an additional amount from the Territory.*

On motion of Mr. Lake

The House adjourned until 2 o'clock p. m.

January 11th.]

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AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Craig and Mansur.

The special committee to which was referred the Governor's Message, made the following report:

The undersigned, special committee, to whom was referred the Governor's Message beg leave to report that they have discharged the duty assigned them, and recommend,

That so much of said Message as relates to the amendments to general laws be referred to the Committee on Judiciary.

So much as relates to the Auditor's and Treasurer's Reports be referred to the Committee on Ways and Means.

So much as relates to education be referred to the Committee on Education.

So much as relates to Poor Houses be referred to the Committee on Territorial Affairs.

So much as relates to Federal Relations, Trespass and Postal Laws be referred to the Committee on Federal Relations.

So much as relates to Mines be referred to the Committee on Mines and Minerals.

So much as relates to Emigration be referred to the special Committee on Emigration.

So much as relates to Indian wars be referred to the Committee on Indian Relations.

So much as relates to Incorporations be referred to the Committee on Incorporations.

The entire Message, both for the excellency of its style, and the merits of its matter, we earnestly commend to the careful consideration of the House and the country.

Respectfully Submitted.

BENJ. LAKE, Ch'n,

E. F. HOLLAND,

W. F. STONE

On motion of Mr. Holland

The report was received and the committee discharged.

On motion of Mr. Holland,

The Sergeant-at-Arms was instructed to procure a map of the Territory for the use of the House.

Mr. Patterson introduced the following resolution:

Resolved, That the Secretary be requested to procure a suitable book in which to transcribe the proceedings of the House.

Carried.

Mr. Holland from the Committee on Rules and Joint Rules, recommended the adoption of the Rules and Joint Rules of last session.

The report was adopted and the Rules were read by the Clerk.

On motion of Mr. Pine, One hundred copies of said Rules were ordered to be printed for the use of the House.

The select committee to which was referred

H. B. No. 2, an act entitled "an act to prevent unlicensed practitioners in medicine, practicing in this Territory," made through Mr. Worrall, a verbal report.

On motion of Mr. Worrall, The report was received and the committee discharged.

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

Lost,

Mr Worrall introduced the following resolution:

*Resolved*, That the thanks of this House are hereby tendered to the officers and men of the Third Colorado Cavalry for the prompt and ready manner in which they responded to the call of the Government for a regiment of one hundred days volunteers, and that a copy of this resolution be sent to Col. Shoup, with the request that he will forward it to his officers and men in such manner as he deems best.

Adopted.

Mr. Worrall introduced the following resolution:

*Resolved*, That the thanks of this House be, and are hereby tendered to Capt. Tyler and the officers and men under his command, who, at an immense sacrifice and cost to themselves, so nobly responded to the call of the Government during the late Indian troubles.

Adopted.

Mr. Worrall introduced the following resolution:

*Resolved*, That the thanks of this House be, and are hereby tendered to the officers and soldiers from Colorado, who so nobly sustained the reputation of Colorado troops in the late battle with the enemies of our country, in the State of Missouri.

Adopted.

On motion of Mr. Patterson,

The House took a recess until 4 o'clock p. m.

The time having expired, the Speaker called the House to order.

Mr. Patterson from the committee appointed by the Secretary of Colorado Territory to settle with the Auditor and Treasurer of said Territory, submitted the Auditor's Report which was read and received.

January 11th.]

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Mr. Holland introduced the following resolution: *Resolved*, That the Honorable Secretary of the Territory be and he is hereby respectfully requested to report to this House what progress has been made in the printing and distributing of the Spanish edition of the Territorial Laws; how much of the fund appropriated for that purpose has been expended; and such other facts in relation to the matter, as he may be possessed of; and also, to furnish the Speaker of this House with a copy of laws so published.

Adopted.

On motion of Mr. Hopkins,

The House adjourned until 9 o'clock a. m. to-morrow.

THURSDAY, JANUARY 12, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Mansur and Tyler.

Journal of yesterday, read, amended and approved.

Mr Holland introduced the following resolution.

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of reducing the salaries or abolishing the offices of Territorial Librarian and Superintendent of Public Schools.

Mr. Worrall offered the following amendment,

Amend by referring the portion of said resolution relating to the Superintendent of Public Schools, to the Committee on Education.

Amendment accepted, and

The resolution thus amended, was adopted.

Mr. Patterson introduced the following resolution:

*Resolved*, That the Committee on Roads and Bridges be instructed to inquire into the expediency of recommending an appropriation to build a bridge over Clear Creek, at Golden City.

Adopted.

Mr. Stone from the Committee on Judiciary, to which was referred

C. B. No. 1, a bill for an act to divide the Territory into Judicial Districts and to provide the time of holding Courts therein submitted the following report:

Your Committee on Judiciary beg leave to report, that they have had said bill under consideration and after careful examination and discussion of all that has been brought to the notice of your committee, affecting in any way, the provisions of the

bill, or which seems to be causes for its passage; and the undersigned members of your committee respectfully beg leave to report back said bill with some alterations, amendments, and additions thereto, with a recommendation that the bill as amended by your committee do pass.

A change has been made in the place of holding courts in the attached counties of Costillo and Conejos, for good and sufficient reasons that have been presented to the committee.

It appearing that the town of San Luis or Middle Culebra furnishes the best and in fact the only suitable and necessary accommodations for holding courts in the two counties, besides being nearly fifty miles less travel for the Judge; and avoids crossing the Rio Grande a large river with neither bridges nor ferries.

Some additional sections have been added from the laws of the last preceding session, which seem to be necessary in the cases of counties attached for judicial purposes, and which seem to have been omitted in the original bill, through inadvertence or hurry.

A change has also been made by your committee, in their amended bill, in relation to the Judges assigned to the First and Third Judicial Districts, whereby the Chief Justice Harding and Associate Justice Bradford remain where they now are, as fixed by the law of last session, saving some changes in the boundaries of their respective districts.

The change of the two Judges aforesaid, to other districts as provided in the original bill does not meet with the favorable consideration of the undersigned members of your committee.

A change so unusual and important as the one proposed, must of necessity be founded upon a reasonable and adequate course, but as no reasons have been set forth, nor desires of the people of these districts made known by session, memorial or other usual manner, to this House, or to your committee, whereby it might be known that such a change is not without sufficient cause, and would benefit the public affected thereby.

The undersigned, of your committee, therefore, incline to favor the present assignment to districts, of the two judges allowed with the change of district boundaries made by this bill, and submit to this honorable body their earnest recommendation that the bill as amended by the undersigned, and herewith transmitted, as a substitute for the original Council Bill, be passed by this Honorable Body.

Respectfully submitted.

WILBUR F. STONE.

E. F. HOLLAND.

B. F. PINE.

J. T. LYNCH.

On motion of Mr. Worrall,

The report was received.

On motion of Mr. Stone,

C. B. No. 1, entitled "An act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of courts in the same, with the substitute reported by the Committee on Judiciary, of the House, was made the special order for Monday next.

On motion of Mr. Holland,

Leave of absence was granted to Mr. Tyler until Monday, January 16th, 1865.

Previous notice having been given,

Mr. Stone introduced,

H. B. No. 5, entitled "An act amendatory of an act regulating the mode of proceeding in Replevin,"

Which was read first and second time and referred to Committee on Judiciary.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Lake,

The calling of the roll was dispensed with.

On motion of Mr. Patterson,

The House adjourned until 10 o'clock a. m. to, morrow.

#### FRIDAY, JANUARY 13, 1865.

House met pursuant to adjournment.

Roll called

Absent—Messrs. Tyler and Stone.

On motion of Mr. Holland,

The reading of the Journal of yesterday was postponed until to-morrow morning.

Mr. Patterson presented a petition from Perry Benson and others, asking for the enactment of a law to prevent stallions, &c., from running at large.

The petition was read and referred to the committee on Agriculture.

H. J. R. No. 1, of thanks to Col. Shoup and others, was read a second time, and,

On motion of Mr. Lynch,

It was placed on the list of general orders of the day.

Mr. Lynch introduced the following resolution:

*Resolved*, That the committee on elections be instructed to

examine into the case of contested seats from the Second District, composed of Arapahoe and Douglas counties, and that said committee be further instructed to report all evidence taken in the case in writing, to the House, together with their report, on Tuesday morning next, or if the House should from any cause not convene on Tuesday, at the first meeting thereof.

On motion of Mr. Holland,

The House resolved itself in a committee of the Whole, to consider

H. J. R. No. 1, of thanks to Col. Shoup and others.

Mr. Holland in the chair.

The committee rose, the Speaker called the House to order, and,

Mr. Holland from committee of the Whole submitted the following report:

MR. SPEAKER—The committee of the Whole have had under consideration H. J. R. No. 1, and report the same back without amendment, and recommend its passage.

The report was received and adopted.

On motion of Mr. Pine,

The rules were suspended, and,

H. J. R. No. 1. was read third time and adopted.

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Thompson, Worrall, and Mr. Speaker.

Absent—Messrs. Stone and Tyler.

Ayes—14.

Noes—0.

On motion of Mr. Holland,

The title of H. J. R. No. 1, was amended so as to read, "Joint Resolution of thanks to the officers and soldiers engaged in the battle at Sand Creek."

Mr. Lake, from the committee on Engrossment, reported that said committee had examined,

H. B. No. 2, entitled "An act to prevent unlicensed practitioners in medicine from practicing in this Territory, and find the same correctly engrossed.

Mr. Patterson, from the Special committee, reported that the committee have had under consideration,

H. B. No. 1, entitled "an act to establish the office of Flour Inspector," that they had made some progress, and asked leave to sit again.

Granted.

On motion of Mr. Mansur,

H. R. providing for an adjournment to Denver City, be now taken from the table.

Carried.

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On motion of Mr. Patterson,  
The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Tyler and Stone.

On motion of Mr. Worrall,

H. R., providing for an adjournment of the Legislative Assembly to Denver City, was taken from the table for consideration.

On motion of Mr. Mansur,

The vote on the adoption of said resolution be taken by ballot.

Carried.

Messrs. Lynch and Worrall were appointed tellers.

The vote resulted as follows.

Ayes—5.

Noes.—9.

Lost.

On motion of Mr. Lynch, H. B. No. 2, entitled "An act to prevent unlicensed practitioners in medicine from practicing in this Territory," was referred to the committee of the Whole.

On motion of Mr. Lynch,

The House resolved itself into a committee of the Whole, to consider

H. B. No. 2.

Mr. Lynch in the chair.

The committee arose, and the Speaker called the House to order.

Mr. Lynch from the committee of the Whole made the following report.

MR. SPEAKER—The committee of the Whole have had under consideration

H. B. No. 2, entitled "an act to prevent unlicensed practitioners in medicine from practicing in this Territory,"

And beg leave to report the same back with the accompanying amendments and when so amended recommend that said bill be referred to the Judiciary committee.

Amendments:

1st. That the word "constable" be stricken out of the first line of the second section.

2nd. Strike out the word "constable" in the third section, and the words "summons for the appearance," and in lieu of insert the words "manner for the arrest."

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3rd. After the words "as follows," in section five, insert "but the time shall not exceed one year."

4th. Before the word "physicians" insert the words "regularly licensed,"

All of which is respectfully submitted.

The report was received and adopted, and,

H. B. No. 2, was referred to the Judiciary committee.

Mr. Holland, gave notice that on to-morrow or some subsequent day, he would introduce a bill to prevent the crime of abortion.

Mr. Worrall gave notice that on next Saturday, or some subsequent day, he would introduce a bill to provide for the punishment of persons guilty of carelessness in compounding drugs.

Mr. Patterson introduced a bill entitled "an act to restrain sheep, hogs, and stallions from running at large," which was read first and second time, and referred to the committee on Agriculture.

On motion of Mr. Lake,

The House adjourned until 10 o'clock a. m. to-morrow.

## SATURDAY, JANUARY 14TH, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Stone and Tyler.

Journal of Thursday and Friday read and approved.

Mr. Patterson from the select committee to which was referred

H. B. No. 1, entitled "An act to create the office of Flour Inspector,"

Reported that the committee had had said bill under consideration, and recommend the addition of two sections, accompanying this report, and when so amended the committee recommends that the bill do pass.

Report received.

Mr. Nichols, from the committee on Agriculture, made the following report:

MR. SPEAKER: The committee on Agriculture to whom was referred,

H. B. No. 4, entitled "an act to restrain sheep, hogs, and stallions from running at large," together with the petition on the same subject,

Would respectfully report that they have had the same under

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consideration, and would recommend its passage with the following amendments, to-wit:

1st. In the first line of the first section, insert the words "or persons" after the word "person."

2nd. Amend first section by adding after the word "offense" the following: "To be collected in the same manner as in other cases made and provided, together with all costs of proceeding; and the animal or animals so found running at large, contrary to this act, may be taken and held as security for the payment of such fine, costs, and damages."

"All fines accruing under this act shall be applied to the school fund of the county in which the offense is committed."

Report received.

Mr. Patterson from the Judiciary committee made the following report:

The committee to which was referred H. B. No. 2, entitled "An act to prevent unlicensed practitioners in medicine from practicing in this Territory," have had the same under consideration, and beg leave to recommend the following as an amendment to section five, to wit:

Add to said section the following:

"The justice of the peace or judges, shall receive for such oath administered and certificate granted, the sum of two dollars, and each physician shall receive the sum of five dollars per day for his services, which, on the examination above designated, shall be paid by the party making the application."

Report received.

Mr. Worrall introduced the following resolution:

*Resolved*, by the House of Representatives, the Council concurring: That when this Legislative Assembly adjourns this afternoon, it stand adjourned to meet in Central City, on Wednesday morning next, January 18th, at 10 o'clock.

The resolution was read the first time.

Mr. Holland introduced the following resolution:

*Resolved*, That the committee on printing be instructed to inquire into the expediency, and expense of having all general acts, passed at this session, published in one or more of the newspapers of the territory, as soon as possible, by this body.

On motion of Mr. Lake,

The resolution offered by Mr. Worrall relative to an adjournment to Central City, was read the second time.

Mr. Mansur moved that the rules be suspended, and the said resolution read the third time.

The ayes and noes being called for,  
Those voting in the affirmative were  
Ayes—Messrs. Craig, Lake, Lynch, Mansur, Nichols, Pine,  
Thompson, Worrall, and Mr. Speaker.

Those voting in the negative were  
Noes—Messrs. Ehrheart, Holland, Hopkins, North, and Pat-  
terson.

Ayes—9.

Noes—5.

The motion prevailed.

On motion of Mr. Holland,

A call of the House was ordered.

Absent—Messrs. Tyler and Stone.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Tyler and Stone.

Mr. Worrall moved that further action under the call of the  
House be dispensed with.

Mr. Patterson called for the ayes and noes.

Those voting in the affirmative were

Ayes—Messrs. Holland, Hopkins, Lake, Lynch, Mansur,  
Nichols, Pine, Thompson, Worrall, and Mr. Speaker.

Those voting in the negative were,

Noes—Messrs. Craig, Ehrardt, North, and Patterson.

Ayes—10.

Noes—4.

The motion prevailed.

The resolution was then read the third time.

Mr. Lake moved that said resolution be adopted.

The ayes and noes being called for,

Those voting in the affirmative were,

Ayes—Messrs. Lake, Lynch, Mansur, Nichols, Pine, Thomp-  
son, Worrall and Mr. Speaker.

Those voting in the negative were,

Noes—Messrs. Craig, Ehrardt, Holland, Hopkins, North,  
and Patterson.

Ayes—8.

Noes—6.

The motion prevailed.

On motion of Mr. Patterson.

The House resolved itself into a committee of the Whole on  
the general orders of the day.

Mr. Holland in the chair.

The following message from the Council was announced, and the Speaker resumed the chair to receive it, to-wit:

**MR. SPEAKER:** I am instructed to inform the House, that the Council have adopted the following resolution:

**WHEREAS**, Much time has already expired since the Legislative Assembly of Colorado Territory convened, and taking into consideration the small amount of business that has been transacted, and the vast amount yet to be transacted, and also the length of time that would necessarily be consumed in adjournment to to any other place. therefore, be it

*Resolved*, That the Council will not entertain a motion to that effect.

Also,

That the Council has refused to concur in H. J. R. No. 2.

Also,

That the Council has adopted the following Council Joint Resolution:

*Resolved, the House concurring*, That His Honor, Secretary Elbert be requested to furnish a printing press to be set up and operated in Golden City, for the use of the Legislative Assembly this session.

The message having been received,

Mr. Holland, chairman of the committee of the Whole, resumed the chair, and the committee proceeded to the consideration of the general orders of the day.

The committee rose, and the Speaker resumed the chair and called the House to order.

On motion of Mr. Lynch,

H. B. No. 2, entitled "an act to prevent unlicensed practitioners in medicine, practicing in this Territory," was referred to the committee on engrossment.

On motion of Mr. Thompson,

Leave of absence was granted to Mr. Lake, until Wednesday, 2 o'clock p. m.

Mr. Lake from the committee on printing made the following report:

The committee on Printing beg leave to report that they have ordered the following printing:

One thousand copies of the Governor's Message, including the Auditor's and Treasurer's Report;

One hundred copies of the Rules and Joint Rules, including the same number of copies of Standing Committees;

Five hundred copies of slips containing the names of the members for ayes and noes.

All of which is respectfully submitted.

On motion of Mr. Patterson,

The Report was received.

On motion of Mr. Hopkins,

The House adjourned until next Tuesday, 2 o'clock, p. m.

TUESDAY, JANUARY 17, 1865,

House met at two o'clock p. m., pursuant to adjournment.

Roll called.

Absent—Mr. Tyler.

Journal read and approved.

Mr. Holland gave notice that he would on to-morrow or some subsequent day introduce a bill for an act enabling Colorado troops, in the service of the United States, to vote,

Also a bill for an act creating the office of Territorial Geologist.

Also a bill for an act to encourage prospecting for coal.

Mr. Lynch gave notice that he would on to-morrow, introduce the following bills:

A bill to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Also an act amendatory of an act to establish the common school system, approved Nov., 7, 1861.

Also a bill for an act amendatory of an act to establish a Territorial library, and cabinet, and empowering the Territorial treasurer to act as librarian.

Mr. Stone gave notice that he would on to-morrow or some subsequent day, introduce a bill for an act changing the boundary line between Park and Summit counties.

Mr. Patterson gave notice that he would, on to-morrow, introduce a bill for an act to amend an act entitled an act to organize the treasury department.

Mr. Holland, from the committee of the whole, made the following report:

Your committee beg leave to report that they have considered H. B. No. 1, entitled an act to create the office of flour inspector, and have amended the fourth section of the same by inserting the words "in the county jail," after the word "imprisonment," in the twelfth line.

Also by adding the amendments appended to the same section,

Also strike out section eight,

And amend section nine, as appended.

When so amended, the committee recommend that said bill do pass.

They have also considered H. B. No. 4, entitled an act to restrain hogs, sheep and stallions from running at large, and amend the first section by inserting after the word "shall," in the fourth line, "be fined in the sum of ten dollars for each and every offense," and striking out the same words occurring in the sixth and seventh lines,

Also amend the third section, as appended.

And further amend the bill by inserting the words "hog or" before the word "hogs," wherever it occurs in the bill.

The committee recommend that the bill, when thus amended, do pass.

On motion of Mr. Lynch, the report was adopted, and

The bills reported upon were ordered to be engrossed.

Mr. Patterson introduced the following Joint Resolution :

*Resolved by the House of Representatives, the Council concurring,*  
That in their opinion the duties of the office of Territorial School Superintendent and that of Territorial Librarian have not been performed as the law prescribes, and the Auditor of the Territory is hereby instructed and required not to issue any more warrants on the Territorial Treasurer in payment of the remainder of the salaries to the credit of said offices or the contingent funds of the same.

The resolution was read a first time,

On motion of Mr. Lynch,

The resolution was read a second time, and

Referred to the committee on Territorial affairs.

C. R. No. 1, in reference to setting up a printing press in Golden City, was read a first time.

On motion of Mr. Stone the resolution was read a second time.

On motion of Mr. Lynch

The rules were suspended, and

The resolution was read a third time.

The vote resulted as follows :

Those voting in the affirmative were

Messrs. Craig, Ehrhardt, Lake, Lynch, Mansur, North, Nichols, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker—13.

Absent—Mr. Tyler.

The resolution was adopted.

On motion of Mr. Worrall

The title was amended so as to read as follows :

C. J. R. No. 1, concerning a printing press and type for the use of the Legislative Assembly.

On motion of Mr. Stone,

C. B. No. 1, entitled

An act to district the Territory of Colorado into judicial districts, and to provide for the times of holding court in the same.

Was made the special order for Wednesday the 18th inst.

On motion of Mr. Worrall.

The House adjourned until 9 o'clock, a. m. to-morrow.

### WEDNESDAY, JANUARY 18, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Lynch, and Tyler—2.

Journal read and approved.

Mr. Worrall, from the committee on Territorial affairs, made the following report:

Your committee to whom was referred House concurrent Resolution, relative to the Territorial superintendent of public schools and Territorial librarian, would respectfully report that they have had the same under consideration and would report it back to the House without amendment, with the recommendation that it be adopted, all of which is respectfully submitted.

Mr. Holland offered the following resolution:

WHEREAS, The regularly elected chaplain of this House has not responded to the call, the House is now without the means of grace, therefore be it

*Resolved*, That the Rev. Mr. Barrelle be and is hereby invited to officiate, and that he receive the compensation of chaplain.

The resolution was adopted.

On motion of Mr. Worrall,

The editor of the Black Hawk Mining Journal was admitted to a seat inside the Bar of this House.

Mr. Nichols gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to amend an act entitled an act concerning fences, approved March 11, 1864.

On motion of Mr. Worrall,

The rule was suspended and

H. C. R. relative to the Territorial superintendent of public schools and Territorial librarian was read a third time and adopted.

Mr. Stone, from the committee on judiciary, made the following report:

Your committee on judiciary have had under consideration a bill for an act amendatory of an act regulating the mode of proceeding in replevin, approved March 3, 1864:

Also a bill for an act amendatory of an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11, 1864, and would beg leave to report the said bills back and recommend their passage without amendment.

The report was received.

On motion of Mr. Patterson,

D. C. Collier, editor of the Register, was admitted to a seat within the Bar of this House.

On motion of Mr. Lynch, it was

*Resolved*, That the Hon. Secretary of the Territory be requested to furnish the sergeant-at-arms of this House with stamps to stamp the mail matter of the members.

Mr. Lynch introduced the following bills:

An act to repeal so much of an act to establish a Territorial library and cabinet, and to make the Territorial treasurer librarian of the Territory, which was

Read a first time.

Also an act amendatory of an act to establish a common school system, approved Nov. 7, 1864, which was

Read a first time.

Also an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate, which was

Read a first time.

C. B. No. 1, entitled an act to divide the Territory of Colorado into judicial districts and to provide for holding courts in the same, being the special order of the day, was taken up for consideration.

Mr. Stone moved to adopt the report of the committee on judiciary, on said bill.

On motion of Mr. Stone,

The further consideration of said report and bill was postponed until 2 o'clock p. m.

On motion of Mr. Thompson,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Lynch,

C. B. No. 1, entitled an act to divide the Territory of Colorado into judicial districts, and to provide for holding courts in the same, was made the special order for to-morrow at two o'clock p. m.

Mr. Lynch introduced a bill for

An act to incorporate the Masonic Hall Association in Denver, Colorado Territory.

Mr. Holland introduced a bill for

An act to incorporate the Clear Creek and Colorado Railroad Company, which was

Read a first time.

Mr. Lake, from the committee on engrossed bills, reported that they have examined H. B. No. 2, entitled an act to prevent unlicensed practitioners in medicine, from practising in this Territory, and find the same correctly engrossed.

Mr. Worrall moved that the said bill be put upon its final passage.

Mr. Patterson offered the following amendment as an additional section :

"The provisions of the above act are not intended to apply to midwives, horse farriers and cow doctors.

Mr. Pine moved that the said bill be indefinitely postponed.

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Lake, Lynch, Nichols, North, Patterson and Pine.

Those voting in the negative were,

Messrs. Hopkins, Mansur, Stone, Thompson, Tyler, Worrall and Mr. Speaker.

Ayes—9.

Noes—7.

So the motion prevailed.

The following message was received from the Council per Mr. Allen, Assistant Secretary :

MR. SPEAKER: I am instructed to inform the House that the Council have concurred in H. C. R. No. 2, also that they have passed C. B. No. 2, entitled an act relating to negotiable instruments, promissory notes and contracts.

Mr. Patterson introduced a bill for

An act to amend an act to organize the treasury department,  
Read a first time.

On motion of Mr. Lynch,

Said bill was read a second time.

On motion of Mr. Lynch,

C. B. No. 2, entitled an act relating to negotiable instruments,  
promissory notes and contracts, was read a first time.

On motion of Mr. Holland,

The said bill was read a second time, and fifty copies of it  
ordered to be printed.

H. B. No. 11, entitled an act to incorporate the Clear Creek  
and Colorado Railroad Company, was read a second time and  
ordered to be printed by the friends of the bill.

On motion of Mr. Lynch,

The House resolved itself into a committee of the whole, on  
general orders, Mr. Lynch in the chair.

Having considered the general orders, the committee rose,  
and the Speaker called the House to order.

Mr. Stone introduced

A bill for an act amendatory of an act entitled an act to  
define county boundaries and to locate county seats in Colora-  
do Territory, approved Nov. 1st 1861, and changing the north-  
ern boundary line of Park county, which was

Read a first time.

Mr. Lynch chairman of the committee of the whole, made  
the following report;

The committee of the whole have had under consideration  
H. B. No. 12, entitled an act to amend an act to organize the  
treasury department, and direct me to report the same back to  
the House, with the recommendation that it pass, with the  
following amendments, to wit:

Insert in the third line of section 2, after the word "elect,"  
the words "by ballot,"

Also add to the title of the bill, the following:

"Approved Nov. 6th, 1861."

All of which is respectfully submitted.

The report was received.

Mr. Holland gave notice that he would, on to-morrow or  
some subsequent day, introduce

A bill for an act supplemental to an act to organize the  
militia.

Mr. Patterson gave notice that on to-morrow or some day  
soon thereafter, he would introduce

A bill to prevent non-residents' stock from running at large  
without a herder, within the limits of Jefferson County.

On motion of Mr. Nichols,  
The House adjourned.

THURSDAY, JANUARY 19TH, 1865.

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Absent—Mr. Lynch.

Journal of yesterday read and approved.

Mr. Worrall, from the committee on Territorial Affairs, made the following report:

Your committee have had under consideration an account presented by the Sheriff of Arapahoe county, for boarding, clothing, and medical services rendered to prisoners in his care who were convicted under provisions of Territorial law, and would recommend that said account be paid.

All of which is respectfully submitted.

The report was received.

Mr. Lake from the committee on engrossment reported as follows:

Your committee have examined

H. B. No. 1, entitled "An act to create the office of Flour Inspector," and find the same correctly engrossed.

Mr. Holland gave notice that he would on some future day introduce

A bill for an act to authorize the issuing of Territorial Bonds.

Mr. Thompson gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to prevent unqualified practitioners from practicing medicine in this Territory.

Mr. North gave notice that he would on to-morrow or some subsequent day introduce

A bill for an act amendatory of an act entitled "An act regulating the fees of officers &c., approved November 8th, 1861.

Mr. Lynch gave notice that he would on to-morrow or some subsequent day introduce

A bill amendatory of an act entitled "An act concerning action by persons holding lots, lands, or mining claims, except as against the United States.

H. B. No. 10, entitled "an act to incorporate the Masonic Hall association in Denver, Colorado Territory,"

Was read the first time.

Mr. Holland introduced a bill, entitled

An act supplementary to an act, to organize the militia of Colorado Territory,

Which was read the first time.

Mr. Stone introduced a bill for

An act for the relief of Robert S. Wilson, sheriff of Arapahoe county, which was

Read first time.

Mr. Worrall introduced a bill for

An act to encourage Immigration, which was

Read first time.

H. B. No. 13,

An act amendatory of an act entitled "an act to define county boundaries and to locate county seats in Colorado Territory," approved November 1st, 1861, and changing the northern boundary lines of Park county,

Was read the second time and referred to the committee on Counties and County lines.

H. B. No. 6,

An act entitled an act to repeal so much of an act to establish a Territorial Library and Cabinet, and to create the Territorial Treasurer Librarian of this Territory,

Was read the second time.

H. B. No. 10,

An act entitled an act to incorporate the Masonic Hall Association in Denver,

Was read the second time and referred to the committee on Corporations.

H. B. No. 7,

An act entitled an act amendatory of an act to establish the common school system, approved November 7th, 1861,

Was read the second time and filed with the general orders.

H. B. No. 8,

An act entitled "An act to amend an act to enable Road, Ditch, Manufacturing and other companies to become bodies corporate,

Was read the second time and filed with the general orders.

H. B. No. 16,

Was read the second time and filed with the general orders.

H. B. No. 14,

An act entitled an act for the relief of Robert S. Wilson, Sheriff of Arapahoe county,

Was read the second time and filed with the general orders.

H. B. No. 15,

Entitled an act to encourage Immigration,

Was read the second time and filed with the general orders.

H. B. No. 1,

An act entitled an act to create the office of Flour Inspector,  
Was read the third time.

Mr. Worrall proposed the following amendment to said bill  
as an additional section, to wit:

"SEC. 9. After the first appointment the inspector shall be  
elected at the general election of county officers."

On the motion to adopt said amendment,

The ayes and noes were called for,

Those voting in the affirmative were,

Ayes—Messrs. Holland, Hopkins, Stone, Tyler, and Worrall.

Those voting in the negative were,

Noes—Messrs. Craig, Ehrhardt, Lake, Lynch, Mansur, Nich-  
ols, North, Patterson, Pine, Thompson, and Mr. Speaker.

Ayes—5.

Noes—11.

Lost.

Mr. Worrall moved to refer said bill to committee on Terri-  
torial affairs.

Motion lost.

On motion of Mr. Holland,

Said bill was referred to the committee on Agriculture.

Message from the Governor,

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

SIR—In compliance with a resolution of your Honorable  
Body, I herewith transmit a statement of my expenditures un-  
der the provisions of an act entitled,

"An act providing for an appropriation for printing the laws  
in the Spanish language, and for other purposes, approved  
March 8th, 1864."

I signed certificates to Territorial Auditor in favor of C.  
Dominguez in payment of translation of laws of the first session  
of the Legislature, as recommended by report of Legislative  
committee under date of March 12th, 1864, \$1000,00

Issued certificate to Territorial Auditor in favor of Daniel Wit-  
ter, for copying laws of third session of Legislature for use of  
translation, \$200,00.

Issued certificate to Territorial Auditor in favor of Daniel  
Witter, in full payment for translating, printing and publishing  
the General Laws of Colorado in the Spanish language, \$4,640.

Issued certificate to Territorial Auditor in favor of Gibson &  
Whitely in full payment for publishing the Governor's Message  
in Spanish, \$100.

Total, \$5,940,00

Leaving a balance of the appropriation unexpended of  
\$1,000,00.

Under the provisions of the above named act, the contract was awarded to Daniel Witter, Esq., as the lowest bidder, and the work was done in New York City. Owing to the Indian difficulties on the plains, the delivery of the books was delayed until the last of December, with the exception of twenty volumes, which Mr. Witter sent through by mail and which were sent in November to the county clerks of Conejos and Costilla, for the use of the county officers. The remainder of the books are in my office and will be forwarded to these counties at the first opportunity.

I transmit herewith, for your examination a copy of the laws so published.

Very Respectfully,

Your obd't servant,

SAM. H. ELBERT,

Secretary of Col. Ter.

Our motion of Mr. Holland,

The message was referred to the committee on ways and means.

On motion of Mr. Holland,

The House resolved itself into a committee of the whole, for the consideration of H. B. No. 13, entitled,

An act supplemental to an act to organize the militia of Colorado Territory.

Mr. Worrall in the chair.

Having considered said bill the committee rose, and the House was called to order by the Speaker.

Mr. Worrall, from the committee of the whole, made the following report:

The chairman of the committee of the whole begs leave to report that the committee have had under consideration H. B. No. 13, and would recommend the following amendments,

to wit: Amend third section and "that both commissioned and non-commissioned officers be elected by the company."

Amend section five, after the words "sergeant major, in the sixth line, add "quartermaster sergeant, and commissary sergeant."

When so amended, the committee recommend that the said bill do pass.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Mr. Tyler.

The following message was received from the Governor, per Mr. Breckinridge:

SECRETARY'S OFFICE, COL. TERR.,

GOLDEN CITY, JANUARY 19, 1865.

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

SIR: In response to a resolution of your Honorable Body requesting me to furnish, in this city, a printing press, for the use of the Legislative Assembly, I would say that I am not authorized by the Government to make any expenditures for such a purpose. I am instructed and empowered by the General Government to employ a public printer to do all necessary printing matter for the Legislature. Specimens of all the printing done by the public printers are forwarded by me to the Treasury Department at Washington, where the same are examined by a practical printer in the employ of the Department, and instructions issued to me as to the amount to be paid for the same.

The Department would make no allowance for expense incurred by the public printer in moving his press from place to place. The expense of moving a press from Denver or Central by the public printer would not only render the public printing profitless to him, but would in all probability entail a loss.

Mr. Collier, editor of the Miners' Register, who has been employed by me, to do the incidental printing of the session, tells me that orders for public printing, sent by the committee on printing, by the morning coach, will be filled and returned on the morning following,—a delay of not over a day and a half. Under my instructions this is the best arrangement that can be made.

With great respect, I remain,

Your obedient servant,

S. H. ELBERT,

Secretary of Col. Terr.

The special order of the day, C. B. No. 1, entitled an act to divide the Territory of Colorado into judicial districts and to provide for holding courts in the same, was taken up for consideration.

Mr. Patterson moved that the said bill, substitute and report

of the judiciary committee thereon, be made the special order for to-morrow at 9 o'clock a. m.

Lost.

On motion of Mr. Lynch,

The report was adopted, with the exception of that part relating to the assignment of the judges to particular districts.

On motion of Mr. Mansur,

The last preceding vote was reconsidered.

Mr. Stone moved to adopt said report.

On this motion,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Mansur, Pine, Stone, Thompson and Worrall.

Those voting in the negative were,

Messrs. Lynch, Nichols, North, Patterson, Tyler and Mr. Speaker.

The report was adopted.

Mr. Patterson introduced the following joint resolution:

WHEREAS, many of the Indian tribes between the Missouri River and the Rocky Mountains are now arrayed in deadly hostility against the people of the Territories, and the general government, cutting off our communication with the States, destroying our property, killing and savagely mutilating, without respect to sex, age or condition, all white persons who may fall into their power, and threatening us with every conceivable outrage,

WHEREAS, the most prompt and efficient measures are necessary for our protection, therefore,

*Resolved by the House of Representatives and the Council of the Territory of Colorado:*

That His Excellency, Abraham Lincoln, President of the United States, be respectfully requested to organize the whole country west of the Missouri River, subject to Indian hostilities, into one military district or department and to appoint General Connor to the command of the same.

The resolution was read a first and second time, and,

On motion of Mr. Lynch,

Referred to a special committee consisting of Messrs. Lynch, Holland and Nichols.

Mr. Nichols, from the committee on agriculture, reported that the committee have had under consideration H. B.

No. 1, entitled an act to create the office of flour inspector, and would recommend its passage, with the following amendments to-wit:

In section two, sixth line, strike out the words "five hundred dollars with one or more," and insert in place thereof, "one thousand dollars with two or more,"

And section four, tenth line, strike out the words "one half of," and in the two next lines, strike out the words "and the other half to the informer."

And in section eight, strike out the word "three," in the third and fourth lines and insert in their place the word "one."

The report was received.

On motion of Mr. Stone,

The substitute for C. B. No. 1, reported by the committee on judiciary was read a first and second time and ordered to be engrossed.

On motion of Mr. Lynch,

The said substitute was ordered to be printed.

Mr. Lake, from the committee on engrossed bills, reported that the committee had examined H. B. No. 4, an act to restrain sheep, hogs and stallions from running at large, and found it correctly engrossed.

On motion of Mr. Pine,

The committee on elections and apportionment was ordered to report, to-morrow at 9 o'clock, in the case of contested seats from the second district.

On motion of Mr. Lynch,

H. B. No. 4, an act to restrain sheep, hogs and stallions from running at large, was read a third time and re-committed to the committee on agriculture.

The committee considered said bill, and reported it back with the recommendation that it do pass.

Mr. Holland introduced a bill entitled an act authorizing the issue of Territorial bonds, which was read a first and second time and reported to the committee on ways and means.

On motion of Mr. Patterson,

The House adjourned.

FRIDAY, JANUARY 20TH, 1865.

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Journal of yesterday read and approved.

Mr. Stone presented a petition from J. F. Chancellor and others, asking for a change in the boundaries of certain counties which was read and referred to the committee on Counties and County lines.

Mr. Lake, from the committee on Engrossment reported that the committee had examined

H. B. Nos. 3, 9, and 12,

And found them correctly engrossed.

Mr. Lynch, from the committee on corporations reported that the committee had examined

H. B. No. 10,

An act to incorporate the Masonic Hall Association in Denver,

And would report it back with the recommendation that it do pass.

Mr. Lynch, from the special committee to whom was referred,

H. J. R. No. 2,

Relative to organizing a new military department,

Reported back said resolution with an addition which designates the eastern boundary of said new department, and also that Denver be the Headquarters of said Department.

When so amended, the committee recommended that the resolutions be adopted.

Mr. Tyler gave notice that on to-morrow or some subsequent day he would introduce

A bill for an act amendatory to an act to incorporate the Enterprise Wagon Road Company.

Mr. Craig gave notice that on to-morrow or some subsequent day, he would introduce

A bill to amend an act for the collection of Revenue, approved March 10th, 1864.

Also,

A bill amendatory of an act entitled an act concerning county commissioners in certain counties, approved August 14th, 1862.

H. J. R. No. 2,

Relative to organizing a new Military Department,

Was read the third time.

Mr. Lynch moved that it be adopted.

The ayes and nays were ordered and the vote resulted as follows:

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, Fine, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Ayes—16.

Noes—0.

Adopted.

H. B. No. 10,

An act to incorporate the Masonic Hall Association in Denver,  
Was read the third time.

On the question shall the said bill pass, the members voted  
as follows:

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake,  
Lynch, Thompson, Tyler, Mansur, Nichols, North, Patterson,  
Pine, Stone, Worrall, and Mr. Speaker.—16

H. B. No. 4, An act to prevent sheep, hogs and stallions  
from running at large,

Read the third time and put upon its passage.

On the question shall the said bill pass the members voted as  
follows:

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake,  
Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thomp-  
son, Tyler, Worrall and Mr. Speaker.

Carried.

H. B. No. 12, An act to repeal certain portions of an act to  
organize the Treasury Department, approved November 6, 1861,

Read third time and put upon its passage.

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Hopkins, Holland, Lake,  
Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thomp-  
son, Tyler and Mr. Speaker.—15.

Noes—Mr. Worrall.

Carried.

H. B. No. 9, entitled "An act amendatory of an act regulating  
the mode of proceeding in replevin, approved March 3rd, 1864.

Read third time and put upon its passage.

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake,  
Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thomp-  
son, Tyler, Worrall, and Mr. Speaker.—16

Carried.

H. B. No. 3, entitled "An act amendatory of an act concern-  
ing Probate courts and justices of the peace in certain counties.

Read third time and put upon its final passage.

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake,  
Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thomp-  
son, Tyler, Worrall, and Mr. Speaker.—16

Carried.

Mr. Patterson introduced the following resolution:

*Resolved*, That a committee of three be instructed to correspond with Col. Moonlight in reference to the number of armed men now in military service in this Territory.

Mr. Pine offered the following amendment:

"That the committee on Ways and Means be instructed to confer with Col. Shoup, with regard to the feasibility of removing the troops now in the service, from the forts, to our line of communication from here to the river."

The amendment was adopted, and the resolution thus amended adopted.

Mr. Holland, from the committee on Elections and Apportionment, submitted a report from the majority of said committee in the case of contested seats from the second district.

[As this report was re-committed it is not here inserted.]

Mr. Worrall moved that said report be laid on the table until to-morrow morning.

Mr. Lynch called for the ayes and noes.

Those voting in the affirmative were, Messrs. Craig, Lake, Patterson, Pine, Stone, Thompson, Worrall, and Mr. Speaker.—8

Those voting in the negative were,

Messrs. Ehrhardt, Holland, Hopkins, Lynch, Mansur, Nichols, North, Tyler.—8

Lost.

Mr. Lynch moved to adopt said report, pending which,

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met at two o'clock p. m., pursuant to adjournment.

Roll called.

Mr. Stone moved that the consideration of the majority report from the committee on Elections and Apportionment be made the special order for 9 o'clock to-morrow morning.

The ayes and noes were called for,

Those voting in the affirmative were, Messrs. Craig, Ehrhardt, Lake, Patterson, Pine, Stone, Thompson, Worrall, and Mr. Speaker.—9

Those voting in the negative were,

Messrs. Holland, Hopkins, Lynch, Mansur, Nichols, North, and Tyler.—7

Motion prevailed.

Mr. Holland, moved to re-commit the said report to the committee on Elections and Apportionment.

Lost.

Mr. Lynch moved that said committee have further time in which to report.

Lost.

Mr. Worrall introduced the following resolution :

*Resolved*, That we now go into committee of the Whole to consider what steps are best to be taken in the present defenseless state of the Territory.

Lost.

Message from the Council :

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 3, For an act to amend an act entitled an act to incorporate the Occidental Gas Light company of the city of Denver.

Also, the Council has adopted,

C. J. R. No. 2, to appoint an investigating committee.

The Speaker appointed Messrs. Nichols, Mansur and Tyler, as a special committee, to correspond with Col. Moonlight agreeably to the resolution offered to-day by Mr. Patterson.

On motion of Mr. Pine,

The vote by which the majority report of the committee on Election and Apportionment had been made the special order for to-morrow, 9 a. m., was reconsidered.

Mr. Lynch moved to re-commit said report to the said committee.

The ayes and noes being called for,

Those voting in the affirmative were,

Messrs. Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Tyler, and Mr. Speaker

Those voting in the negative were,

Messrs. Stone, Thompson, and Worrall.

Motion prevailed.

Mr. Worrall introduced the following resolution:

*Resolved*, That the committee on Election and Apportionment be instruct to report in the proper order of business on Saturday morning.

On motion of Mr. Tyler,

The House took a recess until 4 o'clock.

House called to order by the Speaker.

Mr. Stone gave notice that on to-morrow or some subsequent day he would introduce

A bill for an act to incorporate the Denver, Turkey Creek and South Park Wagon Road Company.

Also,

A bill for an act to amend the Denver, Bradford and Blue River Road charter.

On motion of Mr. Worrall,  
The House resolved itself into a committee of the Whole to consider the bill authorizing the issuing of Territorial Bonds.

On motion of Mr. Thompson,

The House adjourned.

SATURDAY, JANUARY 21, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—none.

Journal read and approved.

Mr. Lake, from the committee on engrossed bills reported that they had examined H. B. No. 13, and found it correctly engrossed.

Mr. Holland, from the committee on elections and apportionment, submitted the following report:

To the Honorable House of Representatives of Colorado Territory:

The majority of the committee on elections, to whom was referred the case of the contested seats of the Second District, with instructions to examine into the facts and report all evidence in the matter, respectfully beg leave to represent that, taking the citizens' vote of Arapahoe and Douglas counties as a basis or starting point of our investigation, we find that the highest vote cast was, for F. M. Case, 566, and the highest vote for the opposing candidate was, D. H. Moffat, 470; and as the difference between these two opposing candidates and the remainder of their respective tickets is not great enough to affect the general result, the above numbers will be taken to represent the two sides contestant, then if we deduct from the vote of F. M. Case—five hundred and sixty-six, that of D. H. Moffat—four hundred and seventy, we have ninety-six majority for Case. No evidence has been presented to this committee which would invalidate this poll, although it is declared that there were some illegal votes cast in some of the wards of Denver; we must therefore receive it as unimpeached. The poll books or abstracts were in due form. We must therefore turn to the soldiers' vote to decide the contest. By the law adopted the last session, soldiers in the service of the United States were allowed to vote, those stationed in the Territory in the counties where stationed, and those without the limits of

the Territory were to be accredited to the counties in which they resided at the time of their enlistment. Under this law there were received from the First Regiment two hundred and eighty-three votes, and from the Third Regiment two hundred and fifty-eight for Moffat, and for Case forty-one votes. If then we receive the soldiers' vote, the delegation headed by Mr. Moffat would lead the others four hundred and forty-nine votes. The Second Regiment returned for representatives only two votes, which were cast for Case's ticket. The grounds for rejecting the soldiers' vote are

1st. The poll books, without exceptions, were not in the form prescribed by law.

2nd, The stations of the different detachments on the day of election is not shown by the returns, so as to determine which were within and which without the limits of the Territory.

With regard to the first allegation, your committee would represent that the informality indicated does not predicate or give evidence of fraud, and that owing to different interpretations of the law and forms prescribed by the county clerk, hardly two of the poll books of the Territory correspond exactly in form. From examination of several cases of contested seats in State legislatures, we have found that it is not customary to reject the votes of a poll on account of slight informality of the returns.

The act of voting, by an American citizen, is not a mere automatic act, a mechanical procedure, but is a mode of expressing the condition and will of the citizen.

Now when the real will of the voter is known, to ascertain which, is the business of the committee, dereliction on the part of those who should follow the law and its forms is not held to invalidate the will of the majority. It is patent to all that none of the Third Regiment were out of the bounds of the Territory, on the election day, and as their polls would be valid and legal in any county in which they were stationed, we must, if we overlook the informality of the returns, prove a fraud on such balloting to warrant us in rejecting the vote of that regiment. It amounted to two hundred and ninety-nine votes. The detachment under Sayr gave for Moffat fourteen votes. Co. E. gave for Moffat, nine votes, Co. C gave eighty-one, and Co. F gave Moffat one hundred and two votes, and Co. A gave Case three votes,—majority for Moffat, two hundred and three votes. Out of a force of twelve hundred men is it unreasonable to suppose that but two hundred and ninety-nine voted as they were entitled by law to vote. Admitting that the votes of the First and Second Regiments were illegal, if we allow the informality of the returns of the Third Regiment and permit their votes to be accredited to Arapahoe

county, as the law provides, the question is settled between the contestants.

We herewith transmit the testimony of the Adjutant of the Third Regiment, to the effect that Co. C was stationed at Camp Evans, on election day and that there were present for duty that day eighty-one men; also that of Capt. Chase, to the effect that Co. F was stationed at the same camp that day. This company returned one hundred and two votes. The admission of the two polls alone would elect Moffat but it has appeared to the committee that a detachment of the First Colorado Regiment was at Camp Weld that day and returned one hundred and nine votes.

It has been asserted that many illegal votes were cast at this poll. It can be established that there were at least fifty men of the First Regiment stationed there on that day, so that your committee cannot avoid the conclusion that a sufficient number of soldiers' votes were honestly and legally cast to elect the ticket headed by Mr. Moffat. A declaration has been presented by Chief Justice Harding to the effect that fraud has been discovered by the board of canvassers, but these charges apply more particularly to the vote on the constitution and the reference to the vote of the Second District is at least very vague. There may have been extensive frauds committed on the single question, but it is not the province of this committee to investigate the matter, and while unqualifiedly condemning a law which would throw the vote of a regiment into one county to outvote its citizens, we must admit that its provisions are binding on us until the act is annulled.

The refusal of these parties to appear before this House, as regular contestants has impeded an investigation due to the people of the Territory and affecting the probity of this House.

Believing as we do, that the will of the voter is clearly shown upon the poll books, and the testimony of Col. Shoup and Captains McCannon and H. Phillips, together with affidavits of J. J. Johnson,—late Adjutant of the Third Regiment, and Captain Chase, clearly settling the place where the polls of companies C, E, and F, of the Third Regiment were held, we deem it just and lawful that the votes of said companies be credited as they appear on the poll books.

All of which is respectfully submitted.

E. F. HOLLAND, Ch'n,	} Committee.
A. MANSUR,	
C. M. TYLER.	

Accompanying documents :

- (A) Instructions to committee ;
- (B) Declarations of Judge Harding.

Mr. Stone, from the same committee, submitted the following minority report from said committee:

*To the Honorable, the Speaker of the House of Representatives of the Legislative Assembly of Colorado Territory:*

The undersigned, a minority of your committee on elections and apportionment, to whom the matter of contest between certain persons claiming seats in this House was referred, having had the same under consideration, beg leave to submit the following statement of facts that have been brought to their knowledge by this investigation, together with their opinions thereon:

The attached counties of Arapahoe and Douglas, forming the Second Representative District, are entitled to four members of the House of Representatives, or in other words, eight persons appear here claiming seats, to wit: B. B. Stiles, H. J. Brendlinger, Rufus Clark, F. M. Case, D. H. Moffat, A. W. Bailey, J. A. Koontz and E. M. Ashley. The four first named persons present certificates in due form of law from the clerks of the county board of canvassers of the counties of Arapahoe and Douglas showing that said persons received the highest number of votes for the office of Representatives, and are duly elected to said offices from the district comprising said counties. The four last named persons present certificates from the Acting Governor of the Territory, stating that said persons received a majority of the votes cast in said district for said offices and are thereby declared elected. Our laws do not require a majority to elect in such cases. The language of the Organic Act, as well as the election laws made in conformity therewith, is that the person receiving "the highest number of votes" shall be declared elected. But one person could possibly receive a majority of the votes for any one office,—four certainly could not. So much for the informality of the Governor's certificate.

The Governor's certificates to the four last named, gentlemen, are based upon returns of votes cast by persons in the military service of the United States, and also were, before their enlistment, citizens of this Territory. The poll books and election returns of both citizens' and soldiers' votes are before your committee, and from them we deduct the following facts:

The aggregate citizen vote of Arapahoe and Douglas counties, for Representatives is as follows, to wit:	
D. H. Moffat,	470
J. A. Koontz,	455
E. M. Ashley,	443

A. W. Bailey,	447
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F. M. Case,	566
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B. B. Stiles,	551
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H. J. Brendlinger,	542
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Rufus Clark,	547
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Taking solely the citizens' vote of the District, it is clear that the four last named gentlemen would be elected. But the Governor's abstracts of returns, adding the soldiers' vote to that of the citizens' vote, show that the total is as follows:

Moffat,	1016
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Koontz,	913
---------	-----

Ashley,	987
---------	-----

Bailey,	994
---------	-----

Case,	607
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Stiles,	566
---------	-----

Brendlinger,	564
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Clark,	580
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Supposing all of the votes returned as above to have been legally cast and returned, it would then clearly appear that the four first named gentlemen were accordingly elected. But it appears that none of the soldiers' votes were returned to the Territorial board of canvassers according to law, as we shall proceed to show, and if it is shown that such vote was so illegally returned as to justify its being thrown out, the case will then rest upon the citizens' vote alone, of the district.

The act passed at the last session of the legislature, providing for soldiers voting, approved March 11, 1864, provides two different ways in which soldiers are to vote:

First, Soldiers out of the Territory shall vote for Territorial and State officers the same as though they were residents of the county of which they were citizens at the date of their enlistment, and

Second, Soldiers within the Territory shall vote at all elections hereafter for the county officers and members of the legislature to be elected from the county where they are at the time stationed or encamping.

Section five of said act prescribed that "the judges of election shall appoint from the members of their company two clerks who shall keep a true and correct record of the names of the voters at said election and the person or persons voted for by each voter for Territorial or State office."

Section eleven of the same act provides that "at the close of such election the judges shall certify under their hand the number of votes given for each candidate, which shall be attested by their clerks, and shall transmit immediately one of said poll books by mail or other safe conveyance to the Secretary of this Territory."

Section twelve provides that the Territorial board of canvassers, constituted by the laws of this Territory, shall delay the canvass of the votes cast at any general election hereafter held in the Territory, until the votes of the said soldiers shall be received, provided the same shall be received within thirty days after said general election.

Section fourteen provides that the general election law of the Territory shall govern such election, in all respects subject to the limitation and restrictions herein provided.

The general election law of the Territory, prescribing the mode of making returns, in section thirty of the act approved Nov. 6, 1861, is as follows:

Sec. 30. When the vote shall have been examined and counted the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such vote or votes and the number he did receive, the numbers being expressed in words at full length, such entry to be made as nearly as circumstances will admit, in the following form to wit:

At an election held at the house of \_\_\_\_\_ in \_\_\_\_\_ precinct, in the county of \_\_\_\_\_, and Territory of Colorado, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_, the following named persons received the number of votes annexed to their respective names, for the following described officers, to wit: \_\_\_\_\_ had \_\_\_\_\_ votes for Delegate to Congress; \_\_\_\_\_ had \_\_\_\_\_ votes for Council; \_\_\_\_\_ had \_\_\_\_\_ votes for House of Representatives; and so on through the list of officers to be elected at such election, and the foregoing statement is to be certified to by the judges of election and attested by the clerks.

Section thirty of the same act provides for the canvass of the votes so returned, by the county clerks, and two justices of the peace, and makes it the duty of the clerks to immediately make out a certificate of election to each of the persons having the highest number of votes for members of the Council and House of Representatives of the Legislative Assembly and county officers respectively, and deliver such certificate to the person entitled to it, on his making application for that purpose to the clerk at his office.

Section thirty-sixth makes it the further duty of the clerk to transmit a copy of the abstracts of the vote of his county to the Secretary of the Territory, and by the provisions of section thirty-sixth, the Secretary of the Territory, Auditor, Treasurer or any two of them in the presence of the Governor, shall canvass the votes given for all Territorial officers, and the Governor shall give a certificate of election to the persons having the highest number of votes for each office.

Having pointed out all the law applicable to the case, we now proceed to see how nearly the soldiers' vote, in the case before us, was returned in accordance therewith.

The poll books returned from soldiers who voted within the Territory are all in the form of printed blanks, containing instructions, oaths subscribed by the judges, clerks and officers in command of the company or detachment voting, and a list of names of the persons purported to have voted. The names of the persons voted for are not set down, as required in section five of the law, and the only place the names of the candidates appear, is in the last page of the poll book, where they are set down,—not spelled out at full length, and the number of votes each received is set opposite,—not in words but in figures, and this is all under the head of "abstracts of votes." At the close of this abstract is the following certificate:

"We hereby certify the foregoing is a true and correct abstract of the vote cast at an election held this thirteenth day of September, A. D. 1864."

The law which we have before cited, section eleven, does not authorize the returns of any abstracts whatever, but makes it the duty of judges to certify under their hand the number of votes given for each candidate, and the general election law which we have quoted in section thirty, prescribes how this is to be done. The same reasons which dictate our law maker in requiring the full name of parties to deeds of conveyance, are the reasons which require the names of candidates to be returned in full, and the reasons for requiring the number of votes to be expressed in words, obvious,—to throw additional guard around the safety of the ballot box in preventing fraud by alteration of figures.

But the main point in the illegality of these returns is in the want of a valid certificate by the judges. There is nothing whatever in the returns to show where any election was held at which these votes were cast. The proof of the place and time of holding an election we hold to be an essential of the legality of election returns, and more particularly so in the case before us, owing to the peculiar law allowing soldiers to vote in this Territory. The law is very specific in requiring the vote to be accredited to the county in which the soldiers voting are stationed or encamped on the day of election. Soldiers are transient,—scattered over the country and moving from place to place. How then can it be known to which county their vote is to be accredited, unless it is known in what county they voted? It will be readily seen that a knowledge of the place is doubly essential to the validity of the vote. The poll books themselves, attested, as by law they are required to be, contains the best and, we hold, the only practical and legit-

imate evidence of their genuineness. There are two ways in which the will of the voters expressed at the ballot box may be known to canvassers. One would be to have each man who voted, state under oath to the canvassers, where, when and how he voted. But this would be altogether impracticable, and the law makers have therefore constituted another tribunal as the medium of this knowledge—the judges and clerks of election, who are to certify to all these facts and transmit the same to the board of canvassers. Between these two modes we can conceive of no legitimate middle way. It is true that several reliable gentlemen, highly credible witnesses, testified before your committee where several of those companies or parts of companies voted. Attaching the utmost credibility to this evidence, we hold, however, its utter incompetence to validate the record of these votes. These witnesses were neither judges nor clerks, and we hold that it is alike contrary to the spirit and letter of the law to ascertain the result of elections by the testimony of outside persons.

The legislative enactments of all civilized countries where the right of suffrages around the ballot box. In our own republican government we make it our pride and boast, and these safeguards, which the spirit of our institutions and the letter of the law set up as a shield to guard the greatest of all rights of a sovereign people, are not intended to be lightly regarded, much less to be altogether set aside, and especially when actual fraud is shown to have been committed in a part of the vote. In this we entirely agree with the views expressed so frankly in the majority report of this committee, which while deploring the imperfection of the election law in relation to soldiers voting, declares that nevertheless its provisions are binding on us until they are amended. Some persons are prone to consider such reasons as technical, mere quilps and quirks of lawyers, informalities which should be overlooked, and looking upon law as always standing in the way of justice. Laws are supposed to be founded in justice and right and are either good for something or worthless; they mean something or nothing. There is a marked distinction between an informality and an illegality. Laws are either directory or mandatory. A directory law prescribes how a thing may be done and when the form thus laid down is not followed, it is properly an informality and does not necessarily render the act illegal. On the other hand a mandatory law declares how a thing shall be done without an alternative, and if not done in the manner commanded, the act is illegal and null because it is unlawful. Applying this principle to the case in law it is easy to see that when it declares that votes shall be cast, returned and counted in a particular manner, and that manner is an essential to

arriving at the time, and therefore the first result of the election, if law is not complied with the canvass of that vote must be illegal and a nullity. There is no proof that any of these votes accredited to the Second Representative District were cast within said district. The evidence of witnesses we have alluded to, we consider incompetent to make valid the illegal returns. Suppose the clerk of any county should transmit his abstracts of the vote of such county to the Secretary of the Territory, without stating where the election was held; how would the Secretary supply the omission? Suppose he followed up the post mark on the envelope, which would be no sure guide, for it might be mailed outside the true county, and suppose on inspecting the poll books it should be found the election judges and clerks had made the same omission in their returns, could the Secretary go farther? Would he not be justified in throwing out such vote? Would he be justified in attempting to establish the correctness and *locus in quo* of such vote by the parol statement of outside and unofficial persons? How much less would he be justified under this peculiar military law in resorting to such a mode of canvassing a vote cast by soldiers in transient military camps? We have alluded to actual frauds in part of the vote. One poll book returns thirty-six votes, as votes cast by company A, of the Third Regiment,—not as a detachment of said company, while it was in evidence before your committee, on the testimony of Col. Shoup, and is otherwise within the knowledge of one of your committee, that said company A was, with the exception of three or four men, in the Arkansas Valley, on the day of election. Company L, Col. Shoup's old company of the First Regiment, purports to have voted at Fort Larned, outside the Territory, and under the law the votes only of those who resided in Arapahoe and Douglas counties when they enlisted, would be accredited to those counties. Col. Shoup states that the company numbered but ninety in July last, that about thirty-five of those were recruited in Gilpin county and fifteen in Park county, and yet eighty-seven votes were returned from that company and accredited to Arapahoe and Douglas counties. Without instancing other frauds in this soldiers' vote, we will remark that the old law maxim of "*falsas in uno falsas in omnibus*" will apply to this entire vote, and if false in part it may be false in all, for when the presumption of correctness is destroyed by proof of fraud in one part there must be absolute proof of the correctness of the other part in order to repel the presumption of false in all. The general election law is not sufficiently explicit in relation to the final canvass of votes, and needs amending in that respect. It does however explicitly prescribe that the vote shall be canvassed by the Secretary of

the Territory, the Auditor, and Treasurer, or any two of them in the presence of the Governor, but it is in evidence before the committee that the soldier vote for Representatives in this case was canvassed by the Secretary alone.

There would be little use for the law to throw so many safeguards around the ballot box to prevent fraud and preserve its sanctity, by requiring the clerk and two sworn magistrates to solemnly count the votes of each county, and certify to its truth under seal, if thereafter the final canvass should be the arbitrary and unwitnessed manipulations of one man. As to the law in relation to soldier votes it is patent to any intelligent man that it was conceived in sin and brought forth in iniquity. Those persons whose ponderous brains conceived and brought forth this spawn of iniquitous intent, doubtless had an eye to moulding the complexion of a Legislature which was expected to elect two senators to Congress under an adopted State Constitution. So intent were they upon this idea that the law itself is made to provide for the election of State officers hereafter, being the first instance in our knowledge of a territorial legislature, making laws for a future State. By this law soldiers can be moved at will into any county on the day of election, a county which perhaps not one of them ever lived in, or has the least interest in, and by remaining there one day thwart the wishes of every citizen voter of the county, making such soldiers the mere tools of corrupt officials; while on the other hand it totally disfranchises those soldiers from voting for officers of the counties in which they reside and own property. Such a wickedly unjust law as this, is a stain upon our statute book, and a curse to the soldiers and citizens who are its victims, and if those who were so cunningly interested in its manufacture and effects, have failed to comply with its own direct provision in trying to carry it into execution, we think it well to abide by its provisions until amended or repealed. It seems a hardship to throw out the vote of any soldier or citizen who cast that vote in good faith at the ballot box, but the law when not complied with imposes even greater hardships than this. There is a law upon our statute book which declares that every deed of conveyance "shall contain the full christian and surname of both grantor and grantee," now if a soldier or citizen were to purchase a mining claim or farm and take a deed containing only the initial letters of the christian name, it may be in ignorance of the law and yet in good faith, and should a third party set up and endorse title and a court of law in pronouncing that deed illegal, and all should sweep mines or farms away from the purchaser, it would hardly be considered a smaller misfortune than the loss of a vote, cast for some petty office, and yet the maxim *signorantia legis non excusat*, is founded in the strictest justice.

The undersigned of your committee can but express their sincere regard that the votes, which in their recommendation should be thrown out, are soldiers' votes, since they, equally with citizens, are certainly entitled to the rights of elective franchise, but the same motive which prompted them to fly to their arms for the maintainance of the laws of their country, prompts us in this matter, respect for the supremacy of the law. We cannot think the law in its guardian care for the same rights of the ballot box would justify a different decision. There is in opinion no legitimate proof that any vote was legally returned for representative in the second district, except the citizens vote, and that persons entitled to seats in this House are those who received the highest number of those votes which were legally cast, recorded, returned, and canvassed.

All of which is respectfully submitted.

WILBER F. STONE.  
THOMAS D. Worrall.

Mr. Ehrhardt introduced the following resolution :

*Resolved*, That the consideration of the majority and minority report of the committee on Elections and Apportionments be postponed until Monday, 23d inst., 9 o'clock a. m.

Adopted.

Mr. Nichols, from the select committee appointed to correspond with Col. Moonlight, and for other purposes, submitted to the House the following communication from Col. Shoup :

GOLDEN CITY, C. T., May 21, 1865.

CAPT. NICHOLS :

Dear Sir—At your request to give a statement of the number of troops now in this military district, I will state that I cannot give the exact number. However, I can state that the only troops in the district are the Colorado First, with a small detachment of the Colorado Battery, and perhaps a few recruits of the Third regiment.

The First regiment numbers twelve companies and cannot muster more than fifty men present, with each company, for duty, this I am well satisfied is a large estimate.

Those companies are stationed as follows :

Eight at Fort Lyon, C. T.

One at Boonville, eighteen miles below Pueblo.

One at Fort Garland, and

Two on the road between Denver and Julesburg.

The Detachment "Colorado" Battery, is at Fort Lyon.

There is also a detachment of the First regiment under Capt. Davidson, at Camp Weld near Denver.

The Second regiment is reported en route for this District,

but on Tuesday last the commanding officer of this District, Col. Moonlight, stated in my presence that he had no official notice to that effect, and gave it as his opinion that they were not on the road, as their horses were not in a fit condition to make a campaign.

On motion of Mr. Holland,

The above communication was referred to the committee on Military Affairs.

Mr. Patterson introduced the following resolution:

*Resolved*, That hereafter no bills or joint resolutions shall be passed in this House until it has been printed, and copies thereof have been laid upon the desks of the members, unless otherwise ordered by the House.

Adopted.

C. B. No. 3,

For an act entitled an act to amend an act to incorporate the Occidental Gas Light Company of the city of Denver.

Read the first time.

On motion of Mr. Lynch,

Said bill was read the second time and referred to the committee on Corporations.

C. J. R. No. 2,

To appoint an Investigation committee.

Read first time.

On motion of Mr. Stone,

Said Resolution was read the second time.

H. B. No. 13,

For an act supplemental to an act to organize the Militia of Colorado Territory.

Read third time and put upon its final passage.

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.—16

Ayes—16.

Noes—0.

Carried.

Mr. Tyler, from the committee of the Whole, reported that the committee have had under consideration

H. B. No. 16,

For an act authorizing the issue of Territorial bonds.

The committee have made some progress and ask leave to sit again.

Report received.

On motion of Mr. Worrall,

Said bill was considered engrossed, and the House resolved itself into a committee of the Whole for the consideration of said bill.

Mr. Holland in the chair.

Having spent sometime in the consideration of said bill the committee rose, and through the chairman reported progress, and asked leave to sit again.

On motion of Mr. Pine,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met at two o'clock p. m., pursuant to adjournment.

Roll called.

Absent—Mr. Tyler.

On motion of Mr. Holland,

The House resolved itself into a committee of the Whole to consider

H. B. No. 16,

For an act authorizing the issuing of Territorial Bonds

Mr. Holland, in the chair.

Having spent sometime in the consideration said bill the committee rose and the House was called to order.

On motion of Mr. Lynch,

H. B. No. 7,

For an act amendatory of an act to establish the common school system, approved November 7th, 1864.

Read third time and referred to the committee on Education.

Mr. Holland from the committee of the Whole submitted the following report:

The committee of the Whole beg leave to report that they considered

H. B. No. 16,

For an act authorizing the issuing of Territorial Bonds,

And amend by inserting the words "of one hundred to one thousand dollars, at the discretion of the commissioners as hereinafter created," after the word "denomination" in the section.

Also,

By striking out the words "in five years from date of issue" after the word "payable" in tenth line, and by striking out all between the words "payable" "and."

Also,

Amend the second section by inserting the words "shall each &c.," as appended the word "who" in the third line,

Also,

The third section by inserting "as soon as they shall deem desirable" after the word "same" in the sixth line.

Also,

Second section in second line, by inserting "any two of" &c., after the word "commission" as appended.

Also,

Add to second section as appended "and their term of office."

Also,

Section sixth by inserting the words "remove or be absent," as appended.

Also,

Add to section four the following: "Unless the duties of the said commissioners expire according to the provisions of this act before the next session of the Legislature, in which case they shall report to the Governor of the Territory who shall communicate the same to the next Legislature if so respected by either House of the Legislative Assembly."

They have also added section nine, made the necessary corrections, and report the bill back with a recommendation of its passage as amended.

On motion of Mr. Lynch,

The report was adopted.

Mr. Lake introduced the following resolution:

*Resolved*, That the report of the committee on Election and Apportionment be taken up.

Adopted.

Mr. Lynch moved that the House now adjourn until Monday, 23rd inst., at 2 o'clock p. m.

Lost.

On motion of Mr. Nichols,

The House adjourned until Monday, 23rd inst., at 9 o'clock a. m.

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MONDAY, JANUARY 23, 1865.

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Mansur and Tyler.

Journal read and approved.

On motion of Mr. Lake,

The House adjourned until two o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Mansur and Tyler.

Mr. Lake, from the committee on engrossed bills, reported that they had examined H. B. No. 16, entitled an act to authorize the issuing of Territorial bonds, and find the same correctly engrossed.

Mr. Holland moved to adopt the majority report of the committee on elections and apportionment, in the case of contested seats from the 2nd district.

The following message was received from the Council, per Mr. Allen, Assistant Clerk of the Council.

MR. SPEAKER: I am instructed by the Council to inform the House that the Council has adopted the accompanying substitute for H. J. R. No. 2, respecting the organization of a new military department.

A call of the House was ordered.

The following members answered to their names:

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker—15.

Absent—Mr. Tyler.

On motion of Mr. Worrall,

Further action under the call was dispensed with.

On motion of Mr. Holland,

The House adjourned.

## TUESDAY, JANUARY 24, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Tyler.

Mr. Lake, from the committee on engrossed bills,

Reported that they had examined H. B. No. 1, entitled an act to create the office of flour inspector, and found it correctly engrossed.

Mr. Pine gave notice that on to-morrow or some day soon thereafter, he would introduce,

A bill for an act to incorporate the Belmont Silver Mining Company.

C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions, approved Nov. 4, 1861,  
Was read a first and second time.

C. B. No. 6,

For an act providing for the support of paupers,

And C. B. No. 10,

For an act to amend an act entitled an act regulating the mode of proceeding in attachment in the district courts, approved Oct. 29, 1865.

Were read a first and second times.

H. B. No. 1,

For an act to create the office of flour inspector,

Was read a third time,

The question being on the passage of said bill,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker.

Ayes—15.

Noes—0.

Carried.

H. B. No. 16,

For an act authorizing the issue of Territorial bonds,

Was read a third time,

Mr. Worrall moved to lay the bill on the table for the present.  
Lost.

Mr. Worrall moved that the bill be referred to a committee of three, to fill the blanks therein.

Mr. Holland moved to amend by having said blanks filled by the House.

Amendment adopted.

The House proceeded to fill the first blank, occurring in the second section, to wit: the name of the commissioners.

On motion of Mr. Stone,

The vote was ordered to be by ballot.

Messrs. Stone and Lynch were appointed tellers.

On motion of Mr. Hopkins,

It was resolved that but one of the commissioners be elected at a time.

On the first ballot,

Colonel George L. Shoup received fourteen votes.

Mr. Luther Kountze received two votes.

Col. Shoup, having received a majority of all the votes cast, was declared duly elected one of the commissioners.

The House proceeded to a vote for the second commissioner.

Mr. Mansur nominated Judge C. B. Clements,

Mr. Stone nominated Mr. James McNasser,

Mr. Patterson nominated Mr. Luther Kountze.

Mr. Luther Kountze received thirteen votes and was declared duly elected one of said commissioners.

The House proceeded to vote for the third commissioner.

Mr. Pine nominated James Kincaid.

Mr. Worrall nominated C. B. Clements.

The vote resulted as follows:

C. B. Clements received seven votes.

James Kincaid received nine votes.

James Kincaid was declared duly elected one of said commissioners.

The blanks in the first section were accordingly filled with the names, George L. Shoup, Luther Kountze and James Kincaid.

The House then proceeded to fill the second blank in section second.

Mr. Worrall moved to fill said blank by inserting "three dollars."

Mr. Pine moved to insert "ten dollars."

Mr. Holland moved to insert six dollars.

The motion of Mr. Pine was first submitted to the House, and was carried.

The compensation of said commissioners was accordingly fixed at ten dollars per day for each day's services.

The House then proceeded to fill the blank relative to the amount of the bond to be given by said commissioners.

On motion of Mr. Mansur,

The said bond was fixed at the sum of fifty thousand dollars.

The House proceeded to fill the blank in the third section;

determining the amount of bounty to be paid the soldiers enlist-

ing under the last call of the Governor.

Mr. Hopkins moved that the said blank be filled by insert-

ing one hundred dollars.

Mr. Holland moved to insert twenty-five dollars.

On motion of Mr. Hopkins,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

The consideration of H. B. No. 16, was resumed.

Mr. Mansur moved to fill the blank, fixing the bounty to be

paid to soldiers, by inserting fifty dollars.

Mr. Worrall moved that it be seventy-five dollars.

A vote was taken on the last motion.

Lost.

Mr. Mansur's motion prevailed, and

The blank left for fixing the bounty to be paid soldiers enlisting under the Governor's last proclamation, was filled by the insertion of fifty dollars.

Mr. Holland offered an amendment, to said bill as an additional section, to be numbered "10."

The amendment was read a first and second time.

On motion of Mr. Pine,

The rule was suspended, and the amendment read a third time, and adopted and made a part of said bill.

On motion of Mr. Lynch,

The bill was put upon its passage.

The question being upon the passage of the bill,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall, and Mr. Speaker.

Absent—Mr. Tyler.

Ayes—15.

Noes—0.

Carried.

On motion of Mr. Stone,

The title was amended by adding the following:

"To defray the expenses of defense against hostile Indians."

Mr. Pine moved that the House adjourn.

Lost.

The following message was received from the Council, per Mr. Allen Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has amended H. B. No. 13, entitled an act supplemental to an act to organize the militia of Colorado Territory, with the following amendments, to wit:

Erase the word "one," in the third line of section five, before the word "commissary," and insert the words "who shall act as," after "commander in chief," in the seventh line, insert the words "upon recommendation of the commander of such regiment or battallion." Also in the eighth line insert before "quartermaster sergeant," "hospital steward."

Mr. Craig moved that the House adjourn.

Lost.

The consideration of the report of the committee on elections and apportionment was resumed.

On a motion to adopt the majority report of the committee on elections and apportionments,

The ayes and noes were called for.

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Those voting in the affirmative were,  
Messrs. Holland, Hopkins, Lynch, Mansur, Nichols, North,  
and Tyler.

Those voting in the negative were,  
Messrs. Craig, Ehrhardt, Lake, Patterson, Pine, Stone,  
Thompson, Worrall and Mr. Speaker.

Ayes—7.

Noes—9.

Lost.

Mr. Stone moved to accept the minority report of the committee on elections and apportionment.

Mr. Worrall called for the ayes and noes.

The roll was called and

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Patterson, Pine, Stone, Thompson,  
Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Hopkins, Lynch, Mansur, Nichols, North,  
and Tyler.

Ayes—9.

Noes—7.

Carried.

Mr. Holland moved to adjourn.

Lost.

Mr. Worrall moved that the delegation headed by Mr. H. J. Brendlinger, be admitted as members of this House.

On motion of Mr. Pine,

This motion was amended so as to read,

"The delegation having the county clerk's certificate,

Mr. Hopkins moved to adjourn.

Lost.

Mr. Tyler moved to adjourn.

Lost.

Mr. Hopkins moved to adjourn.

Lost.

Mr. Nichols moved to adjourn.

Lost.

Mr. Tyler moved to adjourn.

Lost.

The vote was taken on the motion of Mr. Worrall as amended by Mr. Pine.

The ayes and noes being called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Lake, Patterson, Pine, Stone,  
Thompson, Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Hopkins, Lynch, Mansur, Nichols, North, and Tyler.

Ayes—9.

Noes—7.

Carried.

On motion of Mr. Worrall,

The House adjourned.

### WEDNESDAY, JANUARY, 25, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—none.

Journal read and approved.

On motion of Mr. Lake,

H. J. Brendlinger, from the second district, took the oath of office and was admitted as a member of the House of Representatives.

Mr. Craig presented a petition from the citizens of Fremont county in relation to the laws governing fences, &c., which was read and referred to the committee on agriculture and manufactures.

Mr. Lynch presented the protest from citizens of Summit county against a division of said county, which was read and referred to the committee on counties and county lines.

Mr. Worrall, from the select committee to whom was referred H. B. No. 14, for an act for the relief of Robert S. Wilson, submitted the following report:

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

Your select committee to whom was referred H. B. No. 14, a bill for an act for the relief of Robert S. Wilson, sheriff of Arapahoe county have had the same under consideration, and would respectfully report that the bill provides for appropriating the sum of two thousand and fifty dollars and fifty cents, to be paid to R. S. Wilson, sheriff of Arapahoe county to compensate him for keeping and supplying certain prisoners in the county jail of Arapahoe county. Your committee upon examination of the laws, find that it is the duty of the county commissioners to defray all such expenses.

Section four of an act concerning county jails, page one hundred and seven, of the first session laws, is as follows:

Sec. 4. When a prisoner is committed for crime, or in any

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suit on behalf of the Territory, the county commissioners shall allow the sheriff his reasonable charges for supplying such provisions.

Section eight of the same act provides that when there is no sufficient jail in any county in which an offense is committed the criminal may be sent to the nearest county having a jail and the expenses shall be paid by the county wherein the offense was committed.

Section one hundred and ninety of the criminal act, page three hundred and thirty-four, first session laws, also requires that the cost in criminal cases shall be paid by the county in which the offense is committed, when the defendant shall be convicted and shall be unable to pay them.

The fee bill of sheriffs' fees, in the fee bill act of the third session laws, page eighty-one, also provides that the expense of feeding and supplying prisoners shall be paid by the board of commissioners.

Your committee have found no law conflicting with the foregoing provisions, and as from the laws we have cited, it appears clear that if the bill of expense accompanying the bill under consideration should be paid by the county commissioners of the county or counties respectively wherein the offense was committed, your committee think it the imperative duty under the law for such commissioners to pay the charges presented in this bill, and would therefore report the bill back to the House without recommendation.

These expenses were incurred by Mr. Wilson in the discharge of his official duties, and those duties the law compels him to perform, under a severe penalty if he refuses or neglects. He should certainly be paid, and will be paid, and if there were no law providing for such payment otherwise, we think this Body would not hesitate in the least to pay the same, out of the Territorial treasury.

But there can be no misunderstanding on this subject and hence your committee have reported accordingly.

The report was received.

H. B. No. 13, an act supplemental to an act to organize the militia of Colorado Territory, was taken up for consideration.

On motion of Mr. Worrall,

Said bill was returned to the Council, together with amendments purporting to have been made to said bill, with the request that the Council inform the House what has been the action of the Council in relation to said bill.

Mr. North introduced

A bill for an act amendatory of an act entitled an act regulating the fees of officers, jurors and witnesses, approved Nov. 8,

1861, which was read a first and second time and filed with general orders.

Mr. Craig introduced a bill for an act to amend an act to authorize the appointment of county commissioners in special cases, which was read a first and second time and filed with general orders.

H. B. No. 11, a bill for an act to incorporate the Colorado & Clear Creek Railroad Company, was referred to the committee on incorporations.

The following message from the Council, per Mr. Allen, Assistant Clerk, was received:

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 13, an act to amend an act incorporating the city of Denver, approved Nov. 7, 1861, and March 11, 1864, and request immediate action.

On motion of Mr. Worrall,

The said bill was read a first and second time.

On motion of Mr. Worrall,

The House resolved itself into a committee of the whole to consider said bill,

Mr. Worrall in the chair,

Having passed some time in considering the provisions of said bill,

The committee rose, and,

The Speaker called the House to order.

The following message was received from the Council, per Mr. Allen Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed, as amended, H. B. No. 18, entitled an act supplemental to an act to organize the militia of Colorado Territory, and return the same to the House amended as follows:

In the third line of section five, strike out the word "one," and insert "who shall act as."

After the words "commander in chief" in the seventh line of section five, insert "upon recommendation of the commander of such regiment or battallion."

Also in the eighth line of section five, insert before "quarter-master sergeant" "hospital steward."

On motion of Mr. Craig, it was

Resolved That the Speaker of this House be requested to communicate to B. B. Stiles, Rufus Clark and F. M. Case that they are entitled to seats in this House, and request them to

appear as early as practicable and take their seats.

Mr. Worrall, from the committee of the whole, on C. B. No. 13, reported progress and asked leave to sit again.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Worrall,

The House resolved itself into a committee of the whole for the consideration of C. B. No. 13,

Mr. Nichols in the chair.

On the rising of said committee,

The Speaker called the House to order.

Mr. Nichols, from the committee of the whole, reported that the committee had had under consideration C. B. No. 13, entitled an act to amend the act incorporating the City of Denver, approved Nov. 7, 1861, and March 4, 1864, and would report the same back without amendments and recommend its passage.

Mr. Stone moved that the rule be suspended and the said bill read the third time.

On this motion,

The ayes and noes being called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, North, Patterson, Pine, Stone, Thompson, Worrall, Bredlinger, and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Hopkins, Lake, Lynch, Mansur, Nichols and Tyler.

Ayes—10.

Noes—7.

Lost.

Mr. Lynch, from the committee of the whole, reported that,

The committee have had under consideration C. J. R. No. 2 and report it back to the House with the recommendation that it be referred to a select committee.

Also, C. S. for H. J. R. No. 6, which is reported back with the recommendation that it be referred to the appropriate committee.

Also, H. B. No. 14, which is reported back with the recommendation that it do not pass.

Also, H. B. No. 15, an act to encourage emigration, the first section of which was amended by the committee by striking out of the third line the word "Esq.," and inserting the word "Hon.," the beginning of the name Gilbert. The said bill is reported back with the recommendation that it lie on the table.

The report was received.

The following message was received from the Council, per Mr. Allen, Assistant clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has adopted the accompanying Resolution and request the immediate action of the House.

The resolution referred to provides for appointing a joint committee to report a substitute for H. B. No. 16, authorizing the issue of Territorial bonds.

The Speaker appointed as such committee on the part of the House, Messrs. Patterson and Holland.

Mr. Patterson introduced the following resolution:

WHEREAS, Col. T. Moonlight, the recently appointed Commander of this District, having lately published orders to the effect that the civil authorities are capable of enforcing the laws of this Territory, thereby superceding the necessity of a provost marshal,

AND, WHEREAS, the statutes of this Territory have been often set at defiance by the aforesaid provost marshal, and many acts committed upon an innocent and unoffending people by the same, therefore,

*Be it resolved*, That the thanks of this House are hereby tendered to the said Col. T. Moonlight, for the interest he manifests in behalf of the people of this Territory, and that he is hereby invited to a seat within the bar of this House.

*Resolved*, That the Speaker is hereby authorized to send a copy of the foregoing proceedings to the said Col. T. Moonlight.

On motion of Mr. Holland,

The said Resolution was laid on the table.

On motion of Mr. Thompson,

The House adjourned.

THURSDAY, JANUARY 26, 1865,

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

There being no quorum present, the Sergeant-at-Arms was instructed to bring in absentees.

Mr. Mansur and Pine came in.

Quorum present.

Journal of yesterday read and approved.

Council amendments to

H. B. No. 13,

For an act supplemental to an act to organize the Militia of Colorado Territory,

Were read the first and second times, and

On motion of Mr. Stone,

Agreed to.

Mr. Lake gave notice that he would on to-morrow or some subsequent day introduce,

A bill for an act amendatory of an act entitled "An act to incorporate the city of Central City, approved March 11th, 1864"

Mr. Mansur introduced the following resolution :

*Resolved*, That this House do hold a night session to-morrow night, the 27th inst., and every alternate night thereafter, Sundays excepted, until the close of the Legislature.

Adopted.

Mr. Stone introduced a bill for an act to encourage prospecting and mining.

Read first and second time and ordered printed.

On motion of Mr. Stone,

C. B. No. 2,

For an act relating to negotiable instruments, promissory notes and contracts,

Was referred to the committee on Judiciary.

C. J. R. No. 2,

In relation to an investigating committee,

Was referred to a select committee, consisting of Messrs.

Mansur, Lake, and Patterson,

On motion of Mr. Holland,

The report of the committee of the Whole, submitted by Mr. Lynch, chairman, on yesterday was adopted.

C. S. for H. J. R. No. 2,

In reference to the organization of a new military department.

Was referred to a select committee composed of Messrs Thompson, Worrall, and Ehrhardt.

H. B. No. 6,

Referred to the committee on Education.

On motion of Mr. Pine,

C. B. No. 13,

For an act amendatory of an act incorporating Denver City, approved, Nov. 7th, 1861, and March 11th 1864.

Read third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Lake, Mansur, North, Patterson, Pine, Stone, Thompson, Worrall, Brendlinger, and Mr. Speaker.

Those voting in the negative were,

Mr Hopkins.

Ayes—13.

Noes—1.

Carried.

On motion of Mr. Holland,

H. B. Nos. 17 and 18,

Were referred to the committee of the Whole.

On motion of Mr. Lake,

Mr. B. B. Stiles took the oath prescribed by law, and was admitted a member of the House of Representatives.

On motion of Mr. Lake,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Lynch, Nichols, and Tyler.

On motion of Mr. Stone,

H. B. No. 19,

For an act to encourage prospecting and mining,

Was recalled from the committee on printing, and referred to a select committee, consisting of

Messrs. Stone, Pine, and Worrall.

Mr. Thompson from the select committee to which had been referred,

C. S. for H. J. R. No. 2,

Concerning the establishment of a new Military Department.

Submitted the following report;

The select committee to whom was referred,

C. S. for H. J. R. No. 2,

Joint Memorial to the President of the United States,

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

Mr. Worrall gave notice that on Saturday or some subsequent day, he would introduce

A bill to amend the election law regulating soldier's vote.

On motion of Mr. Holland,

The House resolved itself into a committee of the Whole on the general orders.

Mr. Holland in the chair.

The committee rose and the House was called to order.

Mr. Holland reported from said committee, that the committee have had under consideration,

H. B. No. 17,

And report the same back to the House with the recommendation that it do pass.

The committee have also had under consideration,

H. B. No. 18,

And report the same back with recommendation that it be referred to the Judiciary committee.

On motion of Mr. Lake.

The report was adopted.

Mr. Lynch from the committee on Incorporations submitted the following report:

Your committee to whom was referred

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company,

Beg leave to report that they have had said bill under consideration, and would respectfully report the same back to the House with the following additions and amendments, to-wit:

Strike out of section third after the word "exceeding" in the third line, the words "twelve rods in width through the outer length of said road and branches of the same, upon such route or routes as may be determined.

Also,

In seventh line, after the word "construction" strike out the word "or," and insert after the word "exceeding" in third line the following, to-wit: "fifty feet in width upon that portion of said railroad commencing at or near the western boundary line of Golden City, and running west to Central City in Gilpin county, and Empire city in the county of Clear Creek, and one

hundred feet in width upon the branches of said road running from Golden City to Kiowa via of Denver, and from Golden City to Cache la Poudre via of Coal Creek, Boulder Creek, Big Thompson and St. Vrain's."

In fifth line of section four, after the word "impair" strike out the word "its" and insert the word "their."

Also,

Add to section eight the following, to wit: "*Provided*, The rates of freight from Golden City to Central City in the county of Gilpin, and from Golden City to Empire City in the county of Clear Creek, be not over — per mile; and from Empire City to Golden City in Jefferson county, be not over — per mile; and from Golden City over the two branches of the Road running to Denver and Cache la Poudre not over — per mile.

In section nine, second line, after the word "surveying" strike out the word "or," and insert the word "and" in lieu thereof.

Also,

In section eighteen in the third line, after the word "building" strike the following words: "and from the term of five years thereafter."

In second line of section nineteen, strike out the words "the term of five years after."

Strike out all of section twenty after the word "territory" in third line, and insert in lieu thereof, "and ending at Central City, Gilpin county, Colorado Territory. Survey of the branches of said railroad to be completed within two years from the passage of this act."

Strike out all of section twenty-one and insert the following:

"The said company shall complete the grading of that part of said railroad, beginning at or near the western boundary line of Golden City, Jefferson county, and terminating at Central City in the county of Gilpin, in the Territory of Colorado, within two years from the passage of this act; and within six months thereafter said company shall complete and furnish said railroad with the necessary rolling stock for practical operation, and that branch of said railroad running in a northeasterly direction from the town of Golden City to the coal bed on Coal and Boulder creeks, St. Vrain, Big Thompson, and Cache la Poudre, shall be completed within four, and the other branches of said railroad not mentioned in the foregoing section, to be completed within six years from the passage of this act.

Strike out section twenty-two and add the following:

If the said company shall fail to complete or fail to cause the same to be completed, any part, branch, or branches of said

railroad within the time specified in Sec. 21 of this act, then the said unfinished branch or branches as mentioned in Sec. 2 of this charter, shall be null and void.

Your committee would further report that they have had,  
C. B. No. 3,

For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the city of Denver.

Under consideration, and report the same back with the views of your committee thereon. The additional privileges asked here by said incorporation are that they may be allowed full power to acquire, enjoy, sell, and convey real estate, the beds and veins of coal, and to mine and operate in coal beds and veins of coal, and to buy and sell, and deal in coal, coke, and other fuel for the profit, and advantage of said company.

In looking over said incorporation charter granted last year, your committee think the exclusive privileges therein granted should not extend to the additional privileges therein asked for and would therefore recommend that the following be added to section first: "Provided, That nothing in this act shall be construed so as to give to said company the exclusive privilege of dealing in the different kinds of property mentioned in said section."

On motion of Mr. Holland,

H. B. No. 3,

For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the city of Denver,

Was taken up for consideration.

On motion of Mr. Stiles,

Said bill was made the special order for to-morrow, 27th inst., at 2 o'clock p. m.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council has passed a substitute for

H. B. No. 16,

For an act authorizing the issue of Territorial bonds,

With an amendment, striking out the name of E. W. Hudson and inserting that of James McNasser.

I am also instructed to return to the House,

H. B. No. 12,

For an act to amend an act entitled an act to organize the Treasury Department,

With the recommendation that it be indefinitely postponed.

Also,

The Council has passed the following Bills and Resolutions, with their accompanying amendments:

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver City.

A Substitute for

H. B. No. 4,

For an act to amend an act entitled an act to entitle road, ditch, manufacturing, and other companies to become bodies corporate, approved March 11th, 1864.

Also,

A Substitute for

H. J. R. No. 1,

Of thanks to the officers and soldiers of Colorado Territory.

And request concurrence of the House therein.

Mr. Worrall stated that Col. Moonlight was present, and moved that he be invited to a seat within the bar of the House.

Motion prevailed.

On motion of Mr. Patterson,

C. S. for H. B. No. 16,

For an act authorizing the issue of Territorial Bonds to defray the expenses of defense against hostile Indians,

Was read second time, and

On motion of Mr. Worrall,

The House resolved itself into a committee of the Whole to consider said bill.

Mr. Worrall in the chair.

On the rising of said committee,

Mr. Worrall reported that the committee had made some progress, and asked leave to sit again.

Also,

That he was instructed by the committee to recommend the adoption of a concurrent resolution by the House, providing for a Joint committee, consisting of three members of the House and two of the Council, to consider and report on so much of section seven of said bill, as relates to the names of the commissioners to be appointed under said bill.

Report received and adopted.

The Speaker appointed on said committee on the part of the House,

Messrs. Mansur, Pine, and Lynch.

On motion of Mr. Patterson.

The House adjourned until 7 o'clock p. m.

## NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Absent—Messrs. Hopkins, Nichols, and Tyler.

On motion of Mr. Holland,

The House resolved itself into committee of the Whole on,

C. S. for H. B. No. 16,

Mr. Holland in the chair.

The committee rose and the House was called to order.

Mr. Holland, the chairman made the following report:

Your committee have considered said bill and report it back to the House, with the recommendation that the following be added thereto as an additional section:

Sec. 2. All bonds not negotiated by said commissioners within ninety days from the date of the first issue of said bonds, shall be detained by them and not sold, and whenever any bond is sold by them they shall endorse on the same the time it was so negotiated.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council has concurred in the H. J. R. creating a Joint committee to consider and report on Sec. 7, of

C. S. for H. B. No. 16,

And that the Council has appointed on said committee,

Messrs. Baxter and Widner, on the part of the Council.

On motion of Mr. Holland,

The House took a recess for twenty minutes.

At the expiration of which time the House was called to order.

Mr. Mansur from the Joint committee of the two Houses, to which was referred Sec. 7 of

C. S. for H. B. No. 16,

Reported that the committee have had the said section under consideration and would offer the following amendment:

That the names of George L. Shoup and James McNasser be stricken out, and the names of E. W. Henderson and James Kincaide be inserted in lieu thereof.

Mr. Mansur also reported that the undersigned members of

said committee recommended to the commission and suggested the names of George L. Shoup and James McNasser.

A. MANSUR,  
J. T. LYNCH,  
B. F. PINE,  
E. H. BAXTER,

Mr. Stiles moved that the report be adopted,  
The ayes and noes were called for,  
Those voting in the affirmative were,  
Messrs. Craig, Ehrhardt, Lake, Mansur, North, Patterson,  
Pine, Stone, Thompson, Worrall, Brendlinger, Stiles, and Mr.  
Speaker.

Those voting in the negative were,  
Messrs. Holland, Hopkins, and Lynch.  
Absent Messrs. Nichols and Tyler.

Ayes—13.

Noes—3.

Report adopted.

And Sec. 7, of said bill was amended as recommended by the  
Joint committee.

On motion of Mr. Holland,

The word "two" in fourth line of said seventh section, was  
stricken out and the word "three" inserted, whereby three com-  
missioners were required to transact business instead of two.

On motion of Mr. Worrall,

The rules were suspended and the bill read the third time.

The question being on the passage of said bill,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch,  
Mansur, North, Patterson, Pine, Stone, Thompson, Worrall,  
Brendlinger, Stiles, and Mr. Speaker.

Absent—Messrs Nichols, and Tyler.

Ayes—16.

Noes—0.

Carried.

Mr. Stone from the Select committee, to which was referred.

H. B. No. 74,

For an act to encourage prospecting and mining,

Reported that the committee had had the same under consid-  
eration, and asked leave to report it back with a substitute bill  
therefor, and would recommend the favorable consideration of  
the substitute bill.

Report adopted.

On motion of Mr. Stone,

The said substitute was read the first and second time and  
given to the committee on Printing.

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Mr. Lynch presented a remonstrance from the citizens of Summit county, against a division of said county.

The petition was referred to the committee on Counties and County lines.

On motion of Mr. Lynch,

Leave of absense was granted to Mr. Brendlinger until Monday next, 9 o'clock a. m.

On motion of Mr. Stone,

The rule prohibiting smoking was suspended for this evening.

On motion of Mr. Holland,

The House adjourned.

FRIDAY, JANUARY 27TH, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Nichols and Tyler.

Journal read and approved.

Mr. Mansur submitted the following report:

To the Honorable, the Speaker of the House of Representatives of Colorado Territory:

Your select committee to whom was referred C. R. No. 2, beg leave to report as follows:

They have had the same under consideration, and offer the following amendments:

That after the words "United States," in the sixteenth line of section two, these words be added,—"against whom such charges have been made," with the recommendation that it do pass with this amendment.

They do also recommend, in view of the fact that the committee provided for in the resolution, cannot with justice either to the people making these complaints, or to the officers complained against, examine and report upon these cases during the present session of the legislature, that this committee be authorized to sit after the adjournment of this legislature, publishing their proceedings in one or more newspapers of the Territory, and reporting the same to the next legislature, and that provisions be also made by this legislature for the paying of this committee for the time they shall be actually engaged in such investigation.

All of which is respectfully submitted.

A. MANSUR, Chairman of select com.

Mr. Worrall moved to adopt the report, and discharge the committee.

Lost.

On motion of Mr. Stiles,

The said committee was discharged.

Mr. Lake gave notice that on to-morrow or some subsequent day he would introduce,

A bill for an act amendatory of an act entitled an act regulating elections.

C. S. for H. J. R. No. 1, of thanks to Col. Shoup and others was read a first and second time.

On motion of Mr. Stone,

The rule was suspended,

And the said substitute was read the third time and indefinitely postponed.

The following message was received from the Council, per Mr. Allen Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has disagreed to House amendments to section seven, of C. S. for H. B. No. 16, an act authorizing the issue of Territorial bonds and to provide for defraying the expenses of the Indian war, and has agreed to House amendment to said bill, adding section twenty-four thereto.

Mr. Stone offered the following resolution:

*Resolved by the House of Representatives of the Legislative Assembly of Colorado Territory:*

That Col. Shoup and the officers and soldiers under his command receive the thanks of this House and the people of this Territory, whom this House represents, for the energy, fidelity and bravery displayed in the recent Indian fight at Sand Creek.

On motion of Mr. Holland,

The resolution was passed over for the present.

Council amendments to H. B. No. 10,

An act to incorporate the Masonic Hall Association in Denver, were read a first and second time, and referred, with the bill to a special committee composed of Messrs. Lynch, Ehrhardt and Mansur.

On motion of Mr. Patterson,

The House adhered to House amendments to C. S. for H. B. No. 16, an act authorizing the issue of Territorial bonds and to provide for defraying the expense of the Indian war.

On motion of Mr. Holland, it was

*Resolved*, That the Council be respectfully requested to direct the clerk of their Honorable Body to properly endorse all bills requiring joint action of this House.

Mr. Holland introduced

H. B. No. 20,

An act amendatory and supplemental to an act entitled an act regulating elections, approved Nov. 6, 1861, which was

Read a first and second time,

And referred to the committee on elections and ordered to be printed.

Mr. Stone introduced

H. B. No. 21,

A bill for an act amendatory of an act to incorporate the Denver, Bradford and Blue River Road Company, approved Oct. 11, 1861, which was

Read a first and second time,

And referred to the committee on incorporations.

Mr. Lake introduced

H. B. No. 22,

A bill for an act to amend an act entitled an act to incorporate the city of Central, which was

Read a first and second time,

And referred to the committee on incorporations.

On motion of Mr. Holland,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Hopkins, Tyler and Brendlinger.

C. B. No. 3,

A bill for an act to amend an act to incorporate the Occidental Gas Light Company of the City of Denver,

Was taken up, and

On motion of Mr. Stiles,

Filed with the general orders.

C. S. for H. J. R. No. 2, relating to the organization of a new military department, was taken up for consideration and on motion of Mr. Stiles, filed with general orders, for consideration in the committee of the whole House.

The following message was received from the Council, per Mr. Allen Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 7,

Amendatory of an act entitled an act concerning actions by persons holding lots, lands or mining claims, except as against the United States, approved Nov. 1, 1861,

Also returns H. B. No. 4, with amendments.

H. B. No. 17,

For an act amendatory of an act entitled an act regulating the fees of officers, jurors and witnesses, approved Nov. 8, 1861, was on motion of Mr. Pine, considered as engrossed, and

Read a third time, and

On motion of Mr. Stiles,

Referred to the committee on ways and means.

On motion of Mr. Holland,

The House resolved itself into a committee of the whole, on H. B. No. 11,

An act to incorporate the Colorado and Clear Creek Railroad Company.

Mr. Stiles in the chair.

The Speaker resumed the chair to receive the following message from the Council:

The Council recede from their disagreement to the House amendments to the first line of section seven of the Council Substitute for H. B. No. 16, an act authorizing the issue of Territorial bonds and to provide for defraying the expenses of the Indian war, and have amended House amendments as follows:

Strike out the names of Geo. L. Shoup and Jas. McNasser.

Also that the Council insist upon their disagreement to the House amendment made in the fourth line of the seventh section of said bill.

Mr. Holland moved to agree to the Council amendment to House amendment to first line, section seven, of said bill.

Lost.

On motion of Mr. Patterson, it was

Resolved, That the House insist upon their amendments.

On motion of Mr. Hopkins,

The House adjourned until 7 o'clock p.m.

## NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Hopkins and Brendlinger.

On motion of Mr. Mansur,

The rule prohibiting smoking was suspended for this evening.

The resolution of thanks to Col. Shoup, introduced this morning by Mr. Stone, was read, and was,

On motion of Mr. Stone,

Adopted.

On motion of Mr. Stone,

C. B. No. 10,

A bill for an act to amend an act regulating the mode of proceeding in attachment, in the district court, approved Oct. 29, 1861, was referred to the committee on judiciary.

On motion of Mr. Tyler,

H. M. Teller and Judge Gorsline were invited to seats within the bar of the House.

The following message was received from the Council per Mr. Allen, Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has adopted the accompanying resolutions and request immediate action.

On motion of Mr. Worrall,

The Speaker appointed Messrs. Stiles, Lake and Patterson to confer with gentlemen from the Council, appointed for like purpose, agreeably to the resolution referred to in the message last mentioned.

On motion of Mr. Worrall,

The said members were granted leave of absence, to attend said conference.

On motion of Mr. Worrall,

The House resolved itself into a committee of the whole, on C. B. No. 11,

A bill for an act to incorporate the Colorado and Clear Creek Railroad Company.

Mr. Worrall in the chair.

After some time had elapsed, the committee rose, and the House was called to order.

On motion of Mr. Tyler,

The House adjourned.

SATURDAY, JANUARY 28, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Lake, Patterson, Stiles and Brendlinger.

Journal of yesterday read and approved.

On motion of Mr. Nichols,

Leave of absence was granted the sergeant-at-arms for two hours.

On motion of Mr. Worrall,

The House took a recess of thirty minutes, at the expiration of which time,

The House was called to order.

Mr. Nichols gave notice that on to-morrow or some subsequent day he would introduce a bill to change the name of Lewis G. Page.

C. B. No. 7,

A bill for an act amendatory of an act entitled an act concerning actions by persons holding lots, lands and mining claims, except as against the United States, was read a first and second time, and

On motion of Mr. Stone,

Referred to the committee on mines and minerals.

C. J. R. No. 2,

Providing for an investigating committee, was taken up for consideration.

Mr. Worrall offered an amendment requiring said committee to report to the President of the United States,

The amendment was not adopted.

On motion of Mr. Worrall,

The said Resolution was referred to a select committee, consisting of

Messrs. Worrall, Tyler and Craig.

On motion of Mr. Pine,

The House adjourned until Monday at 2 o'clock p.m.

MONDAY, JANUARY 30, 1865.

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Ehrhardt, Mansur, Nichols, Tyler, and Brendlinger.

Journal read and approved.

On motion of Mr. Worrall

Mr. Rufus Clark took the oath prescribed by law and was admitted a member of the House.

Mr. Patterson presented a petition from the citizens of Jefferson county, asking for an increase in the fees of certain officers,

Which was read and referred to the committee on Ways and Means.

Mr. Worrall presented a petition from Mr. Johnson and others, asking for a change in the school law,

Which was read and referred to the committee on Education.

Mr. Pine presented a petition from the miners and citizens of Empire city, Clear Creek county, praying for a change in the law governing lode claims.

Which was read and referred to the committee on Mines and Minerals.

Mr. Patterson presented a petition from the citizens of Arapahoe, and Jefferson counties, asking for the enactment of a law to restrain stock from running at large, under certain circumstances.

Which was read and referred to the committee on Agriculture.

Mr. Patterson also presented a petition from the stock holders in the Jefferson County Irrigating Ditch Company, asking for a change in the law governing said company,

Which was read and referred to the committee on Agriculture and Manufactures.

Mr. Lake from the committee on Printing submitted the following report:

MR. SPEAKER:—Your committee on Printing were instructed to inquire into the expediency and expense of having all General Acts passed at this session of the Legislature, published in one or more of the newspapers of this Territory, would beg leave to report that they have made inquiry of certain printers as follows:

Messrs Hollister & Hall, from whom they received the following communication:

*To the Committee on Printing:*

GENTLEMEN—In answer to your inquiries regarding our terms for publishing the General Acts passed at this session, would state that we could afford to publish the same at the rate of \$1.50 per thousand ems,

We have also received a bill from Messrs. Collier & Wells to the effect that they would print all the General Acts passed at this session of the Legislature, at the rate of \$1.25 per thousand ems.

Your committee would not take the responsibility of recommending any action in the matter, but would respectfully refer the whole matter back to the House.

Mr. Lake also reported that

C. B. Nos. 8. and 1,

Had been printed and returned to the House.

Mr. Lynch, from the Select Committee to which had been referred,

H. B. No. 10,

For an act to incorporate the Masonic Hall Association in Denver, with the accompanying amendments,

Reported that the committee had under consideration and could find no such word in the first line of section two, as stated in said Council amendment and if it was there the striking of it out and inserting the amendment proposed would make bad English. Your committee would recommend that the bill be returned to the Council with instructions that they change said amendment to make good sense.

Mr. Lynch submitted the following report from the committee on Incorporation:

Your committee to which was referred

H. B. No. 21,

A bill for an act amendatory of an act entitled an act to incorporate the Denver, Bradford, and Blue River Road Company, approved October 11, 1861, beg leave to report the same back to the House and recommend its passage.

Also,

A bill for an act to amend an act entitled an act to incorporate the city of Central,

Which your committee would also report back with the recommendation that it pass.

Mr. Stiles from the Joint committee of conference submitted the following report:

MR. SPEAKER:—Your committee appointed by the House to confer with committee appointed by the Council, in relation to the appointment of commissioners as provided for in the 7th section of

H. B. No. 16,

Beg leave to report that they have performed their duty. They are unable to agree upon the number of the commis-

sioners, or the names of the persons to be inserted in Sec. 7 of said bill, but a majority of said committee was in favor of five members to constitute said commission. The committee ask that they be discharged from further service on said committee.

The said committee was discharged agreeably to their desire.

Council amendments to

H. B. No. 4,

For an act to restrain sheep, hogs, and stallions from running at large.

Were read and referred to the committee on Agriculture.

Mr. Stiles from the committee of the Whole submitted the following report:

MR. SPEAKER:—The committee of the Whole have had under consideration

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company,

And report that they have considered the same by sections, from one to six, including Sec. 6, and report the same back to the House with the following amendments, to-wit:

Strike out the word "agents" in ninth line, and "places" in tenth line of first section after the word "courts," and inserting "in this Territory" between "courts" and "may."

Also,

Amend Sec. 2, by striking out in seventh line the word "thence" and inserting the words "and from the junction of the said north and south fork."

Also,

In fifth line of Sec. 2, insert after the word "to," "the junction of."

In the twelfth line of second section add the letter "u" to the word "Bijo."

In fifteenth line of the same section strike out the word "one" and insert the word "by."

In Sec. 3, third line strike out the words "twelve rods in width" and insert in lieu thereof "fifty feet horizontal measurement."

Also,

In seventh and eighth lines of said section strike out the words "preserving or maintaining" and insert the words "preservation and maintainance."

In second line of fourth section strike out the words "or further states."

Also,

Insert the word "on" between the words "road" and "or" in third line.

Also,

The word "their" in place of "its" in fourth line.

Also,

Amend third line of sixth section by striking out the word "nine" and insert the word "eleven," also "three" and insert "five."

And your committee ask leave to sit again.

Mr. Worrall from committee of the Whole, made the following report:

Your committee have had under consideration,

H. B. No. 11.

And would recommend the following amendments, to-wit:

Add to Sec. 8, the following provisions:

The rates of freight from Golden City to Central City in the county of Gilpin, and from Golden City to Empire city in the county of Clear Creek, be not over — per mile, and from Empire City to Golden City in Jefferson county be not over — per mile; and from Golden City over the two branches of said road running to Denver and Cache la Poudre, be not over — per mile.

Strike out the word "final" in seventh line tenth section and insert the following: "Subject to an appeal by either party within twenty days on giving bonds for costs, to the District Court of the District wherein the property is situated."

Strike out all after the word "Territory" in third line Sec. 20, and insert in lieu thereof the following "and ending at Central City in Gilpin county, Colorado Territory within four months, and the survey of the branches of said railroad to be completed within one year from the passage of this act."

Strike out all of Sec. 21, and insert in lieu thereof the following:

The said company shall complete the grading of that part of said road beginning at or near the western boundary line of Golden City, Jefferson county, and terminating at Central City in the county of Gilpin, in the Territory of Colorado, within three years from the passage of this act, and within four months thereafter said company shall complete and furnish said railroad with the necessary rolling stock for practical operation, and that portion running up the south fork of Clear Creek to Empire City, shall be completed within four years; and that branch of said railroad running in a north easterly direction from the town of Golden City to the coal beds on Coal and Boulder

creeks, St. Vrain, Big Thompson and Cache la Poudre, shall be completed within five years, and that those branches of said railroad not mentioned in the forgoing section to be completed within four years from the passage of this act.

Strike out Sec. 22 and insert the following:

"If the said company shall fail to complete or cause to be completed any part, branch or branches of said railroad, within the time specified in Sec. 21, of this act, then the said unfinished branch or branches as mentioned in Sec. 2, of this charter shall be null and void.

On motion of Mr. Holland, The report was adopted and the said bill ordered to be engrossed.

Mr. Stone introduced,

H. B. No. 23,

For an act to amend an act entitled an act concerning justices of the peace and constables approved October 31st, 1861.

Read first and second times and ordered to be printed.

Mr. Stone introduced

H. B. No. 24.

For an act to incorporate the Denver, Turkey creek and South Park Road Company.

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

Mr. Lake introduced

H. B. No 25,

For an act to amend an act entitled an act regulating Elections, approved November 6th, 1861.

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

Message from the Council:

MR. SPEAKER: —I am instructed to inform the House that the Council has passed with the accompanying amendments the following bills:

H. B. No. 9,

For an act amendatory of an act regulating the mode of proceeding in replevin.

C. B. No. 12,

For an act to incorporate the Russell Gulch and Nevada Wagon Road.

I am also instructed to request the return to the Council of H. B. No. 12, which has been transmitted to the House through mistake.

On motion of Mr. Stiles,

Council amendments to H. B. No. 10,  
An act to incorporate the Masonic Hall Association in Denver,

The report of the committee on Judiciary recommending the passage of

H. B. No. 21,

A bill for an act amendatory of an act to incorporate the Denver, Bradford and Blue River Road Company, approved Oct. 11, 1861,

Was adopted, and the said bill

Read third time and put upon its passage.

Those voting in the affirmative were,

Ayes—Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Nichols, North, Patterson, Pine, Stone, Stiles, Thompson, Worrall, Clark, Brendlinger, and Mr. Speaker.

Ayes—17.

Noes—0.

Carried.

On motion of Mr. Holland,

The House went into committee of the Whole on general orders.

Mr. Holland in the chair.

On the rising of said committee the House was called to order.

On motion of Mr. Worrall,

The House adjourned.

## TUESDAY, JANUARY 31, 1865.

House met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Ehrhardt, Hopkins, Lynch, Mansur and Tyler.

Mr. Holland, from the committee of the whole, submitted the following report:

The committee of the whole beg leave to report that they have had under consideration, H. S. for C. B. No. 1, and

Amend the fifth section by striking out the words "said first," &c., and inserting "Douglas county," as appended.

Also,

Section eight, first line, strike out the name of Charles Lee Armour, and insert A. A. Bradford in lieu.

Also,

Section nine, by striking out the name of A. A. Bradford and insert Charles Lee Armour, in first line.

Mr. Nichols from the select committee appointed to correspond with Col. Moonlight, as to the number of troops now in this Territory, submitted the following communication :

HEADQUARTERS DISTRICT OF COLORADO, Denver Jan. 25, 1865.

D. H. NICHOLS, Chairman of committee on military affairs :

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, from Golden City, making inquiries as to the number of troops in this district, and the disposition made of them. I will cheerfully give you the desired information.

At Fort Lyon, which has lately been placed in my district, there are about three hundred men. The mustering officer, Capt. Anderson, has but returned after completing the organization of the First Regiment, by consolidating it into six maximum companies. About forty men are at Fort Garland, but these will now be increased to one hundred. About forty men are at Camp Fillmore, but these will be increased to one hundred, also, as companies will be stationed together at posts so remote.

One company will be stationed here, of one hundred, in place of the stragglers now doing duty.

One company will be divided and stationed at Bijou Basin and Living Springs. This leaves only two companies at Lyon.

In addition to this there are about seventy-five recruits of the Second Colorado. Part of them are now at or near Junction, and the balance will join in a few days. There are about sixty men now at Valley Station but these must be changed, owing to the new organization.

There are about five hundred men, all told, for duty, scattered from Fort Lyon, via Garland, Fillmore, Denver and en route to Valley Station, a distance of about four hundred and fifty miles.

The committee will see from this, that so widely spread are the troops that in case of emergency it would not be possible to get together more than two hundred men in thirty-six hours.

Trusting this may be of service to you in your proceedings, I remain, very respectfully,

Your obedient servant,

T. MOONLIGHT,

Col. 11th Kan. Cav. Commanding.

On motion of Mr. Worrall,

The report was received.

And the committee discharged.

The communication from Col. Moonlight was referred to the committee on military affairs.

Mr. Stone, from the committee on judiciary reported that

The committee have had under consideration

H. B. No. 18,

For an act to amend an act to authorize the apportionment of county commissioners in special cases, approved Aug. 14, 1862, and beg leave to report the same back without recommendation and submit herewith a substitute bill therefor, and recommend its passage.

Also,

C. B. No. 10,

Is reported back with a recommendation that it pass without amendment.

Council amendments to

H. B. No. 9,

Were read, and

On motion of Mr. Holland,

The House concurred in said amendments.

Mr. Stone introduced

H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley Wagon Road Company, which was

Read a first and second time, and

Referred to the committee on incorporations.

C. S. for H. B. No. 18,

For an act to amend an act entitled an act to authorize the appointment of County commissioners in special cases, approved August 14, 1862, was read, and

On motion of Mr. Stone,

Adopted.

The substitute was then read the second time and filed with general orders.

On motion of Mr. Harsh,

The report of the committee on H. B. No. 10, an act to amend an act entitled an act regulating the mode of proceeding in attachments in the district courts, approved Oct. 29, 1861, was adopted.

The said bill was read a third time and,

On motion of Mr. Stone,

The bill was put upon its passage.

The question being upon the passage of the bill,

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The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Clark, Holland, Hopkins, Lake, Lynch, Nichols, North, Patterson, Pine, Stone, Stiles, Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Craig, Ehrhardt, Mansur and Tyler.

Ayes—15.

Noes—0.

So the said bill passed.

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road,

Was read a first and second time, and

Referred to the committee on incorporations.

Mr. Nichols gave notice that on to-morrow or some day soon thereafter he would introduce a bill for an act to encourage the formation and equipment of volunteer companies.

On motion of Mr. Holland,

The House resolved itself into a committee of the whole to consider the general orders.

Mr. Holland in the chair.

On the rising of the committee,

The House was called to order.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Craig, Lynch, Mansur, Pine and Tyler.

Mr Holland, from the committee of the whole reported that

The committee have had under consideration

C. B. No. 3,

And have amended the first section in next to the last line, by striking out the words "and other fuel."

Also, substituting the following provisions instead of the one reported by the committee on incorporations:

Provided, That no part of the act shall be so construed as to grant any exclusive privileges to the incorporation to deal in, or sell any of the articles mentioned in this section,

And the committee report the same back with the recommendation that the bill, when so amended, do pass.

They have also considered C. S. for H. J. R. No. 2, and

report the same back with the recommendation that it pass.

Also,

C. B. No. 8,

And amended it by inserting after the word "attachment," in the fourth line, "as other personal property is levied upon and attached.

Also,

Section ten, by striking out all following the word "after," in the first line and inserting "the first day of May, 1865."

When so amended, that said bill do pass.

The committee have also had under consideration H. B. No. 22, and would report it back with the recommendation that it be referred to the committee on incorporations.

On motion of Mr. Stiles,

The report of the committee of the whole was adopted.

On motion of Mr. Stiles,

The rules were suspended,

And C. B. No. 8, with House amendments thereto, was read a third time.

On motion of Mr. Nichols,

The said bill was referred to the committee on judiciary.

On motion of Mr. Holland,

C. S. for H. J. R. No. 2,

Was taken up for consideration.

On motion of Mr. Holland,

The rule was suspended,

And the said resolution read a third time and put upon its passage.

The question being on the passage of the resolution,

Those voting in the affirmative were,

Messrs. Brendlinger, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Stiles, Thompson, Worrall and Mr. Speaker.

Ayes—17.

Noes—0.

So the said resolution passed.

On motion of Mr. Holland,

H. B. No. 18, was taken up for consideration.

Mr. Stone moved to amend said bill by striking out the words "probate judges" and inserting the words "county clerks."

This motion was not agreed to.

Mr. Thompson moved to amend said bill as follows:

"In the absence of the probate judge from the county, the Governor shall have power to appoint,

This amendment was agreed to.

H. S. for C. B. No. 1, was,

On motion of Mr. Holland,  
Taken up for consideration.

Mr. Nichols moved to strike out section sixteen.

This motion was lost.

Mr. Holland offered the following resolution :

*Resolved*, That the House does not adopt that portion of the report of the committee of the whole, relating to the assignment of judges, or the amendments to sections eight and nine.

This resolution was not adopted.

Mr. Nichols moved that the said bill lie on the table.

This motion was lost.

On motion of Mr. Patterson,

The House adjourned.

### WEDNESDAY, FEBRUARY 1, 1865.

House met pursuant to adjournment.

Prayer by the chaplain,

Roll called.

Absent Mr. Stone.

Mr. Lake from the committee on Engrossment reported that the committee had examined and found correctly engrossed,

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company.

Mr. Brendlinger gave notice that he would on to-morrow or some subsequent day introduce

A bill for an act to incorporate the Overland Wagon Road Company.

Mr. Clark gave notice that on to-morrow or some subsequent day he would introduce.

A bill for an act to incorporate the Metropolitan Ditch Company.

H. S. for C. B. No. 1.

Was taken up for consideration.

On motion of Mr. Stone,

The report of the committee of the Whole on said bill was adopted.

Mr. Holland from the committee on Credentials reported that the committee had examined the credentials of Mr. O. H. P. Baxter, and found them correct.

Mr. Baxter came forward and took the oath prescribed by law, and was admitted a member of the House.

Mr. Worrall from the select committee to which had been referred

C. J. R. No. 2,

Made the following report:

Your committee have had said bill under consideration, and in view of the fact that the session of the present Legislature would be too short to allow time for a thorough investigation of the charge of fraud, referred to in the resolution, would recommend that the further consideration thereof be indefinitely postponed.

C. B. No. 3,

For an act to amend an act entitled an act to incorporate the Occidental Gas Light Company of the City of Denver.

Read third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Hopkins, Stone, Worrall, Stiles, and Mr. Speaker.

Those voting in the negative were,

Messrs. Baxter, Bredlinger, Craig, Ehrhardt, Holland, Lake, Lynch, Mansur, Nichols, North, Thompson, Tyler.

Ayes—5.

Noes—12.

Lost.

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts.

Read third time.

Mr. Nichols moved that said bill be indefinitely postponed.

Lost.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Lake, Mansur, Patterson, Stone, Thompson, Worrall, Mr. Speaker.

Those voting in the negative were,

Messrs. Ehrhardt, Holland, Hopkins, Lynch, Nichols, North, Pine, Tyler, Bredlinger.

Ayes—8.

Noes—9.

Lost.

Messrs. Baxter and Stiles were excused from voting.

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company.

Was taken up for consideration.

Mr. Holland offered the following amendments to said bill:

Strike out of Sec. 1, G. W. Purkins and Henry W. Colin,

nd insert Milo Lee, James M. Mills, and George H. Hoyt.

This amendment was adopted.

On motion of Mr. Lynch,

The name of Augustus Z. Higgins, was stricken out of said bill.

On motion of Mr. Patterson,

The names of John A. Dix and Ebenezer Cook were inserted in the first section of said bill.

On motion of Mr. Stiles,

The name of Mathew Laughlin was inserted.

Mr. Nichols moved to amend fourteenth line of Sec. 2, by inserting the words "iron bed" between the words "Coal creek" and "Boulder creek."

Lost.

Mr. Holland offered the following amendment to Sec. 18:

Add to said section the words, "and for the term of four years after its completion."

Amendment not agreed to.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Patterson and Pine.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that the Council has passed the following bills, herewith transmitted:

C. B. No. 9,

For an act to amend an act to establish the Common School System.

C. B. No. 15.

For an act to amend an act entitled an act to establish a Territorial Library and Cabinet.

C. B. No. 14,

For an act concerning practice in the Supreme Court.

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road.

C. S. for H. B. No. 3,

For an act to amend an act concerning Probate courts and Justices of the Peace in certain counties.

Also, Have passed with the accompanying amendments thereto.

H. B. No. 11,

For an act to create the office of Flour Inspector.

H. B. No. 21.

For an act to amend an act entitled an act to incorporate the Denver, Bradford, and Blue River Wagon Road.

By request of your Honorable body I herewith return,

H. B. No. 13,

For an act supplemental to an act to organize the militia of Colorado Territory,

Transmitted to the Council through mistake.

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Rail Road Company,

Was taken up for consideration.

Mr. Stiles moved to amend Sec. 20, as following:

Strike out all between the words "grading of" and the words "terminating at Central City," and insert the following: "That part of the road beginning at the city of Denver in Arapahoe county and running thence to Golden City in Jefferson county."

This amendment was withdrawn by Mr. Stiles and the following one inserted in lieu thereof:

"That portion of the branch of said railroad running from the west boundary of Golden City in Jefferson county, thence to Bijou Basin shall be compelled to the city of Denver."

Mr. Harsh moved to amend this amendment by striking out the word "shall" and insert in lieu thereof the word "may,"

Motion agreed to.

The question recurring on the amendment thus amended was lost.

On motion of Mr. Stiles,

The word "incorporated" in seventh line of Sec. 1, was stricken out and the word "constitutional" inserted.

On motion of Mr. Pine,

The said bill with amendments was referred to a select committee consisting of Messrs Pine, Mansur, and Stiles.

H. B. No. 18,

For an act to amend an act entitled an act to authorize the apportionment of County Commissioners in special cases approved August 14th, 1862,

Read third time and put upon its final passage.

Those voting in the affirmative were,

Ayes—Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Brendlinger, Stiles, and Mr. Speaker.

Ayes—20.

Noes—0

Carried.

On motion of Mr. Tyler,

The vote by which

H. S. for C. B. No. 11,

For an act to divide the Territory into Judicial Districts and to provide for the holding of courts in the same, was reconsidered.

The question recurring upon the passage of said bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Lake, Mansur, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Baxter, Clark and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Hopkins, Lynch, Nichols, North and Brendlinger.

Mr. Stiles was excused from voting.

Ayes—13.

Noes—6.

So the bill was passed.

On motion of Mr. Patterson,

Council amendments to

H. B. No. 1,

For an act to create the office of flour inspector, was read and considered.

On motion of Mr. Stone,

The House concurred in said amendments, except the last, fixing the time at which said act should take effect.

Mr. Patterson, from the committee on ways and means, reported a bill for an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed, regulating the fees of officers, jurors and witnesses,

Which was read a first time.

Mr. Worrall introduced

H. B. No. 28,

For an act to create a commission for the purpose of investigating charges of fraud, which was

Read a first and second time.

Mr. Stiles moved that it be referred to a special committee of three.

Lost.

Said bill was referred to the committee on Territorial affairs.

Mr. Nichols introduced the following bills which were read a first and second time:

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies.

H. B. No. 30,

For an act to change the name of Lewis G. Page.

H. B. No. 31,

For an act to amend an act concerning fences, approved March 11, 1864.

Mr. Stone introduced

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company, which was

Read a first and second time and

Referred to the committee on incorporations.

H. B. No. 29, Was referred to the committee on military affairs.

H. B. No. 31,

Was referred to the committee on agriculture.

On motion of Mr. Worrall,

H. B. No. 30,

For an act to change the name of Lewis G. Page, was taken up for consideration.

It was considered engrossed,

The rule was suspended, and

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

The question being upon the passage of the bill,

The ayes and noes were called for, and

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Stone, Tyler, Worrall, Brendlinger, Baxter, Clark, Stiles and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Pine and Thompson.

Ayes—17.

Noes—3.

So the said bill passed.

On motion of Mr. Stone,

H. B. No. 21,

For an act amendatory of an act entitled an act to incorporate the Denver, Bradford and Blue River Road Company, approved Oct. 11, 1861, with Council amendments thereto, was taken up for consideration.

On motion of Mr. Stone,

The House concurred in the Council amendments to said bill.

C. B. No. 9, an act to amend an act to establish the common school system, was

Read a first and second time and

Referred to the committee on education.

C. B. No. 15,

For an act to amend an act entitled an act to establish a Territorial library and cabinet, was

Read a first and second time, and

Referred to the committee on education.

C. B. No. 14,

For an act concerning practice in the supreme court, was

Read a first and second time, and

Referred to the committee on judiciary.

C. S. for H. B. No. 3,

For an act amendatory of an act concerning probate courts and justices of the peace in certain counties, was

Read a first and second time, and

Referred to the committee on judiciary.

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road, was

Read a first and second time, and

Referred to a special committee composed of

Messrs. Nichols, Worrall and Tyler.

Mr. Lake gave notice that on to-morrow or some subsequent day he would introduce a bill for an act amendatory of an act entitled an act creating a lien in favor of mechanics and others in certain cases, approved March 11, 1864.

The Speaker announced the following appointments on standing committees:

Committee on Ways and Means, B. B. Stiles.

On Judiciary, B. B. Stiles.

On Education, B. B. Stiles.

On Counties and County Lines, H. J. Brendlinger.

On Incorporations, H. J. Brendlinger.

On Agriculture, R. Clark.

On Military Affairs, R. Clark.

On motion of Mr. Stiles,

The House adjourned.

THURSDAY, FEBRUARY 2, 1865,

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Hopkins and Lynch.

Mr. Stiles presented a petition from the citizens of Denver, asking for a change in the present license law.

The petition was read and referred to the committee on judiciary.

Mr. North, from the committee on counties and county lines reported that the committee have had under consideration H. B. No. 13, and would report the same back with the recommendation that it do not pass.

Mr. Stone, from the committee on judiciary made the following report:

Your committee on judiciary have had under consideration C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions, approved Nov. 4. 1861,

And beg leave to report the same back with the following amendments, to wit:

Add to section nine, the following :

*Provided,* That nothing in this act contained, shall be so construed as to give any plaintiff in execution the right to levy on any land filed on by any person, in the land office of the Colorado Land District, and occupied as a homestead by the defendant in execution.

And recommend its passage so amended.

On motion of Mr. Stiles,

The report was adopted.

Mr. Stone also reported that the committee on judiciary had considered

C. B. No. 2,

For an act relating to negotiable instruments, promissory notes and contracts, and report the same back with the following amendments, to wit:

In section three, in second line, strike out the words "or to be made," and the words "or persons body politic or corporate." In the third line strike out the words "or persons," and add the letter "s" to the words "promise and agree." In the sixth and seventh lines strike out the words "and the sum of money or article of personal property therein mentioned shall, by virtue thereof be due and payable."

In section four, in second line, strike out the words "or persons." In the third line, strike out the words "or hands," and the words "or persons," and the words "her or their," and the words "or assignees," and in the fifth line strike out the words "or assignees."

In section five in the first line, strike out the words "or assignees." In the second line strike out the words "or endorsements." In the third line strike out the words "or assignees." and the words "her or their." In the fourth line strike out the words "her or their" and the words "or names." In the fifth line strike out the words "or persons." In the sixth and seventh lines strike out the words "her or their."

In section seven in the first line strike out the words "or assignees" and the words "her or their." In the third line strike out the words "or assignees" and the words "her or their." In the fourth line strike out the words "or assignees" In the fifth line strike out the words "or maker." In the sixth line strike out the words "her or their." In the ninth line strike out the words "or makers," In the eleventh line, strike out the words "or assignees" and the words "her or their." In the twelfth line strike out the words "or assignees" and the words "her or their."

In the eighth section in the fourth line strike out the words "and signers." In the sixth line strike out the words "or persons."

In section nine in the seventh line strike out the words "or she."

In section ten in the seventh and eighth lines strike out the words "or defendants." In the fifteenth line strike out the words "or assignees."

In section fourteen in the fifth line strike out the words "or assignees."

In section twelve in the tenth line strike out the words "or makers." In the eleventh and twelfth lines strike out the words "or makers."

Strike out all of section fourteen.

The committee recommend that the bill when thus amended do pass.

On motion of Mr. Stone,

The report on said bill was adopted.

Mr. Stone reported that the committee on judiciary had also had under consideration

C. S. for H. B. No. 3,

And recommend its passage with the following amendment to wit:

In section four in the tenth line strike out the word "less," and insert the word "more" in lieu thereof.

Your committee have also considered

C. B. No. 14,

Relating to practice in the supreme court, and recommend its passage without amendment.

On motion of Mr. Stone,

The report of said committee on C. S. for H. B. No. 3 was adopted.

On motion of Mr. Stiles,

The report of said committee on C. B. No. 14 was adopted.

Mr. Holland, from the committee on elections, reported that The committee have had under consideration

H. B. No. 25,

And would ask leave to report the same back to the House without recommendation.

Mr. Nichols from the select committee to whom was referred C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road Company, reported that

The committee had considered the same and would recommend its passage with the following amendments:

Strike out the word "deem," in the fourth line of section three, and insert in lieu thereof the words "be deemed necessary."

In section five in the second line strike out the word "in," and insert in lieu thereof the word "into."

Mr. Pine, from the select committee to whom was referred H. B. No. 11,

An act to incorporate the Colorado and Clear Creek Railroad Company, made the following report:

*To the Honorable Speaker of the House of Representatives of Colorado Territory:*

Your select committee to whom was referred H. B. No. 11,

Beg leave to report that they have had the same under consideration and suggest the following amendments with the recommendation that it do pass with said amendments:

Amend section one by adding as incorporators the names of Samuel A. Wheelwright, George B. Satterlee, William B. Ogden, Enos K. Baxter, Jonathan Cox and Fitz John Porter.

Amend section three so as to read as follows;

The said company shall have the right of way for said railroad upon that portion commencing at Golden City and run-

ning west to Central City in Gilpin county and Empire City in the county of Clear Creek, and upon the branches of said road running from Golden City to Kiowa and Bijou Basin via Denver, and from Golden City to Cache a la Poudre, via Coal Creek, Boulder Creek, Big Thompson and St. Vrain, shall have the right of way upon, and may appropriate to their sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, and for the purpose of depots, side tracks, cutting and embankments, for building engine houses and shops, or wood and water stations, may take as much more land, earth or material as may be necessary.

B. F. PINE,

A. MANSUR,

C. M. TYLER.

On motion of Mr. Holland,

H. B. No. 13,

For an act supplemental to an act to organize the militia of Colorado Territory, with Council amendments thereto was made the special order for next Saturday at 10 a. m.

Mr. Holland introduced the following resolution:

*Resolved*, That the Adjutant General of the militia of the Territory be respectfully requested to report to this House, at his earliest convenience, the condition of the militia of the Territory, so far as is known to him, and also the feasibility of procuring a register of all Colorado troops now in the service of the United States.

Adopted.

Mr. Worrall gave notice that on to-morrow or some subsequent day he would introduce a bill for an act to create a fund for the benefit of public schools.

Mr. Baxter gave notice that on to-morrow or some subsequent day he would introduce a bill for an act to incorporate the Trinidad and Raton Mountain Wagon Road Company.

Mr. Tyler gave notice that on to-morrow, or soon thereafter, he would introduce a bill entitled an act for an appropriation to assist in erecting a bridge over Clear Creek at Golden City.

Mr. Holland offered the following preamble and resolution:

WHEREAS, It is essential to an understanding by this House, of the condition of all co-ordinate branches of our Territorial government, and as it facilitates business generally to have printed copies of all reports and papers before the House, therefore,

*Resolved*, That the committee on printing be instructed to

furnish the House, as soon as practicable, with printed copies of the Governor's message and reports of the Territorial officers.

This resolution was adopted.

Mr. Brendlinger introduced

H. B. No. 33,

For an act to incorporate the Overland Wagon company.

Which was read a first and second time, and referred to the committee on incorporations.

Mr. Lake introduced

H. B. No. 34,

For an act to amend an act entitled an act creating a lien in favor of mechanics and others, in certain cases, which was

Read a first and second time, and

Referred to the committee on incorporations.

Mr. Stiles introduced

H. B. No. 35,

For an act to repeal sections seventeen and eighteen of an act entitled an act concerning licenses, approved Nov. 6, 1861, which was read a first and second time and filed with general orders.

Mr. Clark introduced

H. B. No. 36,

For an act to incorporate the Metropolitan Ditch Company, which was read a first and second time and

Referred to the committee on incorporations.

Mr. Stiles offered the following resolution:

*Resolved, by the House of Representatives of Colorado Territory:*  
That no bill of a private nature shall be introduced in this House, after Saturday next.

The resolution was adopted.

H. B. No. 17,

For an act fixing the compensation of members of the legislative assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed, regulating the fees of officers, jurors and witnesses,

Was read a second time and

Filed with the general orders.

C. B. No. 2,

For an act relating to negotiable instruments, promissory notes and contracts, was taken up for consideration.

On motion of Mr. Stone,

The following was added to section eleven:

"Unless such instrument was negotiated before due."

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

The question being upon the passage of the bill,

The ayes and noes being called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, Patterson, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, Stiles and Mr. Speaker.

Absent—Messrs. North and Pine.

Ayes—18.

Noes—0.

Carried.

Mr. Lynch, from the committee on incorporations submitted the following report:

Your committee on incorporations have had H. B. No. 24 under consideration, an act to incorporate the Denver, Turkey Creek and South Park Road Company, and report it back with the following amendments and recommend its passage:

Amend section three by striking out, after the word "keepers," in the third line, the words "or other purposes."

Amend section six by inserting after the word "collected," in the fourth line, the following words to wit:

"For the first five years after the completion of said road,"

And add to the section the following:

"Upon each wagon which is drawn by one span of horses, or mules or one yoke of cattle, the sum of one dollar and twenty-five cents. Upon each additional span of horses or mules or yoke of cattle, to each vehicle, the sum of thirty cents. Upon each riding horse or mule the sum of fifteen cents. Upon horses, mules, cattle or asses driven loose, the sum of ten cents. Upon all sheep and hogs driven over said road the sum of one cent per head, and these after the following rates to wit:

Insert in the nineteenth line of said section six, after the word "sheep," the words "and hogs."

Strike out section twelve and insert the following as a new section.

Sec. 12. If said company shall fail to complete said road in the time specified in section ten of this act and shall fail to keep the same in good passable condition for travel and freighting, except by Providential hindrance, the said company shall forfeit all rights and privileges herein granted.

Also add the following as a new section:

Sec. 13. The Legislative Assembly of Colorado Territory

may alter, amend or repeal this charter at any future session thereof.

All of which is respectfully submitted.

JOHN T. LYNCH, Ch'n.

C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions, approved Nov. 4, 1861,

Was read a third time,

And put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, Patterson, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, Stiles and Mr. Speaker.

Absent—Messrs. North and Pine.

Ayes—18.

Noes—0.

And so said bill passed.

C. S. for H. B. No. ,

For an act to amend an act entitled an act concerning probate courts and justices of the peace in certain counties, approved March 11, 1864,

Was read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, Patterson, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger and Mr. Speaker.

So the bill passed.

H. B. No. 14,

For an act concerning the practice in the supreme court was read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, Patterson, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark and Mr. Speaker.

Mr Stiles voted in the negative.

So the said bill passed.

C. B. No. 11 was filed with the general orders.

On motion of Mr. Holland,

The report of the select committee to whom had been referred C. J. R. No. 2,

To provide for an investigating committee, was adopted.

On motion of Mr. Patterson,

The House adjourned until half past one o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. North and Tyler.

The following message was received from the Council, per Mr. Allen, Assistant clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 19,

For an act to provide for paying bounties to soldiers.

C. B. No. 5,

For an act supplemental to an act entitled an act to create a fund for the benefit of schools.

Also that the Council has receded from its last amendments to H. B. No. 1, and adopted the following amendments:

This act shall take effect and be in force from and after its passage, excepting section five thereof, which said section shall take effect and be in force on and after the first day of April, A. D. 1865.

The following report was submitted:

MR. SPEAKER: Your committee on incorporations beg leave to report H. B. No. 32 back to the House, with amendments and the opinion of your committee thereon.

Amend section one by striking out after the word "to," in the nineteenth line, the word "take," and inserting in lieu thereof the words "acquire, hold and possess."

Also, in section four, by striking out the words "take occupancy," in the eighth line from the top, and inserting in lieu thereof the words "acquire, hold."

Also, in section five, after the word "any," in the thirteenth line of said section, insert the following, to wit: "of the present organized." Also after the word "county" in the same line the words "of this Territory."

Also, in section six, by striking out the word "exclusive," in the eighth and ninth lines.

Also amend section eight by striking out the word "ten," in the third line and inserting in lieu thereof the word "five."

Also add the following as a new section:

That if said company shall fail to erect within five years from

the passage of this act, the necessary foundries, rolling mills, machine shops and smelting furnaces, to carry into effect the object herein set forth, said company shall thereby forfeit all rights and privileges herein granted.

Your committee would further report that in their opinion the Legislature of Colorado ought not to grant to any individual or incorporation the power to acquire, hold or possess any of the unoccupied public domain or timbered lands, this matter being regulated alone by Congress.

Your committee could not see how they could give possession to property to which they have no absolute title, especially to timbered lands, the protection of which is claimed by the Supreme Court of the United States, and the exercise of which right has caused difficulty in some portions of our country.

Your committee also think that the two hundred acres of land asked for by said company in the different counties of this Territory, is too much, and would therefore report the bill back to the House without recommendation, believing the House will take such action in the premises as may seem to them best.

JOHN T. LYNCH, Ch'n.

Mr. Worrall, from the committee on Territorial Affairs, reported as follows:

Your committee to whom was referred

H. B. No. 28,

Entitled an act to create a board of commissioners to investigate charges of fraud, would respectfully report that they have had the same under consideration, and have amended section six by striking out the words "in two daily or weekly papers published in this Territory, on such terms as they may make with the publishers of such papers," and insert in lieu thereof the following, to wit: "In such manner as they may deem most likely to reach the people," and recommend that the bill when so amended do pass.

On motion of Mr. Holland,

The privileges of the House were extended to the Hon. A. A. Bradford.

H. B. No. 25,

For an act to amend an act entitled an act regulating elections, approved Nov. 6, 1861, was re-committed to the committee on elections.

On motion of Mr. Stone,

The report of the committee on H. B. No. 28 was adopted.

Mr. Lake, from the committee on Printing, reported that the committee had examined and found printed correctly the following bills; C. B's No's 4 and 6 and H. B. No. 19.

On motion of Mr. Stiles,

C. B. No. 6,

Was taken up for consideration.

Mr. Worrall moved to amend section three by striking out the word "pauper" and inserting "poor person," in lieu thereof.

This amendment was not agreed to.

On motion of Mr. Patterson,

The House adjourned.

### FRIDAY, FEBRUARY 3, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Craig, Pine, Stone, and Worrall.

Mr. Worrall presented a petition from the citizens of Gilpin county, asking for the construction of a road,

Read and referred to committee on Roads and Bridges.

Mr. Mansur presented a petition from the citizens of Gilpin county asking for an alteration in the charter of the Consolidated Ditch Company,

Read and referred to the committee on Incorporations.

Mr. Holland from the committee on Education reported back

H. B. No. 25,

With an additional section and recommend its passage.

On motion of Mr. Lake,

The report was adopted.

Council amendments to H. B. No. 1,

For an act to create the office of Flour Inspector,

Was read, and

On motion of Mr. Worrall,

Was concurred in.

C. B. No. 5,

An act supplemental to an act to create a fund for the benefit of schools, was

Read a first and second time, and

Referred to the committee on Education.

C. B. No. 19,

For an act to provide for paying bounties to soldiers, was

Read a first and second time and

Referred to the committee on Ways and Means.

Mr. Worrall introduced

H. B. No. 37,

For an act relating to public schools, which was

Read a first time, and

On motion of Mr. Stiles,

The Enrolling Clerk was requested to copy said bill, and furnish to the House five copies if possible

Mr. Baxter introduced

H. B. No. 38.

For an act to incorporate the Trinidad and Raton Mountain Wagon Road Company, which was

Read a first and second time, and

Referred to the committee on incorporations.

On motion of Mr. Mansur,

H. B. No.—

For an act to define county boundaries and to locate county seats in Colorado Territory, approved Nov. 1, 1861, and changing the northern boundary line of Park county was indefinitely postponed.

On motion of Mr. Lake,

The report of the committee on Elections, on H. B. No. 25, was adopted.

Mr. Patterson introduced

H. B. No. 39,

For an act to incorporate the Platte Ditch Company, which was read a first and second time, and

Referred to the committee on Incorporations.

Mr. Stone introduced

H. B's No's 40 and 41, which were

Read a first and second time and

H. B. No. 40,

For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo and Fontaine qui Bouille Ditch Company,

Referred to the committee on incorporations.

H. B. No. 41,

For an act to amend an act entitled an act to amend an act entitled an act requiring clerks of District Courts to give bond approved August 15, 1862, was

Referred to the committee on judiciary.

Mr. Lynch, from the committee on incorporations, submitted the following report :

Your committee on Incorporations, beg leave to report

C. B. No. 12,

For an act to incorporate the Russell Gulch and Nevada Wagon Road, back to the House with the following amendments :

Amend section three by striking out the word "exclusive," in the twelfth line, after the word "the." Also in the thirteenth line, after the word "ways," strike out the words "for a distance of thirty feet on each side of the," and insert the fol-

lowing, to wit: "On the line of said road, *Provided*, The amount of land claimed by said company shall not exceed thirty feet in width, on the line of said road." Also add to the section the following additional proviso, to wit: *Provided* That nothing in this act shall be so construed as to interfere with any rights of miners heretofore or which may hereafter be acquired.

Also add after section eight the following as a new section:

"The said company are deemed and hereby held to be liable for all damages which they may inflict upon the property of others, while constructing, maintaining and operating said road.

All of which is respectfully submitted without recommendation.

On motion of Mr. Lake,

The report was adopted, and the said bill filed with the general orders.

The following message was received from the Council per Mr. Allen, Assistant Clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. S. for C. B. No. 11.

For an act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same, with amendments.

Also that the Council has passed

H. B. No. 30,

For an act to change the name of Lewis G. Page.

On motion of Mr. Stiles,

The House adjourned until half past one o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

H. B. No. 24.

For an act amendatory of an act entitled an act to incorporate the Denver, Bradford and Blue River Road Company,

Was

taken up for consideration.

And was amended and filed with the general orders.

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill

Manufacturing Company, was taken up for consideration.

Mr. Worrall offered the following amendment:

Should it at any time be necessary for the defence of the Territory, said incorporation shall manufacture at reasonable rates heavy and light ordnance, and on receiving orders for such from the government of the United States or of the Territory, shall proceed to manufacture such without delay and shall give preference to this over all other business.

This amendment was not agreed to.

Mr. Brendlinger moved that the said bill be indefinitely postponed.

This motion was lost.

On motion of Mr. Lynch,

The said bill was filed with the general orders.

On motion of Mr. Stiles,

C. B. No. 6,

For an act providing for the support of paupers,

Was read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Ayes—Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Brendlinger, Stiles, and Mr. Speaker.

And so said bill passed.

On motion of Mr. Patterson,

The House resolved itself into a committee of the whole on H. B. No. 17,

Mr. Mansur in the chair.

On the rising of the committee,

The House was called to order.

Mr. Stiles gave notice that on to-morrow he would introduce a bill for the payment of the clerks and other officers of the Legislative Assembly.

Mr. Thompson gave notice that on to-morrow or some subsequent day he would introduce a bill for an act to authorize the commissioners of the several counties in Colorado Territory to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

Mr. Mansur gave notice that he would on to-morrow or some subsequent day introduce a bill for an act to amend the charter of the Consolidated Ditch Company.

Mr. Mansur, from the committee of the Whole, reported that the committee had considered H. B. No. 17, and would report the same back without amendment and recommend that it do pass.

On motion of Mr. Thompson the report was adopted.

On motion of Mr. Lake,

The House adjourned until 7 o'clock p. m.

NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Holland,

The rule prohibiting smoking in the House was suspended.

Mr. Holland, from the committee on Military Affairs, reported as follows:

The committee on Military Affairs beg leave to report the bill for an act to encourage the formation and equipment of volunteer companies, with the following amendments to wit:

Strike out the words "Indian war" in the last line of section five, and insert "military fund."

Mr. Tyler introduced

A bill for an act for an appropriation to assist in erecting a bridge over Clear Creek at Golden City, which was

Read a first and second time, and

Referred to the committee on Roads and Bridges

On motion of Mr. Lynch,

The House resolved itself into a committee of the whole on the general orders.

Mr. Hopkins in the chair.

On the rising of the committee,

The House was called to order.

On motion of Mr. Nichols,

Consent was given by the House that the Hall might be used to-morrow evening by the "Nightingales," a company of negro minstrels.

On motion of Mr. Lynch,

The House adjourned.

SATURDAY, FEBRUARY 4, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal of yesterday, read, amended and approved.

Mr. Mansur presented a petition from the citizens of Gilpin

county asking an amendment to the charter of the Consolidated Ditch Company,

Which was referred to the committee on Incorporations.

Mr. Stone from the committee on Judiciary submitted the following report :

Your committee on Judiciary have considered

H. B. No. 41,

For an act to amend an act entitled an act requiring Clerks of District Courts to give bond, approved August 15th, 1862.

And beg leave to report the same back and recommend its passage without amendment.

Mr. Lake from the committee on engrossment reported that the committee had examined

H. B. No. 24,

And found it correctly engrossed.

Mr. Nichols from the committee on Agriculture reported that the committee had examined

H. B. No. 31,

For an act to amend an act concerning fences, approved March 11, 1864.

And recommend that it do pass.

The committee has also examined the petition of the citizens of Canon City, and are fully satisfied that the proposed amendment to the fence law, will not interfere in any way with their expressed wishes.

Also,

That we have examined

H. B. No. 4,

As amended by the Council and would recommend that the House concur in the amendments offered.

Also,

That we have examined the petition of the citizens of Arapahoe and Jefferson asking for a law prohibiting stock from running at large in the night time in certain localities.

We have also examined the bill which the petitioners wished passed and referred the same to the House without recommendation.

All of which is respectfully submitted.

Mr. Lynch from the committee on Incorporations submitted the following report:

Your committee on Incorporations have had

H. B. No. 38,

For an act to incorporate the Metropolitan Ditch Company, Under consideration, and beg leave to report said bill back to the House with the following as a new section ;

"Said company shall be required by this act to flume such part or parts of their Ditch as may pass through the corporate limits of the city of Denver, and shall be subject to the ordinances now passed or such as may be passed by the city council of the city of Denver, regulating the same."

Submitted without recommendation.

Your committee have also had under consideration,

H. B. No.

For an act to amend an act entitled an act to incorporate the city of Central, approved March 11, 1864,

And report the same back to the House without amendment, and recommend that it do pass.

Mr. Patterson from the committee on Ways and Means, reported as follows:

The committee to whom was referred the above communication beg leave to report that they have examined the same and find that the instructions accord with the acts appropriating the money for the purpose for which the same was expended.

H. S. for C. B. No. 1,

Was taken up and Council amendments thereto read.

Mr. Lynch moved to concur in said amendment.

Motion not agreed to.

Mr. Worrall introduced

H. B. No. 43,

For an act to prescribe the qualifications of jurors in the District court,

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

Mr. Thompson introduced

H. B. No. 44,

For an act to authorize the county commissioners of the several counties, in Colorado Territory, to procure copies of the original field notes, and plats of surveys of all lands surveyed in their respective counties.

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

Mr. Tyler introduced,

H. B. No. 45,

For an act amendatory of an act to incorporate the Enterprise Wagon Road Company, approved October 3rd, 1861.

Read first and second time and referred to the committee on Roads and Bridges.

Mr. Stiles introduced

H. B. No. 46.

For an act to provide for the payment of clerks and other officers of the Legislative Assembly.

Read first and second time and referred to the committee on Ways and Means.

Mr. Clark introduced

H. B. No. 47,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld.

Read first and second time and referred to the committee on Agriculture.

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Railroad Company was.

Read third time and put upon its passage.

The question being on the passage of said bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, Stiles, and Mr. Speaker.

Ayes—20.

Noes—0.

So the said bill passed.

H. B. No. 19,

For an act to encourage prospecting and mining,

Was referred to the committee on Mines and Minerals.

C. B. No. 12,

For an act entitled an act to incorporate the Russell Gulch and Nevada Wagon Road,

Read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Stiles, Pine, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, and Mr. Speaker.

Ayes—19.

Noes—0.

So the said bill passed.

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies.

Was taken up for consideration.

On motion of Mr. Lake,

The report of the committee on Military Affairs on said bill was adopted and the bill filed with the general orders.

Mr. Mansur introduced,  
A bill to amend an act entitled an act to incorporate the Consolidated Ditch Company,

Read first and second time and referred to the committee on Incorporations.

Message from the Council:

MR. SPEAKER: I am instructed to return to the House,

C. B. No. 6,

For an act providing for the support of paupers,

And request the House to instruct their Clerk to write messages accompanying bills transmitted to the Council upon white paper, and to use ink in writing the same, and to sign all messages so that the Council may know from whence they come,

Also, to inform the House that the Council does not concur in House amendments to the tenth line of Sec. 4, of

C. S. for H. B. No. 3,

For an act to amend an act concerning Probate courts and Justices of the Peace in certain counties, approved March 11th, 1864.

I am also instructed to return to the House

C. B. No. 2,

For an act relating to negotiable instruments, promissory notes and contracts,

With the request that the House transmit a certified copy of the amendments to said bill, with the bill, as the Council is unable to find a copy of said amendments.

Also, that the Council has concurred in House amendments to

C. B. No. 8,

For an act to amend an act entitled an act concerning judgments and executions.

Mr. Hopkins from the committee of the Whole made the following report:

MR. SPEAKER—The committee of the Whole would report that they have had under consideration substitute for

H. B. No. 4,

And would report the same back with the recommendation that that it pass,

Also,

C. B. No. 11,

And would report the same back with the recommendation that it pass.

Also,

H. B. No. 25,

For an act to amend an act entitled an act regulating Elections,

And would report the same back with the accompanying amendments as an additional section, and recommend that when so amended the said bill do pass.

Also,

H. B. No. 28,

For an act to create a commission to investigate charges of fraud,

And recommend its passage.

On motion of Mr. Nichols,

The report was adopted.

Mr. Worrall moved that

H. B. No. 28,

For an act to create a commission for purposes of investigating charges of fraud,

Be considered engrossed.

Mr. Hopkins moved that said bill be indefinitely postponed.

On this motion,

Mr. Worrall called for the ayes and noes.

Those voting in the affirmative were,

Messrs. Holland, Hopkins, Lynch, Nichols, North, Pine, Thompson, Baxter, Brendlinger, Clark, Stiles.

Those voting in the negative were,

Messrs. Craig, Ehrhardt, Lake, Mansur, Patterson, Stone, Tyler, Worrall, Clark, Mr. Speaker.

Ayes—10.

Noes—10.

The motion to postpone was not agreed to.

On motion of Mr. Stone,

H. B. No. 28,

Was made the special order for Monday next.

H. B. No. 24,

For an act to incorporate the Turkey Creek and South Park Road Company.

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

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, Stiles, and Mr. Speaker.

Ayes—20.

Noes—0.

The said bill passed.

C. B. No. 11,

For an act to incorporate the Boulder Valley and Central City Wagon Road Company, was

Read a third time and put upon its passage.

Those voting in the affirmative were,  
Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch,  
Mansur, Nichols, North, Patterson, Pine Stone, Thompson,  
Tyler, Worrall, Brendlinger, Baxter, Clark, Stiles, and Mr.  
Speaker.

Ayes—20.

Noes—0.

So the said bill passed.

C. S. for H. B. No. 4,

For an act to amend an act entitled an act to amend an act to  
enable road, ditch, manufacturing, and other companies to be-  
come bodies corporate, approved March 11, 1864.

Was read third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur,  
Nichols, North, Patterson, Pine, Stone, Thompson, Tyler,  
Worrall, Baxter, Brendlinger, Clark, Stiles, and Mr. Speaker.

Those voting in the negative were,

Mr. Craig.

Ayes—19.

Noes—1.

The said bill passed.

On motion of Mr. Harsh,

H. B. No. 25,

Was ordered to be engrossed.

Mr. Stone moved that the House recede from its amend-  
ment to

C. S. for H. B. No. 31,

Lost.

Mr. Stiles introduced the following resolution.

*Resolved*, That a committee of two be appointed by this  
House to confer with the Honorable Secretary in relation to his  
communication to this House in regard to furnishing postage  
stamps to the members of this House, and report to the House  
the result of their conference.

H. B. No. 49,

For an act to create a fund for the benefit of schools,

Was read second time and referred to the committee on Edu-  
cation.

Mr. Speaker appointed

Mr. Baxter on the committee on Roads, Bridges, and Ter-  
ritorial Affairs.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Absent—Messrs. Lake and Tyler.

Mr. Speaker read a communication from Col. Moonlight, which was referred to the committee on Military Affairs.

The special order,

H. B. No. 13,

Was taken up for consideration and

On motion of Mr. Worrall,

Was passed over for the present.

Mr. Lynch from the committee on Incorporation, submitted the following report:

Your committee on Incorporations, beg leave to report that they have had

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the Consolidated Ditch Company,

Under consideration and refer the same back to the House and recommend its passage with the following amendments, to wit:

In the fifth line of Sec. 3, after the word escape, insert the following, to-wit: "either by percolation, seepage, or overflow or any other manner."

Mr. Mansur introduced the following resolution:

*Resolved*, That the Military committee be instructed to communicate with Col. Moonlight in behalf of this House, in reply to his two communications; also informing him of the present situation of the Military and Bond bill, as well as the bill providing for bounties to men enlisting in the 1st and 2nd Colorado regiments, asking if the latter bill will avoid the necessity of proclaiming martial law.

Mr. Holland introduced the following resolution:

WHEREAS, The people of this Territory after deliberation, have in their sovereign capacity as electors, decided that our Territory was not in a condition to take upon themselves, the responsibility of a State,

AND WHEREAS, They feel increased security under the immediate protection of the United States Government, be it

*Resolved*, That the result of the late Presidential election has

shown that the admission of Colorado as a State, with her sparse population, and constraining to the cardinal principles of the General Government in the admission of new States, was not a measure involving our fealty to Government or called for by a sense of patriotic duty, as has been represented by its friends, and that in the opinion of the members of this House, the people have decided wisely in abiding the time when justice to older States, the interest of our citizens and patriotism combined, render its admission desirable.

*Resolved*, That we await with abiding faith and confidence the hour when our young Territory shall be freed from the depressing influence now retarding our growth, and when Colorado shall take the position due her boundless resources, and the intelligence of her citizens, and shall enter the American Union, greeted by the united voices of thirty-six or more harmonious sister States.

On motion of Mr. Stone,

The said resolution was indefinitely postponed.

On motion of Mr. Holland,

The House resolved itself into a committee of the Whole on the general orders.

Mr. Holland in the chair.

On the rising of the committee the House was called to order.

Mr. Holland from the committee of the Whole made the following report:

Your committee have considered

H. B. No. 29,

And report the same back with the recommendation that it do pass.

Also,

H. B. No. 32,

And amend the same by striking out the tenth section, and ask leave to sit again for the further consideration of said bill.

On motion of Mr. Nichols,

The report was adopted.

H. B. No. 29,

Was ordered to be engrossed.

On motion of Mr. Pine,

The House adjourned until Monday, 6th inst., at 9 a. m.

MONDAY, FEBRUARY 6, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Holland, Mansur, North, Tyler, Brendlinger and Stiles.

Journal read and approved.

The Speaker appointed Mr. Stiles a member of the committee on Enrolment.

Also Messrs. Stiles and Worrall a committee to confer with the Secretary of the Territory, in relation to postage stamps for members of the House of Representatives.

Mr. Pine presented a petition from the citizens of Elizabethtown, Clear Creek County, asking for an act of incorporation.

The petition was read and referred to the committee on Incorporations.

Mr. Patterson, from the committee on Ways and Means, made the following report:

Your committee on Ways and Means, to whom was referred H. B. No. 46,

For an act to provide for the payment of clerks and other officers of the Legislative Assembly, beg leave to report that they have had the same under consideration, and would beg leave to offer the following amendments to wit:

Strike out the word "sixth," in the fifth line in section one, and insert the word "eight." And also in the ninth line strike out the word "three," and insert the word "five." And strike out the word "two," in the eleventh line and insert the word "four." And strike out the word "two," in the thirteenth line and insert "three." And in the fourteenth line strike out the word "one," and insert the word "two."

Strike out the word "six," in the third line of section two and insert the word "eight." And in the seventh line strike out the word "three," and insert the word "five." And also strike out the word "three," in the ninth line and insert the word "five."

All of which is respectfully submitted.

Your committee to whom was referred the bill to appropriate twelve hundred dollars out of the Territorial treasury to assist in erecting a bridge over Clear Creek at Golden City, beg leave to report the following amendment and recommend the passage of the same, to wit:

Strike out all after the word "Territory," in the seventh line of section one, and substitute the following in lieu thereof to wit: *Provided*, A sufficient amount is raised either by the citizens or by an appropriation by the commissioners of Jefferson county to complete said bridge.

Your committee would respectfully return the said bill and recommend its passage as amended.

Mr. Pine introduced

H. B. No. 50.

For an act to incorporate Elizabethtown, which was

Read a first and second time, and

Referred to the committee on Incorporations.

On motion of Mr. Holland,

The report of the committee on incorporations on

H. B. No. 36,

Was adopted.

On motion of Mr. Stone,

The report of the committee on

H. B. No. 41,

Was adopted.

On motion of Mr. Holland,

H. B. No. 41,

For an act to amend an act entitled an act requiring Clerks of District Courts to give bonds, approved August 15th, 1862.

Was considered engrossed, and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Ehrhardt, Holland, Lake, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall, Baxter, Brendlinger, Clark and Mr. Speaker.

And so said bill passed.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Absent—Mr. Tyler.

Mr. Worrall, from the committee on Territorial Affairs, reported that the committee had examined

H. B. No. 44,

And would recommend its passage.

On motion of Mr. Thompson,

The said bill was considered engrossed and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch,

Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall, Baxter, Brendlinger, Clark, Stiles and Mr. Speaker.

Absent—Mr. Tyler.

The said bill passed.

On motion of Mr. Patterson,

H. B. No. 47 was

Referred to the committee on Roads and Bridges.

On motion of Mr. Lake,

The House concurred in the Council amendments to

H. B. No. 4,

For an act to restrain sheep, hogs and stallions from running at large.

H. B. No. 31,

For an act to amend an act concerning fences, approved March 11, 1864, was

Read a third time, and

Put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall, Baxter, Clark and Mr. Speaker.

Mr. Stiles voted in the negative.

Absent—Messrs. Tyler and Brendlinger.

So the said bill passed.

H. B. No. 46,

Providing for the payment of the officers of the Legislature, was re-committed to the committee on Ways and Means.

H. B. No. 44,

For an act to authorize the county commissioners of the several counties in Colorado Territory, to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties, was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall, Baxter, Brendlinger, Clark, Stiles and Mr. Speaker.

So the bill passed.

Mr. Lake presented a petition from the citizens of Gilpin County, asking for an increase of fees of members of the Legislature, county officers, jurors and witnesses.

H. B. No. 17,

Was taken up for consideration.

Mr. Patterson offered the following amendment to said bill:  
Amend section six by adding the following, to wit:

If in the opinion of the commissioners of any county the above specified per centage is deemed by them inadequate to collect the taxes of their county, they are hereby authorized and empowered to pay a greater per centage for collecting the same than that specified above; *Provided*, That such percentage does not exceed fifteen per cent. on the amount so called.

The said amendment was adopted.

The said bill, for an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory of the several acts heretofore passed regulating the fees of officers, jurors and witnesses, was

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Hopkins, Lake, Mansur, Nichols, North, Patterson, Plue, Stone, Thompson, Baxter, Brendlinger, Clark and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, Lynch, Worrall and Mr. Stiles.

Absent—Mr. Tyler.

Ayes—15

Noes—4.

So the bill passed.

Mr. Holland, from the committee on Military Affairs, reported that said committee had communicated with the commandant of the district, as instructed on Saturday, and have received an answer in which it appears that the passage of the bill, giving a bounty to recruits to fill up the Colorado Regiment, will not meet the exigency of the case to prevent the institution of martial law, and it is the opinion of your committee that the postponement of this bill for a time will not result in harm to our Territory.

Respectfully submitted.

E. F. HOLLAND, Chm.

D. H. NICHOLS,

A. HOPKINS.

A communication from D. H. Moffat, jr., Adjutant General of Colorado Territory, was received and read, setting forth the number and organization of the volunteer militia.

The communication was referred to the committee on Military Affairs.

H. B. No. 13,

With Council amendments, was taken up for consideration.

On motion of Mr. Holland,

It was referred to the committee on Military Affairs.

Mr. Worrall presented a petition from the citizens of Gilpin County, asking for the enactment of a law providing for the investigation of frauds alleged to have been committed by Territorial officers.

H. B. No. 28,

For an act to create a commission for the purpose of investigating charges of fraud,

Was taken up for consideration.

Mr. Worrall moved to fill the first blank occurring in section three, of said bill by inserting the word "eight," and the second blank in said section by inserting the words "twenty cents."

Mr. Craig moved to insert "ten" instead of "twenty."

This motion was carried.

Mr. Hopkins moved to insert the word "three," instead of "eight."

This motion was lost, and the motion of Mr. Worrall was agreed to.

Mr. Stiles offered the following amendment:

Strike out section four and add this:

That there shall be no money drawn from the treasury of the Territory, by said commissioners until their accounts are audited by a committee of the House of Representatives and Council of the Legislative Assembly and the amounts so found due to them shall be paid by the Treasurer accordingly.

Mr. Worrall moved the following amendments as a substitute for the amendment offered by Mr. Stiles.

This motion of Mr. Worrall was agreed to.

Mr. Lynch offered the following amendment to section five: Amend section five by striking out the words "fifteenth day of May," and inserting the words "fifteenth day of September."

This amendment was not agreed to.

On motion of Mr. Craig,

Section one was amended by striking out the word "two," and inserting the word "one." Also strike out "three" and insert "two."

Mr. Holland moved to strike out all after the enacting clause.

On this motion,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Ehrhardt, Holland, Hopkins, Lynch, Nichols, North, Ijue, Thompson, Baxter, Stiles and Mr. Speaker.

Those voting in the negative were,  
Messrs. Craig, Lake, Mansur, Patterson, Stone, Tyler, Worrall, Brendlinger and Clark.

The motion was agreed to.

Mr. Brendlinger introduced

H. B. No. 51,

For an act limiting the operation of an act entitled an act to suppress gambling and gaming houses, approved March 2, 1864, and repealing certain parts of section thirty-one of an act entitled an act to amend an act entitled an act to incorporate the city of Denver, approved March 11, 1864, which was

Read a first and second time, and

Referred to a select committee composed of Messrs. Patterson, Stiles and Hopkins.

Mr. Stone introduced

H. B. No. 52,

For an act relating to powder houses, and magazines, which was read a first and second time and referred to a select committee composed of four members to wit:

Messrs. Mansur, Stone, Worrall and Ehrhardt.

Mr. Craig introduced

H. B. No. 53,

For an act to amend an act entitled, an act to amend an act providing for the collection of the revenue, which was

Read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Craig introduced

A memorial and joint resolution, No. 3, asking for an amendment to the Organic Act, which was

Read a first and second time and

Referred to the committee on Territorial Affairs.

Mr. Patterson moved to adjourn until to-morrow at nine o'clock a. m.

Lost.

Mr. Lynch, from the committee on Incorporations reported that the committee had considered

H. B. No. 50,

For an act to incorporate Elizabethtown,

And would report the same back to the House and recommend its passage.

Mr. Lynch, from the committee on Enrolment, reported that the committee had examined

H. B. No. 1,

For an act to create the office of flour inspector,

And found the same correctly enrolled.

Mr. Lake, from the committee on Engrossment, reported that the committee had examined H. B's Nos, 25 and 29 and found them correctly engrossed.

On motion of Mr. Brendlinger,

The House adjourned until 9 o'clock a. m. to-morrow.

## TUESDAY, FEBRUARY 7, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Quorum present.

Journal of yesterday, read, amended and approved.

Mr. Worrall, from the committee on Education, made the following report:

Your committee to whom was referred

H. B. No. 7,

For an act to amend an act to establish the common school system, approved November 7th, 1861,

And would respectfully report that they have had the same under consideration, and would report the same back to the House, with the recommendation that it do not pass.

On motion of Mr. Stiles,

The report was adopted.

Mr. Worrall from said committee also made the following report:

Your committee have considered

C. B. No. 9,

And have amended the same by inserting after the word "seventeen," in the second line of Sec. 5, the following: "Of an act to establish the common school system, approved Nov. 7th, 1861," and would recommend that the bill when so amended do pass.

All of which is respectfully submitted.

Mr. Patterson from the committee on Ways and Means reported as follows:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 46,

An act for the payment of clerks and other officers of the Legislative Assembly,

Have had the same under consideration,  
And beg leave to offer a substitute for the same, and recom-  
mend its passage.

Mr. Lake from the committee on printing reported that

H. B. Nos. 20 and 23,

Were printed.

Mr. Nichols from the committee on Agriculture submitted  
the following report:

Your committee to whom was referred

A bill for an act to amend an act entitled an act for the pro-  
tection of farmers against the depredations of stock in the  
counties of Douglas and Weld,

Have had the same under consideration and would report it  
back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

Mr. Lynch, from the committee on Incorporations made the  
following report:

The committee on Incorporations report

H. B. No. 45,

And recommend its passage.

H. B. No. 26,

Amended by striking out Sec. 6, and inserting in lieu thereof  
the following new section:

The said corporation shall complete twenty miles of that  
portion of said road commencing at or near Garbor's ranche,  
and running thence southerly into the mountains, within one  
year after the passage of this act, and shall complete the whole  
of said road with the ferry over the Rio del Norte, within three  
years after the passage of this act, and if said company shall  
fail to construct and complete said road as provided in this sec-  
tion they shall forfeit all right and privileges granted in this  
act, and the same shall be null and void.

Amend Sec. 8, by striking out the word "twenty" in fifth  
line, and insert in lieu thereof the word "thirty."

Amend Sec. 10, by inserting after the word "company" in the  
seventh line, "or any agent thereof."

Amend Sec. 13, by striking out the word "twenty" in fourth  
line and insert in lieu thereof the word "thirty."

H. B. No. 33,

Amend Sec. 13, by striking out in line fifth the word "ten"  
and insert in lieu thereof the word "twenty."

Amend Sec. 1, by adding thereto the following words to wit:  
"And if the said corporation shall fail to construct and complete  
said road as provided in this section, they shall forfeit all the

rights and privileges granted by this act, and the same shall be null and void."

Mr. Lynch from the committee on Enrollment made the following report :

Your committee have examined Council amendments to H. B. No. 9, and

H. B. Nos. 10, 21, 30, and 4,

And find them correctly enrolled.

Your committee on Judiciary have considered

H. B. No. 35,

For an act in relation to licensing Insurance companies.

And report the same back and recommend its passage.

Mr. Worrall from the committee on Education made the following report:

Your committee to whom was referred,

H. B. No. 49,

Would respectfully report that they have considered the same, and would report it back with the recommendation that its provisions be carefully considered in the committee of the Whole, all of which is respectfully submitted.

Mr. Stone gave notice that he would introduce

A bill for an act to amend an act entitled an act concerning conveyances of real estate.

On motion of Mr. Stiles,

H. B. No. 51,

For an act amending the operation of an act to suppress gambling and gambling houses, approved March 2d, 1864, and repealing certain parts of Sec. 31, of an act entitled an act to amend an act to incorporate the city of Denver, approved March 11th, 1864.

Was considered engrossed, and

Was read third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, North, Patterson, Pine, Stone, Thompson, Tyler, Stiles, Worall, and Mr. Speaker.

Those voting in the negative were,

Messrs. Lynch, Mansur, and Nichols.

Ayes—17.

Noes—3.

The said bill passed.

On motion of Mr. Stiles,

H. B. No. 35,

For an act to repeal sections 17 and 18 of an act entitled an act concerning Licenses, approved November 6th, 1861,

Was considered engrossed, and

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

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Ayes—19.

Noes—0.

The said bill passed.

On motion of Mr. Worrall,

H. B. No. 6,

For an act to repeal so much of an act to establish a Territorial Library and Cabinet, and to create the Territorial Treasurer Librarian of this Territory,

Was considered engrossed, and,

Read third time and put upon its passage.

The question being on the passage of said bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Ayes—20.

Noes—0.

So the said bill passed.

On motion of Mr. Lynch,

The report of the committee on

H. B. No. 50,

Was adopted and the bill filed with the general orders.

On motion of Mr. Mansur,

The report of the committee on

H. B. No. 48,

Was adopted,

On motion of Mr. Stiles,

H. B. No. 39,

For an act to incorporate the Platte Ditch Company,

Was indefinitely postponed.

The report of the committee on

H. B. No. 28,

On motion of Mr. Stone,

Was adopted, and the bill considered engrossed.

The report of the committee on

H. B. No. 33,

Was adopted

On motion of Mr. Mansur,

And the bill considered engrossed.

Mr. Craig, moved that

H. B. No. 47.

For an act for an appropriation to assist in erecting a bridge over Clear Creek at Golden City,

Be indefinitely postponed.

Motion not agreed to.

On motion of Mr. Stone,

The report of the committee on said bill was adopted,

Message from the Council :

MR. SPEAKER : —I am instructed to inform the House that the Council has passed the following bills, with their accompanying amendments :

H. B. No. 24,

For an act to incorporate the Turkey Creek and South Park Road Company.

C. B. No. 22,

For an act to encourage prospecting for quartz, lodes and other purposes.

Also,

The Council has concurred in House amendments to

C. B. No. 12,

Excepting the words "or which may hereafter," and Sec. 8, and also that part the Council do not agree to the same,

Also,

The following Council bills have passed the Council :

C. B. No. 17,

For an act to amend an act incorporating the Park Junction, Georgia and French Gulch Road Company, approved November 6th 1864.

C. B. No. 18,

For an act appropriating the proceeds of fines to the support of schools.

C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contracts with such corporations, and for other purposes.

C. B. No. 21,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas.

C. B. No. 23,

For an act to amend an act entitled an act to organize the militia of Colorado Territory.

On motion of Mr. Worrall,

The House adjourned until two o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Message from the Council:

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills.

H. B. No. 41,

For an act to amend an act requiring clerks of the District Courts to give bond, approved August 15th, 1862.

H. B. No. 51,

For an act limiting the operation of an act entitled an act to suppress gambling and gambling houses, approved March 2d, 1864, and repealing certain parts of Sec. 31, of an act entitled an act to amend an act entitled an act to incorporate the city of Denver, approved March 11th, 1864.

Also,

The Council has passed.

C. J. R. No. 4,

A Preamble and Resolution of thanks to the citizens of Boulder county.

On motion of Mr. Holland,

Business from the Council was taken up for consideration.

On motion of Mr. Stone,

The Sergeant-at-Arms was authorized to depute some person to go to Central City for the copies of the Governor's Message and accompanying documents, that have been ordered to be printed for the use of the Legislative Assembly.

On motion of Mr. Stone,

The House receded from House amendments to

C. B. No. 12,

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the Consolidated Ditch Company.

Was considered engrossed,

Was read a third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine Stone, Thompson, Tyler, Worrall, Brendlinger, Baxter, Clark, Stiles, and Mr. Speaker.

Ayes—20.

Noes—0.

So the said bill passed.

On motion of Mr. Stone,

The vote authorizing the Sergeant-at-Arms to appoint a deputy to go to Central City, was reconsidered.

On motion of Mr. Lake,

The Sergeant-at-Arms was instructed to proceed, himself, to Central City, for the documents heretofore ordered to be printed for the use of the Legislative Assembly.

Mr. Lynch, from the committee on Enrolment, reported that the committee had examined

C. S. for H. B. No. 3,

Also,

H. S. for C. B. No. 4,

Also,

C. B's Nos. 8, 10, 13 and 14,

Also,

C. S. for H. J. R. No. 2,

And find the same correctly enrolled.

Mr. Worrall, from the committee on Education, reported that the committee had examined H. B. No. 6, and would report the same back to the House without amendment with the recommendation that it do pass.

Mr. Worrall, from the committee on Education, reported that the committee have had under consideration C. B. No. 15, and would respectfully report that as the ground to be covered by said bill has been covered by another in the hands of the committee, they would recommend that it do pass.

On motion of Mr. Thompson,

The report was adopted.

Mr. Mansur presented a petition from the citizens of Gilpin county, asking an amendment to the charter of the consolidated Ditch Company.

The petition was read and referred to the committee on incorporations.

Mr. Patterson from the select committee to whom was referred H. B. No. 51, reported that the committee had examined H. B. No. 51,

For an act limiting the operation of an act entitled an act to suppress gambling and repeal certain parts of section thirty-one of an act entitled an act to amend an act to incorporate the

City of Denver, and would ask leave to report the same back to the House without amendment, and recommend its passage.

Mr. Stone made the following report:

Your select committee to whom was referred

H. B. No. 52, relating to powder houses, beg leave to report the same back and recommend its passage without amendment.

H. B. No. 25,

For an act to amend an act entitled an act regulating elections, approved Nov. 6, 1861,

Was read a third time and put upon its passage.

The question being upon the passage of the bill,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Pine, Stiles, Stone, Thompson, Tyler, Worrall and Mr. Speaker.

Absent—Mr. Patterson.

So the said bill passed.

H. B. No. 33,

For an act to incorporate the Overland Wagon Road Company, was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, North, Pine, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Mr. Stiles voted in the negative.

Absent—Messrs. Holland, and Patterson.

So the bill passed.

H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley Wagon Road Company, was

Read third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Absent—Mr. Lynch.

The said bill passed,

H. B. No. 45,

For an act amendatory of an act to incorporate the Enterprise Wagon Road Company, was

Read a third time, and

Put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Holland, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall and Mr. Speaker.

Absent—Messrs. Craig and Lynch.

The said bill passed.

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies, was

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Tyler, Worrall and Mr. Speaker.

Absent—Messrs. Craig and Stiles.

So the said bill passed.

Mr. Stone, from the committee on Judiciary, reported that the committee have had under consideration

H. B. No. 43,

For an act to prevent the qualifications of jurors,

and beg leave to report the same back without recommendation, and report a substitute bill therefor, and recommend its passage.

They also beg leave to report a bill

For an act to amend an act entitled an act concerning conveyances of real estate, approved Nov. 5, 1861, and recommend its passage.

The report was adopted.

Mr. Worrall, from the select committee to whom was referred H. J. R. No. 3, entitled a joint resolution and memorial to Congress, asking for an amendment to the Organic Act, reported that they have had the same under consideration and would report the same back to the House without amendment, with the recommendation that it pass.

All of which is respectfully submitted.

Mr. Holland introduced a bill

For an act to organize the militia of Colorado Territory, which was

Read a first and second time and

Referred to the committee of the Whole.

H. B. No. 43,

Reported by the committee on Judiciary, as a substitute for a bill to define the qualifications of jurors, was

Read a first and second time, and

Filed with the general orders.

H. B. No. 55,

For an act to amend an act entitled an act concerning conveyances of real estate, reported by the committee on Judiciary, was

Read a first and second time, and

Filed with general orders.

H. B. No. 51,

Reported by the committee on Agriculture, was

Read a first and second time, and

Filed with general orders.

Mr. Pine offered a petition from the citizens of Gilpin county asking for the enactment of a law in relation to prospecting and mining, which was read and

Referred to the committee on mines and minerals.

On motion of Mr. Worrall,

The House resolved itself into a committee of the whole, to consider the general orders,

Mr. Holland in the chair.

On the rising of the committee,

The House was called to order.

On motion of Mr. Stone,

The House concurred in Council amendment to

H. B. No. 24,

For an act to incorporate the Denver, Turkey Creek and South Park Road Company.

On motion of Mr. Nichols,

The House adjourned until 7 o'clock p. m.

#### NIGHT SESSION

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Craig and Tyler.

Mr. Holland, from the committee of the Whole, submitted the following report:

The committee of the whole beg leave to report that they have considered H. B's as follows:

H. B. No. 32,

Amended by striking out all after the enacting clause, and substituting as appended.

Passage by House recommended.

H. B. No. 46,

Amend first section by inserting four dollars instead of three as per diem for chaplain.

Also amend section two, as appended, relating to messenger, and recommend its passage.

H. B. No. 47,

Amended by striking out the first section and inserting as appended. Also by striking out the word "Jefferson" wherever it occurs in the bill and title.

Passage by the House recommended.

H. B. No. 49, Central City charter,

Amended by striking out all after the word "city," in the second section. Also the eighth section by striking out all before the word "nothing" in the fourth line and recommend that it do pass.

H. B. No. 52,

Reported back without amendment and recommend its passage.

Mr. Nichols moved to adopt the report of the committee of the whole on H. B. No. 47.

This motion was lost.

Mr. Holland moved that the bill be considered engrossed and read the third time.

On motion of Mr. Stiles,

Mr. Holland's motion was amended and the said bill was made the special order for to-morrow at two o'clock.

The following message was received from the Council, per Mr. Allen, Assistant clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 11,

For an act to incorporate the Colorado and Clear Creek Railroad Company, with the accompanying amendments:

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company, was taken up for consideration.

Mr. Hopkins moved to amend the seventh section by striking out the word "ten," and inserting the word "five."

This motion was lost.

On motion of Mr. Worrall,

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The following was added as an additional section :

If said company shall not have erected their buildings so as to have commenced their operations contemplated in this act within five years, then this act shall be null and void.

On motion of Mr. Stiles,

The name of C. M. Tyler was stricken out of said bill and A. O. Patterson inserted in lieu thereof.

On motion of Mr. Holland,

The said bill was considered engrossed and

Read a third time, and put upon its passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Clark, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, North, Patterson, Pine, Stone, Thompson, Tyler and Worrall.

Those voting in the negative were,

Messrs. Brendlinger, Baxter, Nichols, Stiles and Mr. Speaker.

Absent—Mr. Craig.

Ayes—14.

Noes—5.

So the said bill passed.

On motion of Mr. Stone,

The title was amended by striking out the words "entitled an act,"

H. B. No. 52,

For an act in relation to powder houses and magazines, was taken up for consideration.

Mr. Brendlinger moved to refer said bill to a select committee.

This motion was lost.

On motion of Mr. Holland,

The report of the committee of the Whole was adopted.

On motion of Mr. Brendlinger,

The bill was amended as follows :

That powder houses now within the corporate limits of any city or town shall be subject to such ordinances as are now passed or may be passed regulating the same.

On motion of Mr. Stone,

The rule was suspended and the said bill

Was considered engrossed, and,

Read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stone, Stiles, Tyler, Thompson, Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland and Lynch.

Ayes—17.

Noes—2.

So the said bill passed.

On motion of Mr. Mansur,

The report of the committee of the Whole, on

H. B. No. 46,

For an act to provide for the payment of clerks and other officers of the Legislative Assembly.

Was adopted.

On motion of Mr. Mansur,

The rules were suspended and the bill

Was considered engrossed,

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

The question being upon the passage of the bill,

The ayes and noes were called for,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Absent—Mr. Craig.

Ayes—19.

Noes—0.

The said bill passed.

On motion of Mr. Pine,

H. B. No. 11 was taken up for consideration.

Mr. Patterson moved to refer said bill to the committee on Incorporations.

This motion was lost.

On motion of Mr. Mansur,

The sense of the house was taken as to the propriety of proceeding to fill the blanks in section eight of said bill.

It was decided against filling said blanks.

On motion of Mr. Stiles,

The House concurred in the Council amendments to said bill.

On motion of Mr. Pine,

The House adjourned.

WEDNESDAY, FEBRUARY 8, 1865.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

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Quorum present.

Journal read and approved.

Council amendments to

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into judicial districts and to provide for the holding of courts in the same

Were taken up for consideration.

Mr. Lynch moved that the House recede from its disagreement to Council amendment.

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Lake, Lynch, Nichols, North, Patterson, Tyler, and Mr. Speaker.

Those voting in the negative were,

Messrs. Brendlinger, Craig, Ehrhardt, Holland, Hopkins, Mansur, Pine, Stone, Thompson, and Worrall,

Ayes—9.

Noes—10.

Mr. Stiles was excused from voting.

Motion lost.

Mr. Hopkins moved to reconsider the vote.

Mr. Stone moved to lay that motion on the table.

Lost.

The question recurring on Mr. Hopkins motion,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Hopkins, Lake, Lynch, Nichols, North, Patterson, Tyler, and Mr. Speaker.

Those voting in the negative,

Messrs. Brendlinger, Craig, Ehrhardt, Holland, Mansur, Pine, Stone, Thompson, and Worrall.

Ayes—10.

Noes—9.

Motion lost.

While the last vote was being taken,

Mr. Stone moved a call of the House.

The following members answered to their names:

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, North, Nichols, Patterson, Pine, Stiles, Stone, Thompson, Tyler, Worrall, and Mr. Speaker.

Absent—Mr. Mansur.

The Sergeant-at-Arms was instructed to bring in Mr. Mansur, which was accordingly done, and

On motion of Mr. Patterson,

Further proceedings under this call was dispensed with.

Mr. Hopkins moved that the House recede from its disagreement to the Council amendments.

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Hopkins, Lake, Lynch, Nichols, North, Patterson, Tyler, and Mr. Speaker.

Those voting in the negative were,

Messrs. Brendlinger, Craig, Ehrhardt, Holland, Mansur,

Pine, Stone, Thompson, and Worrall.

Ayes—10.

Noes—9.

Motion agreed to.

Mr. Craig moved to adjourn until two o'clock p. m.

Lost.

Mr. Pine moved that the Council be requested to appoint two members of the Council to act in conjunction with three members to be appointed on the part of the House as a committee of conference on Council amendments to H. S. for C. B. No. 1.

The ayes and nays being called for,

Those voting in the affirmative were,

Messrs. Brendlinger, Craig, Ehrhardt, Holland, Mansur, Pine, Stone, Thompson, Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Baxter, Clark, Hopkins, Lake, Lynch, Nichols, North, Patterson, and Tyler.

Ayes—10

Noes—9

Motion agreed to.

Mr. Patterson introduced the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of drafting an act authorizing the issue of Territorial bonds as a bounty to soldiers who may volunteer in the defense of this Territory against the hostile Indians.

On motion of Mr. Worrall,

The House adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

The Speaker appointed

Messrs. Pine, Holland, and Lake on the committee of Conference on Council amendments to H. S. for C. B. No. 1.

The Council Preamble and Resolution of thanks to the citizens of Boulder county,

Read first and second time and put upon its passage.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Mansur, North, Patterson, Pine, Stiles, Stone, Thompson, Worall, and Mr. Speaker.

Ayes—19.

Noes—0.

Mr. Nichols was excused from voting.

The said resolution passed.

Message from the Council:

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following House bills:

H. B. No. 44.

For an act to authorize the county commissioners of the several counties, in Colorado Territory, to procure copies of the original field notes, and plats of surveys of all lands surveyed in their respective counties.

H. B. No. 35,

For an act to repeal Sec. 17 and 18 of an act concerning licenses, approved November 5th, 1861.

H. B. No. 31,

For an act concerning fences, approved March 7th, 1864.

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies.

H. B. No. 25,

For an act to amend an act entitled an act regulating elections, approved November 6th, 1861.

H. B. No. 36,

For an act to repeal so much of an act to establish a Territorial Library and Cabinet and to make the Territorial Treasurer Librarian of this Territory.

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the Enterprise Wagon Road Company, approved Oct. 3, 1861.

Also the following Council bills:

C. B. No. 25,

For an act to repeal an act entitled an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company.

C. B. No. 24,

For an act to amend an act entitled an act prescribing rules and regulations of the Trusts arising under the act of Congress, entitled an act for the relief of citizens of towns upon lands of the United States under certain circumstances.

I am also instructed to inform the House that the Council

has complied with the request of the House to appoint a committee to confer upon the amendments to H. S. for C. B. No. 1, and appointed Messrs. Berry and Hallett, members of the Council to act on that committee.

Also that the Council has passed

C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek, and Gilpin counties.

On motion of Mr. Worrall,

Mr. Thompson was granted leave of absence.

H. B. No. 17,

Was taken up for consideration.

On motion of Mr. Patterson,

The words "county of Jefferson," were stricken out of said bill.

On motion of Mr. Stiles,

The words "Arapahoe county" were stricken out.

On motion of Mr. Mansur,

The bill was indefinitely postponed.

Mr. Pine introduced

H. B. No. 58,

For an act concerning county officers,

Read first and second time and referred to the committee on

Judiciary.

C. B. No. 17,

Read first and second time and referred to the committee on

Incorporations.

C. B. No. 18,

Read first and second time and referred to the committee on

Education.

C. B. No. 21,

Read first and second time and referred to the committee on

Agriculture.

C. B. No. 20,

Read first and second time and referred to the committee on

Military Affairs.

C. B. No. 20,

Read first and second time and referred to the committee on

Incorporations.

C. B. No. 24,

Read first and second time and referred to the committee on

Ways and Means.

C. B. No. 25,

Read first and second time and referred to the committee on

Incorporations.

Mr. Lynch from the committee on Incorporations reported

as follows:

Your committee on Incorporations beg leave to report

H. B. No. 38

For an act to incorporate the Trinidad and Raton Mountain Wagon Road,

Also,

H. B. No. 40,

For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo and Fountaine qui Bouille Ditch Company.

Back to the House without amendment and recommend their passage,

All of which is respectfully submitted.

Mr. Lynch from the committee on Enrolled Bills, made the following report:

Your committee have examined

H. B. Nos. 41 and 24. and C. B. Nos. 11 and 2,

And found the same correctly enrolled.

On motion of Mr. Worrall,

H. B. No.

For an act to encourage emigration,

Was taken from the table and referred to the select committee on Emigration.

Mr. Tyler introduced

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the city of Black Hawk.

Read the first and second time, and

On motion of Mr. Lake,

The rules was suspended the bill considered engrossed,

Read a third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Tyler, and Mr. Speaker.

Those voting in the negative were,

Mr. Worrall.

Ayes—18,

Noes—1,

And so said bill passed.

On motion of Mr. Stiles,

Captain Scudder was invited within the bar,

H. B. No. 49.

Was taken up for consideration.

Mr. Lake moved to adopt the report of the committee of the Whole on said bill.

Mr. Worrall moved to amend by adopting all except that portion which relates to public schools.

Mr. Worrall's motion agreed to, and the motion of Mr. Lake thus amended was agreed to.

H. B. No. 49,

For an act to amend an act entitled an act to incorporate the city of Central, approved March 11, 1864.

Was considered engrossed,

Was read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Tyler, Worrall, and Mr. Speaker.

Ayes—19.

Noes—0.

The said bill passed.

C. B. No. 27,

Read a first and second time,

On motion of Mr. Worrall,

The first section of said bill was amended by inserting the words "not more than" in fourth line before the word "one."

On motion of Mr. Stiles,

The rules were suspended and the bill read the third time,

On motion of Mr. Stiles,

The last motion was reconsidered, and

On motion of Mr. Stiles,

The first section of said bill was amended by inserting the word "Boulder" after the word "Gilpin."

On motion of Mr. Stiles,

The rules was suspended, and,

C. B. No. 27,

For an act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek, and Gilpin county.

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Tyler, Worrall and Mr. Speaker.

Ayes—19.

Noes—0.

So the said bill passed.

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Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }

February 8th, 1865. }

To the Honorable Speaker of the House of Representatives:

SIR:—I have the honor to inform the House that I have this day approved and signed the following bills:

An act amendatory of an act regulating the mode of proceeding in replevin, approved March 3, 1864.

An act amendatory of an act entitled an act to incorporate the Denver, Bradford and Blue River Road Company, approved October 16, 1861.

An act to incorporate the Masonic Hall Association of Denver, Colorado Territory.

An act to create the office of Flour Inspector.

An act to restrain sheep, hogs, and stallions from running at large.

Also,

An act to change the name of Lewis G. Page.

An act to amend an act entitled an act requiring clerks of district courts to give bond, approved August 15, 1862.

Also,

An act to incorporate the Denver, Turkey Creek and South Park Road Company.

Very Respectfully,

Your Obed't Servant,

S. H. ELBERT,

Acting Governor C. T.

Message from the Council:

MR. SPEAKER: I am instructed to inform the House that the Council does not agree to the amendment proposed by the House of Representatives in the second line of Sec. 1.

For an act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek, and Gilpin counties.

And that the Council has concurred in the amendments of the House to the fourth line of said section one, whereby the words "not more than" are inserted in said fourth line.

On motion of Mr. Nichols,

The House receded from the House amendments first mentioned in the last message.

On motion of Mr. Lynch,

The House resolved itself into a committee of the Whole on the general orders.

Mr. Lynch in the chair.

On the rising of the committee the House was called to order.

On motion of Mr. Patterson,

H. B. No. 49,

For an act to create a fund for the benefit of schools,  
Was made the special order for this evening at 7 o'clock.

On motion of Mr. Stiles,

The House adjourned until 7 o'clock p. m.

#### NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Stiles,

H. B. No. 49,

The special order for this hour was taken up for consideration.

On motion of Mr. Worrall,

The said bill was postponed until after the consideration of  
H. B. No. 1<sup>st</sup>,

For an act to encourage prospecting, amending—

On rising of the committee the House was called to order.

Message from the Council.

MR. SPEAKER:—I am instructed to return

H. B. No. 46,

To the House with the request that an engrossed copy of said bill be sent to the Council.

Mr. Nichols from the committee of the Whole made the following report:

Your committee have had under consideration

H. B. No. 19,

And have made some progress and ask leave to sit again.

Mr. Pine from the committee of Conference submitted the following report:

The committee of Conference on

H. S. for C. B. No. 1,

Have performed the duties assigned them, and recommend

that the House agree to the Council amendments to the same.

Your committee are of the opinion that the difference between the House and the Council cannot be harmonized in any other way, and for the purpose of re-districting the Territory your committee have been led to make this recommendation.

B. F. PINE, Ch'n.

BENJ. LAKE,

On the part of the House.

M. HALLET,

R. BERRY,

On the part of the Council.

Mr. Tyler moved to adopt the report.

On this motion,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Holland, Hopkins, Lynch, Mansur, Nichols, North, Patterson, Pine, Tyler, and Mr. Speaker.

Those voting in the negative were,

Messrs. Brendlinger, Ehrhardt, Stone, and Worrall.

On motion of Mr. Patterson,

The House adjourned.

#### THURSDAY, FEBRUARY 9, 1865.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Clark, Craig, North, Tyler and Thompson.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, C. T. }  
February 9th, 1865. }

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

SIR: I have the honor to inform the House that I have this day approved and signed the following bills:

An act to authorize the county commissioners of the several counties in Colorado Territory to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

An act to encourage the formation and equipment of volunteer companies.

An act to amend an act entitled an act regulating elections, approved Nov. 6, 1861.

Very respectfully,

Your obedient servant,

S. H. ELBERT,

Acting Governor of Colorado.

Mr. Stone, from the committee on Judiciary, made the following report:

Your committee have considered

H. B. No. 34,

For an act amending the mechanics' lien law, and report the same back and recommend its passage.

Mr. Lake, from the committee on engrossed bills, reported that the committee had examined and found correctly engrossed H. B. No. 46.

Mr. Lynch, from the committee on Incorporations, reported that the committee have had under consideration

C. B. No. 17,

For an act to amend an act entitled an act incorporating the Park Junction, Georgia and French Gulch Road Company, approved Nov. 6, 1861, and report the same back without amendment and recommend its passage.

Also,

C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contracts with such corporations, and for other purposes, and would report the same back and recommend its passage.

The committee has also considered

C. B. No. 25,

For an act to repeal an act entitled an act to incorporate the Colorado and Pacific, Wagon, Telegraph and Railroad Company, approved Nov. 6, 1861, and would respectfully report the same back with the recommendation that it do pass.

On motion of Mr. Lynch,

The House concurred in the Council amendments to

H. S. for C. B. No. 1.

C. B. No. 22,

For an act to encourage prospecting for quartz lodes and for other purposes, was

On motion of Mr. Stone,

Indefinitely postponed.

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On motion of Mr. Worrall,

The report of the select committee on H. J. R. No. 3, was adopted.

On motion of Mr. Worrall,

The said resolution was considered engrossed,

Read third time and put upon its passage.

The question being upon the passage of the resolution,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, Pine, Stone, Stiles, Worrall and Mr. Speaker.

Absent—Messrs. Craig, Holland, North, Patterson, Thompson and Tyler.

So the resolution passed.

On motion of Mr. Stone,

The title was amended by adding "the" before the word "organic," and the words "of Colorado Territory," after the words "organic act."

On motion of Mr. Stone,

The report of the committee on H. B. No. 38 was adopted.

On motion of Mr. Stone,

The rules was suspended, the bill considered engrossed,

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, Pine, Stiles, Stone, Worrall and Mr. Speaker.

Absent—Messrs. Craig, Holland, North, Patterson, Thompson and Tyler.

So the said bill passed.

On motion of Mr. Worrall,

H. B. No. 40,

Was considered engrossed,

Read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, Pine, Stone, Stiles, Worrall and Mr. Speaker.

Absent—Messrs. Craig, Holland, North, Patterson, Thompson and Tyler.

So the said bill passed.

On motion of Mr. Stone,

The report of the committee was adopted, on C. B. No. 18, to appropriate the proceeds of fines to the support of common schools.

On motion of Mr. Stone,

The further consideration of this bill was postponed for the present.

On motion of Mr. Mansur,

The report of the committee, on C. B. No. 20,

For an act to prohibit persons holding office under municipal corporations from entering into contracts with such corporations, and for other purposes,

Was adopted, and

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

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Worrall and Mr. Speaker.

Absent—Messrs. Thompson and Tyler.

The said bill passed.

The amendments offered by Mr. Stone, to C. B. No. 18 was adopted and the said bill was

Read a third time, and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Worrall and Mr. Speaker.

Absent—Messrs. Thompson and Tyler.

So the said bill passed.

On motion of Mr. Holland,

Leave of absence was granted Mr. Tyler.

On motion of Mr. Stone,

The report of the committee on

H. B. No. 34,

Was adopted.

On motion of Mr. Stone,

The rule was suspended.

The said bill was considered engrossed and

Read a third time, and put upon its passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

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Messrs. Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Brendlinger and Baxter.

The said bill passed.

H. B. No. 58,

For an act concerning county officers.

Was taken up for consideration.

On motion of Mr. Stone,

The word "ten," occurring in the last section of said bill was stricken out.

On motion of Mr. Stiles,

The said bill was ordered to be engrossed.

On motion of Mr. Stiles,

The House concurred in Council amendments to

H. B. No. 26,

For an act to incorporate the Denver, Bradford and Blue River Road Company.

On motion of Mr. Stone,

H. B. No. 23,

For an act to amend an act entitled an act concerning justices of the peace and constables, approved Oct. 31st. 1861 was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Patterson and Pine.

The said bill passed.

The following message was received from the Council, per Mr. Allen, Assistant clerk:

MR. SPEAKER: I am instructed to inform the House that the Council has passed, as amended,

H. B. No. 26,

For an act to incorporate the Denver and San Luis Valley Wagon Road Company.

On motion of Mr. Mansur,

The House adjourned until half past one o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Mr. Holland, from the committee on Military Affairs, submitted the following report :

The committee on Military Affairs beg leave to report back to the House the report of the Adjutant General of the militia, and recommend its insertion in the Journal.

They would also recommend that in consideration of the fact that said officer reports that the arms furnished by the U. S. Government are not adapted to the Indian service of this Territory, some means be taken to send a supply of arms suited to our cavalry.

Respectfully submitted.

E. F. HOLLAND, Ch'n,

BENJ'N LAKE,

D. H. NICHOLS,

A. HOPKINS,

R. CLARK.

Mr. Nichols, from the committee on Agriculture, reported that the committee had considered

C. B. No. 21,

A bill for an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld,

And report the same back to the House without amendment and recommend its passage.

All of which is respectfully submitted,

Mr. Stone introduced

H. B. No. 58,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved Aug. 15, 1862, which was

Read a first and second time, and

Referred to a select committee, composed of Messrs. Stone, Craig and Baxter.

On motion of Mr. Lynch,

The rule was suspended, and

C. B. No. 25,

For an act to repeal an act entitled an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company, approved Nov. 6, 1861, was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

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Messrs. Brendlinger, Clark, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Thompson, Worrall and Mr. Speaker.

Those voting in the negative, were,

Messrs. Holland and Stiles.

The said bill passed.

On motion of Mr. Mansur,

The rules were suspended, and

C. B. No. 17,

For an act to amend an act entitled an act incorporating the Park Junction, Georgia and French Gulch Road Company, approved Nov. 6, 1861, was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

The said bill passed.

The following message was received from the Council, per Mr. Allen, Assistant clerk:

MR. SPEAKER: I am instructed to return to the House,

H. B. No. 49;

For an act to amend an act entitled an act to incorporate the City of Central, with the request that the House will transmit to the Council an engrossed copy of said bill.

I am also instructed to inform the House that

C. B. No. 13,

For an act to amend the acts incorporating the City of Denver, Nov. 7, 1861, and March 11, 1864, has been returned by the Acting Governor, unapproved, with his objections thereto, which, together with the bill, are herewith transmitted to your honorable body.

Also that the Council has reconsidered said bill, and has amended the same by striking out sections eight and nine of the same, and has passed the bill thus amended.

The concurrence of your honorable body in this action of the Council is respectfully requested.

On motion of Mr. Stone,

The rule prohibiting smoking in the Hall, was suspended during the remainder of the session.

On motion of Mr. Stiles,

The rules were suspended, and

C. B. No. 21,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas, was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Hopkins and Lynch.

Absent—Mr. Holland.

Ayes—16.

Noes—2.

The said bill passed.

Mr. Stone, from the special committee, reported as follows:

Your special committee to whom was referred

H. B. No. 58,

For an act to amend the act creating Council and Representative Districts, have had the same under consideration and beg leave to report the same back and recommend its passage without amendment.

On motion of Mr. Stone,

The rule was suspended,

The said bill was considered engrossed and

Read a third time, and put upon its passage.

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Hopkins, Lake, Mansur, Nichols, North, Patterson, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland and Lynch.

Absent—Mr. Pine.

Ayes—16.

Noes—2.

So the said bill passed.

On motion of Mr. Stiles,

The House resolved itself into a committee of the Whole.

Mr. Patterson offered the following resolution:

Resolved, That the committee on Education and Apportionment be required to report a bill for an act to re-district the Territory into Council and Representative Districts, with addi-

and just regard to the population and the taxes assessed and paid by each county respectively.

The resolution was not adopted.

Mr. Lynch, from the committee on Enrolment, made the following report:

MR. SPEAKER: Your committee on Enrolled Bills beg leave to report

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies,

H. B. No. 35,

For an act to repeal sections seventeen and eighteen of an act concerning licenses,

H. B. No. 25,

For an act to amend an act entitled an act regulating elections.

H. B. No. 44,

For an act authorizing the county commissioners of the several counties of this Territory to procure field notes and plats of surveys of lands in this Territory,

H. B. No. 31,

For an act to amend an act concerning fences,

H. B. No. 6,

For an act to repeal so much of an act as relates to a Territorial library and cabinet.

H. B. No. 48,

For an act to amend an act entitled an act to incorporate the Consolidated Ditch Company,

Also, Council amendments to

H. B. No. 25,

For an act to amend an act entitled an act regulating elections.

All of which is respectfully submitted.

Mr. Lynch, from the committee of the Whole, submitted the following report:

The committee of the whole have had under consideration

H. B. No. 29,

For an act supplementary and supplemental to an act entitled an act regulating elections, and have considered the same section by section as far as section seven, and made the following amendments, to wit:

Amend section one by striking out the word "hereafter," in the thirteenth line, and insert in lieu thereof the word "thereafter."

Amend section five by striking out, in the twenty-first line, the word "nine" and inserting instead thereof the word "eight." And by striking out all after the word "open," in the twenty-fourth line and inserting in lieu thereof the words "seven o'clock p. m., of the same day."

Also amend section seven by inserting after the "voters" in first line the words "and certificate." Also strike out the word "commencing," in the same line of said section and insert after the word "officers" the words "conducting the same." Also insert after the second word "regiment," in the third line of said section the words "and when."

On motion, the committee rose, reported progress and asked leave to sit again.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, C. T.)

February 9th, 1865. }

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

SIR: I have the honor to inform the House that I have this day approved and signed the following bills:

An act to repeal so much of an act entitled an act to establish a Territorial library and cabinet, approved Nov. 3, 1861, Also to repeal sections seventeen and eighteen of an act entitled an act concerning licenses, approved Nov. 6, 1861.

Also an act to incorporate the Colorado and Clear Creek Railroad Company.

A bill for an act limiting the operation of an act entitled an act to suppress gambling houses, approved March 2, 1864.

An act amendatory of an act to incorporate the Enterprise Wagon Road Company, approved Nov. 3, 1861.

Also an act to amend an act concerning fences, approved March 17, 1861.

Very respectfully,

Your obedient servant,

S. H. ELBERT,

Acting Governor of Colorado.

On motion of Mr. Craig.

The House adjourned until seven o'clock p. m.

NIGHT SESSION.

House met pursuant to adjournment,  
Roll called.

Quorum present.

On motion of Mr. Stone,

H. B. No. 58,

An act concerning county officers,

Was read third time and put upon its passage.

The question being upon the passage of the bill,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall, and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, and Lynch.

Ayes—16.

Noes—2.

The said bill passed.

On motion of Mr. Stiles,

The House concurred in Council amendments to

C. B. No. 13,

Mr. Patterson introduced

H. B. No. 60,

Read a first and second time and

Referred to a select committee composed of

Messrs. Patterson, Holland, and Nichols.

On motion of Mr. Stiles,

The House resolved itself into a committee of the Whole, on general orders.

Mr. Stiles in the chair.

On the rising of the committee,

The House was called to order.

Message from the Council:

MR. SPEAKER: —I am instructed to inform the House that the Council has passed

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company,

And amend said bill by striking out all of Sections 4, 5, 6, and 7.

Also.

Herewith transmit the minority report of the special committee to whom was referred said bill.

Also.

H. B. No. 33,

For an act to incorporate the Overland Wagon Road Company.

Also.

H. B. No. 34,

For an act to amend an act entitled an act creating a lien in

favor of mechanics and others in certain leases, with amendments.

Also,

H. B. No. 46,

An act to provide for the payment of clerks and other officers of the Legislative Assembly.

Also,

H. B. No. 38,

For an act to incorporate the Trinidad and Raton Mountain Wagon Road.

Also,

H. J. R. No. 3,

Joint Resolution and memorial to Congress, asking for an amendment to the Organic Act.

Also,

H. B. No. 38,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15, 1862.

Also,

H. B. No. 17,

For an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amending to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses, with accompanying amendments.

Mr. Thompson from the committee of the Whole submitted the following report:

MR. SPEAKER:—The committee of the Whole beg leave to report that they have had

H. B. No. 20,

With the following amendments:

In the fourth section, strike out in first line the words "laws of Congress, or by;" also in second line strike out "or special."

Also, in Sec. 6, in fourth line, insert between "out" and "a," the words "and sign;" and also between the words "election" and "which the," "attested by the clerk of said election."

Also,

In Sec. 7, strike out in the eighth line, between the words "fall" and "in," the word "out," and insert in lieu thereof the word "both;" also strike out in the 11th, 12th and 13th lines, all after the word "for" in the 11th line, to the word "said" in the 13th line.

Also,

In Sec. 8, first line, insert "or officers conducting the election" after the word "officer."

Also,

In Sec. 9, seventh line, between the words "held" and "and" insert the words "or sooner, unless said votes are sooner received."

Also,

Strike out the word "shall" after the word "Territory" in the first line of Sec. 10, and insert the same after the word "Territory," in the third line; also in first line of tenth section, strike out the words "Secretary of the Territory," and insert after the word "the," and before the word "shall," the words "Territorial board of canvassers provided by law;" also strike out the word "his" and insert the word "their."

The committee would refer the same back to the House with the recommendation that it do pass as amended.

J. THOMPSON, Ch'n.

Mr. Stiles from the committee of the Whole, in its session this evening, reported that the committee had made some progress in the consideration of the bills referred to it, and asked leave to sit again.

On motion of Mr. Nichols,

The House concurred in Council amendments to

H. B. No. 33.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 26.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 46.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 17.

On motion of Mr. Patterson,

A committee of three was appointed to act in conjunction with a committee of two, to be appointed by the Council to report

A bill making appropriations for the year 1865.

Messrs. Holland, Patterson, and Stone,

Were appointed on the part of the House.

On motion of Mr. Stone,

The House disagreed to Council amendments to

H. B. No. 34.

On motion of Mr. Worrall,

The House concurred in Council amendments to

H. B. No. 32.

Mr. Lynch from the committee on Enrollment made the following report:

MR. SPEAKER:—Your committee on Enrolled Bills beg leave to report

H. B. No. 29,

An act to encourage the formation and equipment of volunteer companies.

H. B. No. 35,

An act to repeal Sec. 17 and 18 of an act concerning licenses.

H. B. No. 25,

An act to amend an act entitled an act regulating Elections.

H. B. No. 44,

For an act to authorize the county commissioners of the several counties in Colorado Territory, to procure copies of the original field notes and plats of surveys of all lands surveyed in their respective counties.

H. B. No. 31,

An act to amend an act concerning fences.

H. B. No. 6,

An act to repeal so much of an act as relates to a Territorial Library and Cabinet.

H. B. No. 48,

An act to amend an act entitled an act to incorporate the Consolidated Ditch Company.

All of which is respectfully submitted.

JOHN T. LYNCH, Ch'n.

Mr. Lynch from the committee of the Whole submitted the following report:

The committee of the Whole have had under consideration, H. B. No. 29,

For an act supplementary and supplemental to an act entitled an act regulating Elections,

And have considered the same, section by section, as far as Sec. 7, and made the following amendments to-wit:

Amend Sec. 1, by striking out the word "hereafter" in thirteenth line, and insert in lieu thereof the word "thereafter."

Amend Sec. 5, by striking out in twenty-first line, the word "nine" and insert instead thereof the word "eight."

And by striking out all after the word "open" in twenty-fourth line, and insert in lieu thereof the words "seven o'clock p. m. of the same day."

Also,

Amend Sec. 7, by inserting after the "votes" in first line, the words "and certificate,"

Also,

Strike out the word "commanding" in the same line of said

section, and insert after the word "officers" the words "conducting the same,"

Also,

Insert after the second word "Regiment" in line third of said section, the words "and when."

On motion,

The committee rose, reported progress and asked leave to sit again.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T.

February 9th, 1865.

To the Honorable, the Speaker of the House of Representatives of Colorado Territory:

SIR:—I have the honor to inform the House that I have this day approved and signed the following bills:

For an act to repeal so much of an act to establish a Territorial Library and Cabinet approved Nov. 6, 1861:

Also,

An act to repeal Sec 17 and 18 of an act entitled an act concerning licenses, approved Nov. 6, 1861.

Also,

An act to incorporate the Colorado and Clear Creek Railroad Company.

A bill for an act limiting the operation of an act entitled an act to suppress gambling and gambling houses, approved March 2, 1864.

An act amendatory of an act to incorporate the Enterprise Wagon Road Company, approved Nov 3. 1861.

Also,

An act to amend an act concerning fences, approved March 17, 1861.

Very Respectfully,

Your Obed't Serv't,

SAM. H. ELBERT,

Acting Governor, C. T.

On motion of Mr. Craig,

The House adjourned until 7 o'clock p. m.

NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Stone,

H. B. No. 58,

An act concerning county officers,

Was read third time and put upon its passage.

The question being upon the passage of the bill,

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall, and Mr. Speaker.

Those voting in the negative were,

Messrs. Holland, and Lynch.

Ayes—16.

Noes—2.

The said bill passed.

On motion of Mr. Stiles,

The House concurred in Council amendments to

C. B. No. 13,

Mr. Patterson introduced

H. B. No. 60,

Read a first and second time and

Referred to a select committee composed of

Messrs. Patterson, Holland, and Nichols.

On motion of Mr. Stiles,

The House resolved itself into a committee of the Whole, on general orders.

Mr. Stiles in the chair.

On the rising of the committee,

The House was called to order.

Message from the Council :

MR. SPEAKER :—I am instructed to inform the House that the Council has passed

H. B. No. 32,

For an act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company,

And amend said bill by striking out all of Sections 4, 5, 6, and 7.

Also,

Herewith transmit the minority report of the special committee to whom was referred said bill.

Also,

H. B. No. 33,

For an act to incorporate the Overland Wagon Road Company.

Also,

H. B. No. 34,

For an act to amend an act entitled an act creating a lien in

favor of mechanics and others in certain cases, with amendments.

Also,

H. B. No. 46,

An act to provide for the payment of clerks and other officers of the Legislative Assembly.

Also,

H. B. No. 38,

For an act to incorporate the Trinidad and Raton Mountain Wagon Road.

Also,

H. J. R. No. 3,

Joint Resolution and memorial to Congress, asking for an amendment to the Organic Act.

Also,

H. B. No. 58,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15, 1862.

Also,

H. B. No. 17,

For an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses, with accompanying amendments.

Mr. Thompson from the committee of the Whole submitted the following report:

MR. SPEAKER:—The committee of the Whole beg leave to report that they have had

H. B. No. 20,

With the following amendments:

In the fourth section, strike out in first line the words "laws of Congress, or by;" also in second line strike out "or special."

Also, in Sec. 6, in fourth line, insert between "out" and "a," the words "and sign;" and also between the words "election" and "which the," "attested by the clerk of said election."

Also,

In Sec. 7, strike out in the eighth line, between the words "fall" and "in," the word "out," and insert in lieu thereof the word "both;" also strike out in the 11th, 12th and 13th lines, all after the word "for" in the 11th line, to the word "said" in the 13th line.

Also,

In Sec. 8, first line, insert "or officers conducting the election" after the word "officer."

Also,

In Sec. 9, seventh line, between the words "held" and "and" insert the words "or sooner, unless said votes are sooner received."

Also,

Strike out the word "shall" after the word "Territory" in the first line of Sec. 10, and insert the same after the word "Territory," in the third line; also in first line of tenth section, strike out the words "Secretary of the Territory," and insert after the word "the," and before the word "shall," the words "Territorial board of canvassers provided by law;" also strike out the word "his" and insert the word "their."

The committee would refer the same back to the House with the recommendation that it do pass as amended.

J. THOMPSON, Ch'n.

The committee have had under consideration

H. B. No. 19,

And would offer the following amendments:

Strike out the word "eight" wherever it occurs in the bill, and insert "nine" in lieu thereof.

Also,

Insert the words "hereinafter provided" after the word "fee" in second line of Sec. 2.

Also,

Strike out the word five wherever it occurs in second section, and insert the word "ten" in lieu thereof.

Also,

Strike out the word "fee" and insert the word "sum" in fourth line of Sec. 2.

Also,

Strike out the word "treasurer," in fourth line of Sec. 3, and insert the word "superintendent."

Also,

Strike out the word "five" and insert the word "ten" in second line of Sec. 3.

Also,

Insert the words "or painted" after the word "cut," in third line of Sec. 4.

Also,

Strike out the words "depths of at least twenty feet, so as to," and insert the words "a depth sufficient to develop and," in sixth and seventh lines of Sec. 4.

All of which is respectfully submitted.

J. THOMPSON.

Mr. Stiles from the committee of the Whole, in its session this evening, reported that the committee had made some pro-

gress in the consideration of the bills referred to it, and asked leave to sit again.

On motion of Mr. Nichols,

The House concurred in Council amendments to

H. B. No. 33.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 26.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 46.

On motion of Mr. Stone,

The House concurred in Council amendments to

H. B. No. 17.

On motion of Mr. Patterson,

A committee of three was appointed to act in conjunction with a committee of two, to be appointed by the Council to report

A bill making appropriations for the year 1865.

Messrs. Holland, Patterson, and Stone,

Were appointed on the part of the House.

On motion of Mr. Stone,

The House disagreed to Council amendments to

H. B. No. 34.

On motion of Mr. Worrall,

The House concurred in Council amendments to

H. B. No. 32.

On motion of Mr. Thompson,

The House adjourned.

## FRIDAY, FEBRUARY 10, 1865.

House met pursuant to adjournment:

Prayer by the Chaplain.

Roll called.

Quorum present.

On motion of Mr. Stiles,

The reading of the Journal of yesterday was dispensed with:

Mr. Stiles introduced the following resolution:

Resolved, That the committee on Engrossment and Enrollment be and they are hereby authorized to employ as many

clerks respectively as may be necessary and that they receive pay the same as the Enrolling and Engrossing clerks of the House, for the time they are respectively employed.

Mr Stiles from the committee of the Whole submitted the following report :

MR. SPEAKER :—The committee of the Whole have had H. B. No. 19,

Under consideration and has amended the same as follows :

In Sec. 5, strike out the words "being at least twenty feet deep" in tenth line of said section.

Also,

Strike out in ninth line the words "I have," and insert "he has;"

Also,

In tenth line strike out the word "have" and insert in its place "has."

Also,

In the eleventh line strike out "I claim," and insert "he claims."

In eighteenth line strike out the words "in a book for that purpose."

Also,

Add to Sec. 5, "The clerk upon recording the aforesaid affidavit or declaration shall endorse thereon a certificate of record, and said instrument so recorded and endorsed shall be held by the pre-emptor as evidence of pre-emption, the same as claim certificates or declarations heretofore recorded and held for like purposes."

Also,

Adopted the report of the committee on Mines and Minerals. And reported the bill back to the House with a recommendation that it pass as amended.

They have also considered

H. B. No. 43,

And amended the same by striking out the second section,

And reported the same back to the House with a recommendation that it pass as amended.

Also,

They have had under consideration

H. B. No. 36,

For an act to incorporate the Metropolitan Ditch Company,

And recommended the bill back to the House with the amendments of the committee on Incorporations and that the same do pass.

Also, have had

H. B. No. 55,

Under consideration,

For an act to amend an act entitled an act concerning conveyances of real estate, approved Nov. 5, 1861.  
And report the same back to the House with a recommendation that it pass without amendment.

Also,

They have had,

C. J. R. No. 5,

Under consideration, and would report the same back to the House with the recommendation that it do not pass.

Also,

The committee have had

H. B. No. 51,

Under consideration,

A bill for an act concerning stock running at large, at certain times within certain limits.

And report the same back to the House with a recommendation that it do pass without amendment.

Respectfully submitted.

B. B. STILES, Ch'n.

Mr. Lynch from the committee on Enrollment made the following report:

MR. SPEAKER: Your committee on Enrolled Bills beg leave to report

H. S. for C. B. No. 1,

For an act to divide the Territory of Colorado into judicial districts and to provide for holding courts in the same.

Also,

H. B. No. 38,

For an act to incorporate the Trinidad and Raton Mountain Wagon Road.

Also,

H. J. R. and Memorial to Congress, asking for an amendment to the organic act.

Also,

H. B. No. 40,

For an act to amend an act entitled an act to incorporate the Arkansas, Pueblo and Fountain qui Bouille Ditch.

Also,

H. B. No. 58,

For an act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts.

Correctly enrolled.

JOHN T. LYNCH, Ch'n.

On motion of Mr. Worrall,  
The report of the committee of the Whole, on  
H. B. No. 19,  
Was adopted.  
Mr. Worrall from the committee on Education made the following report:

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

The committee on Education to whom was referred  
C. B. No. 5,  
For an act supplemental to an act entitled an act to create a fund for the benefit of Schools,  
Would report that they have had the same under consideration, and would respectfully report it back to the House without recommendation.

All of which is respectfully submitted.  
THOS. D. WORRALL, Ch'n.

Mr. Worrall from the select committee on Emigration made the following report:

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

The select committee on Emigration to whom was referred  
H. B. No. 15,  
Would respectfully report the same back with amendments:  
They have cut out the clause appropriating the sum of \$5,000, believing that it will be best to appoint the commission without an appropriation, rather than do nothing looking toward a fair and candid attempt to encourage emigration; at the same time your committee would express the conviction that the sum asked for is but a trifle compared with the vast benefit to be derived from the outlay, especially as it would form but the germ of a fund, which they feel certain would be raised by our mining companies to carry out the objects contemplated in the act, and would therefore recommend that a section be added by the House, making such appropriation as in their judgement would appear best.

All of which is respectfully submitted.

THOS. D. WORRALL, Ch'n.

J. THOMPSON,

BENJ. LAKE.

On motion of Mr. Worrall,

The report of the committee on Education was adopted.

On motion of Mr. Worrall,

The report of the select committee was adopted.

Mr. Lynch offered the following Concurrent Resolutions:

*Be it resolved by the House of Representatives and Council concurring of Colorado Territory:*

That it is the highest duty of every American citizen to maintain against their enemies the integrity of the Union and the paramount authority of the Constitution and laws of the United States; and that, laying aside all differences and political opinions, we pledge ourselves as Union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling, by force of arms, the rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it.

*Resolved,* That we approve the determination of the Government of the United States not to compromise with the rebels, or to offer any terms of peace except such as may be based upon an "unconditional surrender" of their hostility, and a return to their just allegiance to the Constitution and laws of the United States, and that we call upon the Government to maintain this position, and to prosecute the war with the utmost possible vigor, to the complete suppression of the rebellion, in full reliance upon the self sacrifice, the patriotism, the heroic valor, and the undying devotion of the American people to their country and its free institutions.

*Resolved,* That as slavery was the cause, and now constitutes the strength of the rebellion, and as it must be always and everywhere hostile to the principles of republican government, justice, and the national safety demand its utter and complete extirpation from the soil of the republic, and that we uphold and maintain the acts and proclamations by which the Government, in its own defense, has aimed a death blow at this gigantic evil. We are in favor, furthermore, of such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate, and forever prohibit, the existence of slavery within the limits of the jurisdiction of the United States.

*Resolved,* That the thanks of the American people are due to the soldiers and sailors of the army and navy, who have periled their lives in defense of their country, and in vindication of the honor of their flag; that the nation owes to them some permanent recognition of their patriotism and valor, and ample and permanent provision for those of their survivors

who have received disabling and honorable wounds in the service of the country, and that the memory of those who have fallen in its defense shall be held in grateful and everlasting remembrance.

*Resolved*, That we approve and applaud the practical wisdom, the unselfish patriotism and unwavering fidelity to the Constitution and the principles of American liberty, with which ABRAHAM LINCOLN has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the Presidential office; that we approve and endorse as demanded by the emergency, and essential to the preservation of the nation, as within the constitution, the measures, and acts, which he has adopted to defend the nation against its open and secret foes. That we approve, especially the proclamation of Emancipation, and the employment, as Union soldiers, of men heretofore held in slavery, and that we have full confidence in his determination to carry these, and constitutional measures essential to the salvation of the country, into full and complete effect.

*Resolved further*, That we regard as entitled to public confidence and trust, those, and those only, who endorse the principles proclaimed in these resolutions.

The resolutions were read the first and second time, and

On motion of Mr. Stiles,

Made the special order for this afternoon at 2 o'clock.

Message from the Council:

COUNCIL CHAMBER, }

Feb. 10, 1865. }

MR. SPEAKER: —I am instructed to inform the House that the Council has passed

C. B. No. 28,

For an act to provide for summoning jurors in certain counties, and for other purposes,

Which is herewith transmitted, and your Honorable body is respectfully requested to concur therein.

Very Respectfully, &c.,

O. MILLETT,

Secretary of Council.

On motion of Mr. Stone,

C. B. No. 28,

Was read the first and second time,

On motion of Mr. Stiles,

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and nays being called for,  
Those voting in the affirmative were,  
Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Ayes—18.

Noes—0.

So the said bill passed.

On motion of Mr. Worrall,

H. B. No. 15,

For an act to encourage emigration.

Read a third time and put upon its passage.

Mr. Worrall offered an amendment as an additional section, so follows :

SEC. — The sum of two thousand dollars is hereby appropriated out of the Territorial Treasury for the purposes of defraying the expenses incurred under the provisions of this act.

The amendment was not agreed to.

The question being upon the passage of the bill,

Those voting in the affirmative were,

Messrs. Clark, Ehrhardt, Holland, Lake, Mansur, Patterson, Pine, Thompson, Worrall, and Mr. Speaker.

Those voting in the negative were,

Messrs. Brendlinger, Baxter, Craig, Hopkins, Lynch, North, Nichols, and Stiles.

Absent—Mr. Stone.

Ayes—10.

Noes—8.

The said bill passed.

While the vote was being taken a call of the House was ordered.

Messrs. Patterson, and Stone, were reported absent, but Mr. Patterson coming in, his vote was recorded in the affirmative, and,

On motion of Mr. Stiles,

Further proceedings under the call were dispensed with,

On motion of Mr. Worrall,

The title was amended so as to read as follows :

An act to appoint a commission to encourage emigration of miners and other needed laborers, from foreign countries to Colorado Territory.

On motion of Mr. Stone,

C. J. R. No. 5,

Was indefinitely postponed.

On motion of Mr. Stiles,

H. B. No. 54,

Was considered engrossed,  
Read third time and put upon its passage.  
Those voting in the affirmative were,  
Messrs. Brendlinger, Craig, Ehrhardt, Holland, Lynch,  
Nichols, Patterson, Stiles, Thompson, Worrall, and Mr.  
Speaker.

Those voting in the negative were,  
Messrs. Baxter, Clark, Hopkins, Lake, Mansur, North, Pine,  
and Stone.

Ayes—11.

Noes—8.

The said bill passed.

Mr. Nichols introduced

H. B. No. 61,

For an act to amend an act entitled an act prescribing rules  
and regulations of Trust arising under the act of Congress,  
entitled "An act for the regulating of citizens of towns upon  
lands of the United States under certain circumstances,

The Council bill of that title having been lost or mislaid in  
the House.

The said bill was read the first and second time.

On motion of Mr. Nichols,

The rules was suspended, and

The bill considered engrossed.

Read a third time and put upon its passage.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins,  
Lake, Mansur, Nichols, North, Patterson, Pine, Stone, Thomp-  
son, Worrall, and Mr. Speaker.

Absent—Messrs. Brendlinger, Lynch, and Stiles.

Ayes—16,

Noes—0.

The said bill passed.

H. B. No. 20,

For an act supplemental to and amendatory of an act enti-  
tled an act regulating elections, approved Nov. 6, 1861, was,

On motion of Mr. Holland,

Considered engrossed.

Read a third time, and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins,  
Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone,  
Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Brendlinger and Stiles.

So the said bill passed.

On motion of Mr. Stone,

H. B. No. 55,

Was considered engrossed,

Read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Ehrhardt, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson and Mr. Speaker.

Absent—Messrs. Brendlinger, Holland and Worrall.

Ayes—16.

Noes—0.

So the said bill passed.

On motion of Mr. Stone,

H. B. No. 43,

Was considered engrossed,

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson and Mr. Speaker.

Absent—Messrs. Brendlinger, Lake and Worrall.

The said bill passed.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }

February 10th, 1865. }

To the Honorable Speaker of the House of Representatives:

SIR:—I have the honor to inform the House that I have this day approved and signed the following bills:

An act to amend an act entitled an act to incorporate the Consolidated Ditch Company, approved October 18, 1861.

Also,

An act to divide the Territory of Colorado into judicial districts, and to provide for the holding of courts in the same.

Very Respectfully,

Your Obed't Servant,

S. H. ELBERT,

Acting Governor C. T.

H. B. No. 36,

Was read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Clark, Ehrhardt, Holland, Hopkins,  
Lake, Lynch, Mansur, Nichols, North, Stone, Thompson,  
Worrall and Mr. Speaker.

Mr. Stiles voted in the negative.

Absent—Messrs. Baxter, Craig, Patterson and Pine.

The said bill passed.

Message from the Council:

MR. SPEAKER: I am instructed to inform the House that  
H. B. No. 38,

A bill for an act to incorporate the Trinidad and Raton  
Mountain Wagon Road, was transmitted to the House by mis-  
take, and to request that the same be returned to the Council.

O. MILLETT,

Sec'y of the Council.

On motion of Mr. Stone,

H. B. No. 50,

Was considered engrossed, and

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Ehrhardt, Holland, Hop-  
kins, Lake, Lynch, Mansur, Nichols, North, Stiles, Stone,  
Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Craig, Patterson and Pine.

Ayes—16.

Noes—0.

So the said bill passed.

On motion of Mr. Holland,

The House resolved itself into a committee of the Whole on  
general orders.

Mr. Holland in the chair.

On the rising of the committee,

The House was called to order.

Mr. Patterson, from the select committee, reported as follows:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 60,

For an act concerning the working and claiming of coal and

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

A. O. PATTERSON,  
D. H. NICHOLS,  
E. F. HOLLAND.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, C. T. }  
February 1865. }

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

SIR : I have the honor to inform the House that I have this day approved and signed the following bills and joint resolution viz :

An act to incorporate the Trinidad Raton Mountain Road.

An act to amend an act entitled an act to incorporate the Arkansas, Pueblo and Fontaine qui Bouille Ditch Company, approved March 7, 1864.

Joint Resolution and Memorial to the Senate and House of Representatives of the United States, in Congress assembled.

Very respectfully,

Your obedient servant,

S. H. ELBERT,

Acting Governor of Colorado.

On motion of Mr. Lynch,

The report of the select committee, submitted by Mr. Patterson, was adopted.

On motion of Mr. Nichols,

The rule was suspended, and

H. B. No. 60,

Was considered engrossed, and was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Brendlinger and Stiles.

Ayes—17.

Noes—0.

The said bill passed.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Mr. Lake, from the committee on engrossment, reported H. B. No. 19 correctly engrossed.

On motion of Mr. Stone,

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

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Baxter, Clark, Craig, Hopkins, Lake, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker,

Those voting in the negative were.

Messrs. Brendlinger, Ehrhardt, Holland, Lynch, Mansur, Nichols and North.

Ayes—12.

Noes—7.

The said bill passed.

Mr. Holland, from the committee of the Whole, made the following report :

The committee of the Whole beg leave to report that they have considered H. B. No. 56, and amended the first section by striking out the words "twenty-one," in the fifth line and inserting "eighteen" in their stead.

Also, article five, section one, in the twentieth line, as appended.

Also, fill the blanks in article five, and section three, as appended.

And report the same back and recommend its passage as amended.

E. F. HOLLAND, Ch'n.

On motion of Mr. Stiles,

The report was adopted.

On motion of Mr. Holland,

The rule was suspended,

The said bill was considered engrossed and

Read a third time.

On motion of Mr. Holland,

The last vote was re-considered.

On motion of Mr. Thompson,

The word "Quaker" was stricken out wherever it occurred in the bill.

On motion of Mr. Holland,

The following additional section was added to the bill :

An act entitled an act to organize the militia of Colorado Territory, approved Aug. 14, 1862, is hereby repealed.

Mr. Nichols moved to fill the first blank in the last article, fixing the wages of the soldiers, by inserting two dollars and fifty cents.

Mr. Holland moved to insert one dollar and fifty cents.

The motion of Mr. Nichols was not agreed to.

Mr. Holland's motion prevailed.

Mr. Holland moved to insert in the second blank the words "not less than thirty nor more than sixty."

Mr. Mansur moved to fill the blank in regard to the capita- tion tax, by inserting fifty cents.

Mr. Stone moved to fill the blanks in section two, article four, by inserting "twenty-five dollars" in the first, and "one hundred" in the second.

Carried.

On motion of Mr. Brendlinger,

The rules were suspended.

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

The question being on the passage of said bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, Worrall and Mr. Speaker.

Mr. Lynch, from the committee on Enrolment, reported as follows :

MR. SPEAKER : Your committee on Enrolled Bills beg leave to report

Council amendments to H. B. No. 46,

For an act to provide for the payment of the clerks and other officers of the Legislative Assembly.

Also,

C. B. No. 11,

For an act to prohibit persons holding office under municipal corporations from entering into contracts with such corporations, and for other purposes.

Also,

C. B. No. 13,

For an act to amend the acts incorporating the City of Denver.

Also,

C. B. No. 25,

For an act to repeal an act entitled an act to incorporate the

Colorado and Pacific, Wagon, Telegraph and Railroad Company,

Also,

C. B. No. 21,

For an act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas,

C. B. No. 17,

For an act to amend an act entitled an act incorporating the Junction, Georgia and French Gulch Road Company.

And found the same correctly enrolled.

JNO. T. LYNCH, Ch'n.

The following message was received from the council:

COUNCIL CHAMBER,

Feb. 10, 1865.

MR. SPEAKER: I am instructed by the Council to inform the House that the Council has passed

C. J. R. No. 6,

To defray the expense of translating the Governor's message into the Spanish language and to pay for the printing of the same.

And the concurrence of your honorable body is respectfully requested therein.

O. MILLETT,

Sec'y of the Council.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }

February 10th, 1865. }

*To the Honorable, the Speaker of the House of Representatives of Colorado Territory:*

SIR:—I herewith return to your Honorable body

An act entitled an act to encourage the formation and equipment of volunteer companies and would respectfully suggest the following amendments in order to give the law a broader application and to avoid questions that might arise under it as it now stands.

Strike out the word "or" in the last line of the first section and insert after the word "invasion" in the same line and section, the words "or the prevention of Indian difficulties."

Also, after the word "county," in the tenth line of the second section, add the following: "according to the last valua

tion or assessment of property in any such town, city or county."

Very Respectfully,

Your Obed't Serv't,

SAM. H. ELBERT

Acting Governor, C. T.

The following message was received from the Council:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 61,

For an act relative to relief of citizens of towns upon lands of the United States, under certain circumstances;

Also,

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the City of Black Hawk, as amended;

Also,

H. B. No. 52,

A bill for an act relating to powder houses and magazines, with amendments;

Also,

H. B. No. 49,

For an act entitled an act to incorporate the City of Central approved March 11, 1864, with amendments.

The said bills with their amendments are herewith transmitted.

O. MILLETT,

Sec'y of the Council.

On motion of Mr. Stiles,

H. B. No.

For an act entitled an act to encourage the formation and equipment of volunteer companies, with the Governor's message thereon, was referred to a select committee composed of Messrs. Stiles, Mansur and Nichols.

On motion of Mr. Stone,

The special order for this hour was postponed until seven o'clock this evening.

On motion of Mr. Stone,

H. B. No. 49,

Was taken up for consideration.

On motion of Mr. Worrall,

Section one of said bill was stricken out.

Mr. Hopkins moved to strike out the ninth section of said bill.

This motion was not agreed to.

On motion of Mr. Stone,

A clause repealing acts in conflict with this act, was prefixed to section thirteen.

Section two was amended.

On motion of Mr. Mansur,

The bill so amended was

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger Baxter, Clark, Craig, Ehrhardt, Lake, Mansur, Nichols, Patterson, Pine, Stiles, Stone, Thompson and Worrall.

Those voting in the negative were,

Messrs. Holland, Hopkins, Lynch and North.

Absent—Mr. Speaker.

Ayes—14.

Noes—4.

The said bill passed.

Mr. Stiles, from the select committee to whom was referred H. B. to encourage the formation and equipment of volunteer companies, with the Governor's message thereon, submitted the following report:

*To the Speaker of the House of Representatives :*

Your special committee appointed to examine and report to the House, amendments suggested in the message of the Governor, to

H. B. No. —,

An act to encourage the formation and equipment of volunteer companies, have had the same under consideration and beg leave to report that they recommend that said bill be amended by striking out the word "or" in the last line of the first section, and insert after the word "invasion," in the same line and section the words "or the prevention of Indian depredations."

Also after the word "county" in the tenth line of the second section, add the following: "according to the last valuation or assessment of property in any such town, city or county."

All of which is respectfully submitted.

B. B. STILES, Ch'n

A. MANSUR,

D. H. NICHOLS,

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

The amendments were read and adopted, and the said bill thus amended was

Read a third time, and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Pine, Stone, Thompson and Worrall.

Absent—Messrs. Brendlinger, Baxter, Patterson and Stiles.

Ayes—14,

Noes—0.

So the said bill passed.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }  
February 10th, 1865. }

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

SIR:—I have the honor to inform the House that I have this day approved and signed the following bills and resolution, viz:

An act authorizing the levy of a special tax in Arapahoe, Jefferson, Clear Creek and Gilpin counties.

An act to amend the acts incorporating the City of Denver, approved Nov. 7, 1861, and March 11, 1864.

A bill for an act to prohibit persons holding office under municipal corporations from entering into contracts with such corporations, and for other purposes.

An act to amend an act entitled an act for the protection of farmers against the depredations of stock in the counties of Weld and Douglas.

An act to amend an act entitled an act incorporating the Park Junction, Georgia and French Gulch Road Company, approved Nov. 6. 1861.

Preamble and resolution of thanks to the citizens of Boulder county.

Very Respectfully,

Your Obed't Servant,

S. H. ELBERT,

Acting Governor C. T.

H. B. No. 49, was taken up and amended on motion of Mr. Patterson, as follows:

The commissioners of Jefferson county shall keep said bridge in repair at the expense of said county.

On motion of Mr. Mansur,

The bill was amended as follows: "to be forever free from toll."

The said bill was ordered to be engrossed.

C. B. No. 9,

For an act to amend an act to establish the common school system, was

Read third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Lake, Lynch, Mansur, Nichols, North, Stiles, Stone, Worrall and Mr. Speaker.

Absent—Messrs. Patterson, Pine and Thompson.

Ayes—16.

Noes—0.

So the said bill passed.

On motion of Mr. Stone,

The title was amended so as to read as follows:

A bill for an act to amend an act entitled an act to establish the common school system, approved Nov. 7, A. D. 1861.

On motion of Mr. Brendlinger,

The House concurred in Council amendments to H. B. No. 52.

On motion of Mr. Mansur,

The House concurred in Council amendments to H. B. No. 57.

On motion of Mr. Mansur,

The House concurred in Council amendments to H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central.

On motion of Mr. Mansur,

The House took a recess for twenty minutes, at the expiration of which time the House was called to order.

C. J. R. No. 6,

Was read a first and second time,

Mr. Craig moved that it be indefinitely postponed.

This motion was agreed to.

The following message was received from the Council:

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 43,

For an act to prevent gamblers and keepers of gambling houses from serving as jurors, and amended the same by striking out the word "or" in the third line of section one.

Also have concurred to House amendments to House bill entitled an act to encourage the formation and equipment of volunteer companies.

O. MILLETT, Sec'y.

10th.  
from

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On motion of Mr. Stone,  
The Council amendment to H. B. No. 43,  
On motion of Mr. Nichols,  
The House adjourned until seven o'clock p. m.

NIGHT SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

On motion of Mr. Worrall,

The vote by which

C. J. R. No. 6,

Was indefinitely postponed was reconsidered.

On motion of Mr. Worrall,

The said resolutions were

Read a third time and put upon their passage.

The question being upon the passage of the resolutions,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Clark, Ehrhardt, Holland, Hopkins,  
Lake, Lynch, Mansur, Nichols, North, Stiles, Stone, Worrall,  
and Mr. Speaker.

Those voting in the negative were,

Messrs. Baxter, Craig, and Thompson.

Ayes—13.

Noes—3.

The resolutions were passed.

Message from the Council:

MR. SPEAKER:—I am instructed to inform the House that  
the Council has passed

H. B. No. 56,

For an act to organize the militia of Colorado Territory  
As amended.

O. MILLETT,

Secretary of Council.

On motion of Mr. Holland,

The House concurred in the amendments of the Council to  
said bill.

The special order for the hour, the H. concurrent resolution  
reported by Mr. Lynch from the committee on Federal Relations,  
were taken up for consideration.

Mr. Worrall moved to adopt said resolutions.

Mr. Stone moved to amend by striking out the last two reso-  
lutions.

Mr. Hopkins moved to amend by striking out the last resolution.

This motion was agreed to.

The resolutions thus amended was agreed to.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, C. T. }

February 1865. }

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

SIR : I have the honor to inform the House that I have this day approved and signed the following bills, viz :

An act to amend an act entitled an act prescribing rules and regulations of Trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances, approved March 11, 1864.

An act to incorporate the Denver and San Luis Valley Wagon Road Company.

Very respectfully,

Your obedient servant,

S. H. ELBERT,

Acting Governor of Colorado.

On motion of Mr. Stiles,

The House took a recess to be called to order at the pleasure of Mr. Speaker.

House called to order.

Message from the Council :

COUNCIL CHAMBER, }

Feb. 10, 1865. }

MR. SPEAKER : I am instructed to inform the House that the Council has passed

H. B. No. 20,

For an act amendatory of an act entitled an act regulating elections, approved Nov. 6th, 1861, and repealing an act entitled an act to enable citizens of the Territory, in the Military service of the United States to vote.

With amendments.

Also,

Have passed House Concurrent Resolutions.

O. MILLETT,

Sec'y of the Council.

On motion of Mr. Nichols,

The House concurred in Council amendments.

H. B. No. 47.

For an act for an appropriation to assist in erecting a bridge over Clear Creek at Golden City,

Read a third time and put upon its passage.

The question being on the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Holland, Hopkins, Lake, Mansur, Patterson, Stiles, Stone, Thompson, and Mr. Speaker.

Those voting in the negative were,

Messrs. Clark, Craig, Ehrhardt, Lynch, Nichols, and North.

Ayes—10.

Noes—6.

Absent—Messrs. Baxter, Pine, and Worrall.

The said bill passed.

Mr. Patterson introduced

A bill entitled an act to defray the expenses of the Council and House of Representatives, and to pay the salaries of the territorial officers,

Which was read the first and second time.

On motion of Mr. Stone,

The rule was suspended,

The said bill was considered engrossed,

Read a third time and put upon its passage.

The question being upon the passage of the bill,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Mansur, Nichols, North, Patterson, Pine, Stone, Thompson, Worrall and Mr. Speaker.

Absent—Messrs. Lynch, and Stiles.

Ayes—17.

Noes—0.

So the said bill passed.

On motion of Mr. Holland,

The title was amended so as to read as follows:

An act making appropriations to defray the expenses of the Legislative Assembly for the year 1865, and to pay the salaries of the Territorial officers, and for other purposes.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House that the Council has passed

H. B. No. 62,

For an act making an appropriation to defray the expenses of the Legislative Assembly for the year 1865, and to pay the salary of Territorial officers, and for other purposes,

With the following amendments:

Striking out the words and figures "for the bridge over Clear Creek at Golden City, the sum of twelve hundred dollars, (1200)," in the 16th, 17th, and 18th lines,

Also,

To insert after the word "translating" in the 19th line, the words "and printing."

Also,

That the House be requested to appoint a committee of three to confer with a like committee of two to be appointed by the Council to fix the hours of adjournment.

O. MILLETT,

Secretary of the Council.

On motion of Mr. Craig,

The House concurred in the Council amendments to

H. B. No. 62,

Mr. Stiles offered the following resolution :

*Resolved*, That the thanks of this House are due and they are hereby tendered to the Hon. Levi Harsh, Speaker of the House of Representatives, for the able and impartial manner in which he has presided over the deliberations of this body during this session.

The question being upon the passage of the resolution,

The ayes and noes were called for.

Those voting in the affirmative were,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Pine, Stiles, Stone, Thompson, and Worrall.

Ayes—18.

Noes—0.

The said resolution was unanimously adopted.

Mr. Stone offered the following resolution:

*Be it resolved by the House of Representatives and Council concurring of Colorado Territory:*

That the thanks of the Legislative Assembly be, and the same are hereby tendered to the citizens of Golden City, and especially the ladies thereof, for the elegant supper prepared and partaken of by the members and officers of the Legislative Assembly, on the last night of this session.

This resolution was unanimously adopted.

Mr. Stone offered the following resolution:

*Resolved*, That the thanks of this House be and the same are hereby tendered to the chief and assistant clerks of the House, the engrossing and enrolling clerks, the chaplain, the sergeant-at-arms, fireman, and page, for the prompt and efficient manner in which they have discharged the duties of their respective offices.

The resolution was adopted.

A message was received from the Council informing the House that the Council had concurred in H. Concurrent Resolution of thanks to the citizens and ladies of Golden City, for the supper.

Mr. Holland offered the following resolution:

*Resolved*, That the thanks of this body are due the editor of the Black Hawk Journal, O. J. Hollister, for his enterprise and public spirit in giving to the public in an impartial manner the proceedings of this Legislature.

Adopted

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, C. T. )  
February 10, 1865. }

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

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, viz:

An act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers, jurors, and witnesses.

An act to incorporate the Colorado Iron, Engine and Mill Manufacturing Company.

An act to incorporate the Overland Wagon Road Company.

An act to amend an act entitled an act to incorporate the city of Central, approved March 11, 1864.

An act in relation to powder houses and magazines.

An act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15, 1862

An act to provide for the payment of clerks and other officers of the Legislative Assembly.

An act to encourage the formation and equipment of volunteer companies.

Very respectfully,

Your obedient servant,

S. H. ELBERT,

Acting Governor of Colorado.

Mr. Stiles moved that a committee of three be appointed to wait upon the Governor, and inform him that the House has completed the business of the session, and are ready to adjourn, and await any communication he may see fit to make.

Adopted.

The speaker appointed on said committee,

Messrs. Stiles, Holland, and North.

Mr. Lynch moved a call of the House.

The following members answered to their names,

Messrs. Brendlinger, Baxter, Clark, Craig, Ehrhardt, Holland, Hopkins, Lake, Lynch, Mansur, Nichols, North, Patterson, Stiles, Stone, Thompson, Worrall. and Mr. Speaker.

Absent—Mr. Pine.

Message from the Governor:

EXECUTIVE DEPARTMENT, C. T. }

February 10th, 1865. }

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

SIR:—I have the honor to inform the House that I have this day approved and signed the following bills:

For an act to organize the militia of Colorado Territory.

An act to prevent gamblers or keepers of gambling houses from serving as jurors.

An act making appropriations to defray the expenses of the Legislative Assembly for the year 1865, and to pay the salary of the Territorial officers and for other purposes.

For an act amendatory and supplemental to an act entitled an act regulating elections, approved Nov. 6th, 1861, and repealing an act entitled an act to enable citizens of the Territory, in the Military service of the United States to vote, approved March 11, 1864.

Very Respectfully,

Your Obed't Servant,

S. H. ELBERT,

Acting Governor C. T.

Mr. Lynch from the committee on Enrollment made the following report;

MR. SPEAKER: Your committee on Enrolled Bills beg leave to report

H. B. No. 26,

An act to incorporate the Denver and San Luis Wagon Road Company.

Also,

H. B. No. 61,

For an act to amend an act entitled an act prescribing rules and regulations of Trust arising under the act of Congress.

Also,

C. B. No. 6,

For an act providing for the support of paupers.

Also,

C. B. No. 28,

For an act to provide for the summons of jurors in certain counties and for other purposes.

Also,

Council amendments to

H. B. No. 17,

For an act fixing the compensation of members of the Legislative Assembly of the Territory of Colorado, and amendatory to the several acts heretofore passed regulating the fees of officers.

Also,

H. B. No. 33,

For an act to incorporate the Overland Wagon Road Company.

Also,

H. B. No. 49,

For an act to amend an act entitled an act to incorporate the City of Central, approved March 11, 1864,

Also,

H. B. No. 57,

For an act to amend an act entitled an act to incorporate the City of Black Hawk,

Also,

H. B. No. 52,

A bill for an act relating to powder houses and magazines,

Also,

H. B. No. 43,

For an act to prevent gamblers and keepers of gambling houses from serving as jurors,

Also,

H. B. No. 32,

For an act to incorporate the Iron, Engine, Mill, and Manufacturing Company.

Also,

H. B. No. 29,

For an act to encourage the formation and equipment of volunteer companies,

Also,

H. B. No. 62,

For an act asking appropriations to defray the expenses of the Legislative Assembly for the year 1865.

Also,

H. B. No. 36,

For an act supplemental to and amendatory of an act entitled an act regulating elections, approved Nov. 6, 1861,

Also,

H. B. No. 56,

For an act to organize the militia of Colorado Territory.

And find the same correctly enrolled.

All of which is respectfully submitted,

JOHN T. LYNCH, Ch'n.

Mr. Stiles from the committee appointed to wait upon the Governor and ascertain if he had any further communication to make, submitted the following response from the Governor:

EXECUTIVE DEPARTMENT, C. T. }

February 10th, 1865. }

Gentlemen of the Committee :

You will please say to the House that I have no further communication to make. That in parting with them I beg leave to assure them of my appreciation of their uniform courtesy and kindness, and of my belief that their session has resulted in much useful legislation.

Very Respectfully,

Your Obed't Serv't,

SAM. H. ELBERT,

Acting Governor, C. T.

On motion of Mr. Stiles,

The Speaker appointed a committee of three composed of

Messrs. Stiles, Stone, and Mansur,

To inform the Council that the House had completed the business before it, and is now ready to adjourn *sine die*.

February 10th.]

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Mr. Stiles from the committee appointed to wait upon the Council, reported that the committee had discharged the duty assigned it.

On motion of Mr. Lynch,  
The House adjourned *sine die*.

C. H. GROVER,  
Chief Clerk.

TERRITORY OF COLORADO.

FIFTH SESSION.

BEGUN AT GOLDEN CITY, JANUARY 1, 1861, AND ADJOURNED TO  
DENVER, JANUARY 2, 1861.

PUBLISHED BY AUTHORITY.

BLACK HAWK.

G. J. HOLMISTED, PRINTER, MINING JOURNAL, DENVER.

*C. F. A. Haley*  
HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

MONDAY, JANUARY 1st, A. D. 1866.

FIFTH SESSION.

BEGUN AT GOLDEN CITY, JANUARY 1, 1866, AND ADJOURNED TO  
DENVER, JANUARY 2, 1866.

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1866.

HOUSE JOURNAL  
OF THE  
LEGISLATIVE ASSEMBLY OF COLORADO.

FIFTH SESSION.

MONDAY, JANUARY 1st, A. D. 1866:

Legislative Assembly of the Territory of Colorado.

The House of Representatives met at Golden City, the Seat of Government of said Territory, on Monday, the first day of January, A. D. 1866, pursuant to law.

House called to order by Mr. Fosher.

On motion of Mr. Riddlebarger, Mr. Henry was elected Speaker, *pro tem*.

On motion of Mr. Fosher, A. D. Cooper was elected Chief Clerk, *pro tem*.

On motion of Mr. Stearns, the following named gentlemen were appointed a committee on credentials, viz:

Messrs. Graham, Bergen and Fosher.

On motion of Mr. Bartells, House adjourned until 9 o'clock, to-morrow morning.

TUESDAY, JANUARY 2d, 1866.

House met pursuant to adjournment.  
Roll called.

No quorum present.

On motion of Mr. Fosher,

Mr. Bartholomew was elected Sergeant-at-Arms, *pro tem*.

On motion of Mr. Bartells,

House adjourned until 11 o'clock, a m.

11 O'CLOCK, A. M.

House met pursuant to adjournment.

Roll called.

No quorum present.

On motion of Mr. Bartells,

House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called.

Quorum present.

Committee on credentials made the following report:

*To the Honorable Speaker of the House of Representatives, Territory of Colorado:*

Your committee on credentials beg leave to report the following named members present entitled to seats in the House of Representatives of Colorado, now convened, viz:

Gabriel Martine, of the 11th district.

D. J. Ball, of the 7th district.

Perley Dodge, of the 5th district.

S. M. Breath, of the 3d district.

E. Norris Stearns, of the 9th district.

John Fosher, of the 8th district.

David Gregory, Louis F. Bartells, and H. J. Graham, of the 2nd district.

John W. Henry, of the 14th district.

T. C. Bergen, of the 4th district.

Thomas Keys, of the 10th district.

Matt Riddlebarger, of the 12th district.

J. G. Ehrhart, of the 10th district.

B. R. Colvin, of the 7th district.

All of which is respectfully submitted.

H. J. GRAHAM,

T. C. BERGEN,

JOHN FOSHER.

On motion of Mr. Gregory,  
The report of the committee was received and adopted.

Mr. Foshier offered the following resolution:

*Resolved*, That C. C. Carpenter, County Clerk of Jefferson County, be invited to administer the oath of office to the members present and entitled to their seats.

Mr. Carpenter appeared within the bar of the House, and administered the oath of office to the members present.

Moved by Mr. Bartells, that the House do now proceed to a permanent organization.

Carried.

Mr. Foshier offered the following resolution.

*Resolved*, That the House do now proceed to ballot for Speaker, and continue to ballot until a Speaker is elected.

Carried.

E. N. Stearns was nominated by Mr. Colvin.

John Foshier was nominated by Mr. Graham.

Mr. Graham was nominated by Mr. Foshier.

Mr. J. W. Henry was nominated by Mr. Riddlebarger.

The Speaker appointed Messrs. Graham and Bergen to act as tellers.

First informal ballot resulted as follows:

John Foshier received two votes.

E. N. Stearns received seven votes.

H. J. Graham received three votes.

J. W. Henry received three votes.

Whole number of votes cast, fifteen.

On motion of Mr. Graham,

The House proceeded to a formal ballot for Speaker, which resulted as follows:

J. Foshier received one vote.

H. J. Graham received three votes.

E. N. Stearns received seven votes.

J. W. Henry received four votes.

Whole number of votes cast, fifteen.

Necessary to a choice, eight. No choice.

Second ballot.

Stearns seven votes. Graham four votes. Henry four votes.

No choice.

Third ballot.

Stearns ten votes. Henry three votes. Graham two votes.

E. N. Stearns, having received a majority of all the votes cast, was declared duly elected permanent Speaker of this House.

Mr. Gregory moved that a committee of two be appointed to conduct the Speaker to the chair.

Messrs. Graham and Fosher were appointed such committee.

On motion of Mr. Fosher, Mr. C. C. Carpenter administered the oath of office to the Speaker elect.

A verbal communication was received by a committee from the Council, that that body had effected a permanent organization and was ready to receive any communication from the House.

On motion of Mr. Fosher,

The House proceeded to ballot for Chief Clerk.

Mr. Breath nominated C. J. McDevitt.

On motion of Mr. Fosher, C. J. Mc Devitt was elected by acclamation.

Mr. McDevitt came forward and took the required oath.

On motion,

The House proceeded to a formal ballot for Assistant Clerk.

Messrs. J. T. Boyd, R. W. Renolds, and Carlos Lake were put in nomination.

First ballot.

J. T. Boyd received six votes, Lake six votes, R. W. Renolds three.

Whole number of votes cast, fifteen.

Necessary to a choice, eight. No choice.

Second ballot.

J. T. Boyd received ten votes, Lake four votes, Renolds one.

J. T. Boyd having received a majority of all the votes cast,

Was declared duly elected Assistant Clerk.

On motion of Mr. Henry, the House proceeded to elect an Enrolling Clerk.

A. D. Cooper and T. Sloan were put in nomination.

First ballot.

A. D. Cooper received eleven votes.

T. Sloan received four votes.

Whole number votes cast, fifteen.

Necessary to a choice, eight.

Mr. Cooper having received a majority of all votes cast, was declared duly elected.

On motion of Mr. Fosher,

The House proceeded to elect an Engrössing Clerk.

Messrs. Sloan and Hopkins were put in nomination.

First ballot.

Hopkins received eleven votes.

Sloan received four votes.

Necessary to a choice, eight.

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

On motion of Mr. Riddlebarger, the House proceeded to elect a Sergeant-at-Arms.

Mr. Bartholomew and Scott were put in nomination.  
First ballot.

Bartholomew received ten votes.

Scott received five votes.

Whole number of votes cast, fifteen.

Necessary to a choice, eight.

Bartholomew having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Henry,

The House proceeded to elect a Fireman.

Jaun Jacques, M. Smith and C. Judkins were put in nomination.

First ballot.

Jacques received twelve votes, Judkins two votes, Smith one vote.

Jacques having received a majority of all votes cast, was declared duly elected.

On motion of Mr. Henry,

The House proceeded to elect two Pages.

Masters Lake, Leroy and Smith were put in nomination.

Mr. Foshier moved the two that received the highest number of votes should be declared elected.

First ballot.

Master Leroy received eleven votes, Lake ten, Smith five.

Masters Lake and Leroy having received the highest number of votes cast, were declared duly elected.

On motion of Mr. Henry,

The Assistant Enrolling and Engrossing Clerks, Sergeant-at-Arms, and Fireman came forward and took their several oaths of office.

The Secretary of the Council appeared with the following message:

COUNCIL CHAMBERS, January 1, 1866.

*Mr. Speaker:* I am instructed by the Council to inform you that the following Joint Resolution has been adopted, and ask your concurrence:

*Resolved,* The House concurring, that when the Legislative Assembly adjourn, it adjourn to meet at Denver City, on Thursday, at 11 o'clock, a. m., January 4, 1866.

Very Respectfully,

G. H. STILWELL,

Secretary of the Council.

Mr. Fosher offered the following resolution:

*Resolved*, That there be a committee of three appointed to inform the Council that this House is fully organized and ready to proceed to business.

Adopted, and

Speaker appointed Messrs. Dodge, Henry and Ehrhart as such committee.

On motion of Mr. Colvin,

The House proceeded to elect a Chaplain.

And Mr. Colvin nominated Rev. O. A. Willard.

On motion, he was elected by acclamation.

Mr. Henry moved that the House do now proceed to elect an interpreter for the Mexican members, and nominated L. F. Bartells.

Motion withdrawn.

Mr. Colvin moved that the representatives and members of the press be admitted to seats within the bar of this House.

Carried.

Moved by Mr. Colvin,

That we now adjourn until to-morrow, at 9 o'clock, a. m.

Lost.

The committee appointed to notify the Council of the organization of this House, reported that they had discharged the duties imposed on them.

On motion of Mr. Fosher,

The report was adopted, and the committee discharged.

Mr. Bartells moved that this House concur in Council Joint Resolution No. 1, in relation to adjourning to Denver.

Mr. Colvin moved to amend by striking out Denver City, and inserting Central City.

Ayes and nays called for on the amendment.

Those voting aye, were, Messrs. Henry, Bergen, Riddlebarger, Dodge, Colvin and Bates—6.

Those voting nay, were Messrs. Graham, Bartells, Gregory, Fosher, Keys, Martine, Breath, Ehrhart, and the Speaker—9.

So the amendment was lost.

Mr. Riddlebarger moved to amend by striking out Denver City and inserting Pueblo.

Lost.

Mr. Henry moved to lay the Resolution on the table, and called for the ayes and nays.

They were: Ayes, Messrs. Bergen, Riddlebarger, Dodge, Colvin, Ball and Henry—6.

Nays, Messrs. Graham, Bartells, Gregory, Fosher, Keys, Martine, Breath, Ehrhart, and the Speaker—9.

Lost.

Mr. Riddlebarger moved, 2 o'clock

That we adjourn until to-morrow at 10 o'clock, a. m.,

And called for the ayes and nays.

Ayes, Messrs. Henry, Bergen, Riddlebarger, Dodge and Colvin—5.

Nays, Messrs. Graham, Bartells, Gregory, Fosher, Keys, Martine, Breath, Ehrhart, Ball, and the Speaker—10.

Lost.

Mr. Bartells moved,

That the House do now concur in Joint Resolution No. 1 of Council,

And called for the ayes and nays.

Ayes, Messrs. Graham, Bartells, Gregory, Fosher, Keys, Martine, Breath, Ehrhart, and the Speaker—9.

Nays, Messrs. Henry, Bergen, Riddlebarger, Dodge, Colvin and Ball—6.

Carried.

The Speaker appointed Messrs. Bartells, Ehrhart and Bergen to wait on the Council, and inform them that the House had concurred in Joint Resolution No. 1, in relation to adjourning to Denver City.

Mr. Riddlebarger moved,

That the House do now take a recess until to-morrow, at 10 o'clock, a. m.

Amended to read 9 o'clock, a. m., and ayes and nays called for.

Ayes, Messrs. Henry, Bergen, Graham, Fosher, Riddlebarger, Breath, Dodge, Colvin, Ball, and the Speaker—10.

Nays, Messrs. Bartells, Gregory, Keys, Martine, Ehrhart—5.

Carried.

### WEDNESDAY, JANUARY 3d, 1866.

The time of recess having expired, the House was called to order by the Speaker, and

Roll called.

Absent, Messrs. Bartells and Gregory.

Mr. Henry moved that the Sergeant-at-Arms be sent after absent members.

Carried.

Sergeant-at-Arms returns and reports Messrs. Bartells and Gregory could not be found.

Mr. Henry moved that the House do take a recess until 2 o'clock, p. m.

Carried.

2 O'CLOCK, P. M.

The time of recess having expired, the House was called to order by the Speaker.

Roll called.

Absent, Mr. Gregory.

Quorum present.

Committee appointed to wait on His Excellency, the Governor, made the following report:

*Mr. Speaker:* Your joint committee appointed to inform the Governor of the organization of the House and Council, and of their readiness to receive any communication he might have to make, performed the duty assigned to them.

J. G. EHRHART, *Chairman.*

Mr. Breath moved,

That the report be received and committee discharged.

Carried.

Mr. Henry moved,

That a special committee of three be appointed by the Speaker to report rules for the government of the House.

Carried.

Speaker appointed Messrs. Henry, Keys and Dodge, as said committee.

Mr. Foshier offered the following resolution:

*Resolved,* That this House adopt Jefferson's Manual of Parliamentary usage, for its government, until such time as proper rules can be reported by the committee.

Mr. Bartells moved that the House do now adjourn, and called for the ayes and nays.

Ayes, Messrs. Bartells, Breath, Ehrhart, Foshier, Graham, Keys, Martine, and the Speaker—8.

Nays, Messrs. Bergen, Ball, Colvin, Dodge, Henry and Riddlebarger—6.

Carried.

THURSDAY, JANUARY 4th, 1866.

House met at 11 o'clock, a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent, Messrs. Ehrhart, Foshier, Gregory, Graham, Keys, Martine and Riddlebarger.

No quorum present.

On motion of Mr. Henry,

House adjourned until 11 o'clock, to-morrow.

FRIDAY, JANUARY 5th, 1866.

11 o'clock, a. m.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Mr. Dodge.

Quorum present.

Journal read and approved.

Mr. Dodge appeared and took his seat.

Sergeant-at-Arms announced a message from the Council.

COUNCIL CHAMBER, January 5, 1866.

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

I am instructed by the Council to inform your Honorable Body that a committee of one has been appointed by the Council, to act in concert with a committee of the House, to inform His Excellency, the Governor, that the Legislature is ready to go into joint convention and receive any communication he may have to offer.

Very Respectfully,

CHARLES E. COX, *Secretary*

Committee on credentials submitted the following report:

*Mr. Speaker:* Your committee on credentials ask leave to report as follows: That J. F. Gardner, of the second representative district, and Frank Hall, of the sixth representative district, are present, and entitled to seats in this House.

Respectfully submitted,

H. J. GRAHAM, *Chairman*

On motion of Mr. Ball, the report was received.

Whereupon, Messrs. Gardner and Hall appeared, and the oath of office was administered them by B. B. Stiles, clerk of District Court.

Mr. Henry offered the following resolution:

*Resolved,* That the Secretary of the Territory of Colorado be instructed to procure an interpreter in Spanish, for the House.

On motion, adopted.

Mr. Fosher offered the following resolution:

*Resolved*, That there be a committee of two appointed, on the part of the House, to act in conjunction with a similar committee on the part of the Council, to wait on His Excellency, the Governor, and ascertain at what hour it may please His Excellency to communicate his message to this Legislative Assembly.

Adopted, and

Speaker appointed Messrs. Fosher and Ball as such committee.

Committee appointed to wait on the Governor made the following report:

*Mr. Speaker*: Your special committee appointed to wait on His Excellency, the Governor, have preformed their duty, and ask leave to report as follows:

That His Excellency will communicate his message at 2 o'clock, this p. m., in joint convention.

Respectfully submitted.

JOHN FOSHER.

D. J. BALL.

On motion, the report was received, adopted, and committee discharged.

Committee on credentials submitted the following report:

*Mr. Speaker*: Your committee on credentials ask leave to report that B. F. Johnson is present from the first representative district, and entitled to a seat in this House.

Respectfully submitted.

H. J. GRAHAM,

JOHN FOSHER,

T. C. BERGEN.

On motion, report adopted.

On motion of Mr. Henry,

Mr. Johnson appeared within the bar of the House, and took the required oath.

Mr. Gergory offered the following resolution:

*Resolved*, That this House go into joint convention with the Council, at 2 o'clock, this p. m., to hear the message of the Governor.

On motion, adopted.

On motion of Mr. Ball, House adjourned until 2 o'clock, this p. m.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Roll called.

No absentees. Quorum present.

Sergeant-at-Arms announced the presence of the Council.

They were admitted to seats upon the floor of the House.

The two Houses then went into joint convention.

The Hon. Henry C. Leach, President of the Council, in the chair.

The committee appointed to wait upon the Governor and escort him to the House, retired, and soon thereafter returned to the Hall with His Excellency, Alexander Cummings, Governor of the Territory of Colorado, who was conducted to the Speaker's chair, and delivered to the Joint Assembly his message.

After hearing which, Mr. Hinsdale moved,

That this Joint Convention do now dissolve.

Carried.

Speaker called House to order.

Mr. Foshier moved,

That the chair appoint a committee of three to confer with a like committee on the part of the Council, and ascertain what number of copies of the Governor's message are required to be printed and published for the use of the two Houses respectively.

Carried.

Speaker appointed Messrs. Foshier, Riddlebarger and Henry as such committee.

Sergeant-at-Arms announced a message from the Secretary of the Territory, which was received and read, as follows:

OFFICE OF THE SECRETARY OF THE TERRITORY,  
Denver, January 5th 1866.

To the Honorable Speaker of the House of Representatives:

SIR: In reply to your resolution of this date, asking me to employ an interpreter for the Mexican members of the House of Representatives, I would most respectfully submit the following extract from a letter of instructions from the Treasury Department, on file in my office:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,  
December 15th 1862.

Hon. Sam. H. Elbert, Secretary Colorado Territory, Denver.

SIR: Some time since, you desired information on the following points:

*Question.* Am I authorized to employ one or more interpreters to interpret for Mexican members of the Legislature?

*Answer.* No. This Department cannot authorize that.

Very Respectfully,

WM. H. JONES,

*Acting Comptroller.*

Under these instructions I would not be authorized to employ an interpreter, except at the Territorial expense.

Very Respectfully,

Your Obedient Servant,

SAM. H. ELBERT,

*Secretary Col. Ter.*

On motion of Mr. Ball, A Joint A. trial and delivered to the

The communication from the Secretary was placed on file as part of the records of this House.

The committee on Rules were requested to report, by the Speaker.

Chairman of said committee stated that their labors were not completed, and requested further time.

Granted.

Sergeant-at-Arms announced a communication from the Secretary of the Territory, which was received and read, as follows:

OFFICE OF SECRETARY OF COLORADO TERRITORY,

Denver, January 5th, 1866.

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

SIR: I beg leave to call your attention to the following extract from instructions sent me by Treasury Department:

"This Department claims and exercises the right, under existing laws, to regulate the price and quantity of Territorial printing. The limits of the annual appropriations, aside from any other consideration, would not admit of any indefinite action in this respect, by the General Assembly."

You will therefore suggest to the presiding officer of each House, that memorials, petitions and documents, having no necessary connection with the duties of legislation, or the dissemination of useful information among the people, will be excluded, and not printed at the expense of the United States."

The proprietors of the *Rocky Mountain News* have been employed by me to do the incidental printing of this session, and will do such printing as your committee on printing (with proper regard to the above instructions,) may order.

I am also authorized by the Department, to furnish each member of the Legislature with one newspaper, during the ses-

sion. The members will oblige me by giving their names to the Clerk, with the name of the paper published in our Territory, which they desire.

I am also instructed by the Department to pay the postage of the members during the session. Letters and papers which they desire to mail, they will please frank and place in the hands of the Sergeant-at-Arms.

Very Respectfully, Your Obedient Servant,

SAM. H. ELBERT.

*Secretary Col. Ter.*

On motion, the communication was placed on file, as part of the records of the House.

Mr. Henry offered the following resolution:

*Resolved*, By the House of Representatives, that the presiding officer of this body is hereby requested to report to His Excellency, the Governor, the names of all duly elected members to this branch of the present Assembly, as proclaimed by him under date of December 11, A. D. 1865, who have, through absence from the Territory, or otherwise, failed to take their seats; and that the seats of all such absentees be and the same are hereby declared vacant, except the member from Fremont county, and the members from Costilla county; and that it is the voice of this body, that the Governor proceed, as soon as practicable, to call a special election to fill such offices.

Mr. Fosher moved that the House lay the resolution on the table.

Carried.

Special committee appointed to confer with like committee on the part of the Council, relative to printing Governor's message, submitted the following report:

*Mr. Speaker*: Your special committee, appointed to confer with a similar committee on the part of the Council, with reference to the Governor's message, have discharged that duty, and would report as follows:

That your committee deem it advisable that there be published four thousand copies of the message in the English language, and one thousand in the Spanish language, for the use of the two bodies.

JOHN FOSHER, *Chairman*.

On motion, the report was received and adopted, and committee discharged.

Mr Colvin here requested permission to introduce a bill, entitled

An act, to amend "An act to incorporate the Denver and Pacific Wagon Road Company." Approved March 10, 1864.

On motion of Mr. Fosher,

Permission was granted, and bill read.

Mr. Riddlebarger introduced the following resolution:

*Resolved*, That the Secretary of the Territory be authorized to employ an interpreter for the Spanish members of this House, at the expense of the Territory.

On motion, adopted.

Mr. Ball moved

That the House do now adjourn until 9 o'clock, a. m., to-morrow.

Mr. Riddlebarger moved to amend by saying Monday, the 8th January, 1866.

Motion and amendment both withdrawn.

The committee on Rules submitted the following report:

*Mr. Speaker*: Your committee, appointed to report Rules for the government of this House, ask leave to report the following, and recommend the adoption of the same:

## RULES OF THE HOUSE OF REPRESENTATIVES.

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.

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

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

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

5. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member who chooses to speak, shall have spoken, except chairmen of committees, upon matters reported by them.

6. 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.

7. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be with-

drawn at any time before amended, or decision; but all motions, resolutions or amendments, shall be entered on the journal, whether withdrawn, rejected or adopted.

8. When a question is under debate, no motion shall be received, but to adjourn; to lay on the table; to postpone indefinitely; to postpone to a certain day; to correct 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 a demand of three members.

9. 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 on the table, shall be decided without debate.

10. The moving of the previous question shall not be allowed in this House, except by demand of three members.

11. The Clerk of the House shall make a list of all bills which have been reported upon by the Committee of the Whole, or any other Committee, in the order in which they are reported back, except that bills of a public character shall always be placed above private bills, and such bills shall be taken up and considered by the House in the order in which they stand.

12. 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 he be interested in the question, in which case he shall not vote.

13. When the Speaker is putting the question, no member shall walk out of, or across the House, nor, when a member is speaking, shall any person entertain any private discourse, or pass between him and the chair; and no smoking shall be allowed in the House.

14. If the question in debate contain several points, any member may have the same divided.

15. 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.

16. Every bill and resolution, shall have prefixed thereto, the name of the person introducing it; and when ordered by a committee, the name of said committee shall be endorsed thereon.

17. Every bill shall receive three several readings previous to its being passed, but the first and second readings shall be by their titles only, unless some member of the House demand the reading at full length, in which case it shall be read, and the second and third readings shall be on different days; and the third reading shall be on a day subsequent to that in which it has passed a Committee of the Whole House, unless the House,

by the vote of two-thirds of the members present, shall direct otherwise.

18. No bill shall be committed or amended, unless it has been twice read. On the final passage of all bills, the vote shall be by ayes and nays, and entered on the journals.

19. In forming a Committee of the Whole House, the Speaker shall appoint a Chairman to preside.

20. Bills committed to a Committee of the Whole House, shall be read by the Clerk and debated by clauses, leaving the preamble to be last considered. All amendments shall be entered upon a separate piece of paper, and so reported to the House by the Chairman.

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

22. A similar mode of proceeding shall be observed with bills which have originated in the Council, as with bills originating in the House.

23. No motion for reconsideration shall be in order, unless on the same day, or the day following that on which the decision proposed to be considered, took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost (except in case of privileged motions,) shall not be renewed.

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

25. The Rules of the House shall be observed in Committee of the Whole House, as far as may be applicable, except that the ayes and nays shall not be called, nor the previous question enforced.

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

27. The following standing committees shall be appointed by the Speaker, to consist of five members each:

A committee of Agriculture and Manufactures.

A committee of Territorial Affairs.

A committee of Education.

A committee of Federal Relations.

A committee of Printing.

A committee of Rules and Joint Rules.

A committee of Military Affairs.

A committee of Roads and Bridges.

A committee of Indian Affairs.

A committee of Ways and Means.  
 A committee of Judiciary.  
 A committee of Elections and Apportionment.  
 A committee of Counties and County Lines.  
 A committee of Incorporations.  
 A committee of Mines and Minerals.  
 The following standing committees to consist of three members each:

A committee of Engrossment.

A committee of Enrollment.

28. 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; and said committee may report at any time.

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

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

31. The Speaker shall cause the Clerk 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 orders 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 all bills.

32. Every message from the Council, communicating any bill for the concurrence of the House, shall, after the second reading of the bill, be referred to such select or standing committee as shall be assigned by the House, with the accompanying documents, if any, to consider and report thereon, unless otherwise ordered by the House.

33. On the meeting of the House, the order of the day shall be as follows:

- 1st. Prayer by the chaplain, if present.
- 2nd. Call of the roll.
- 3d. Reading of the journal of the previous day.
- 4th. Presentation of petitions.
- 5th. Report of the standing committees.
- 6th. Report of select committees.
- 7th. Messages from the Governor.
- 8th. Amendments proposed by the Council to bills from the House of Representatives.
- 9th. Motions, resolutions and notices.

- 10th. Second reading of bills and resolutions from the Council.
- 11th. Introduction and first reading of bills.
- 12th. Second reading of House bills and resolutions.
- 13th. Consideration of bills reported upon by committees.
- 14th. Third reading of Council bills and resolutions.
- 15th. Third reading of House bills and resolutions.
- 16th. Unfinished business of the preceding day.
- 17th. Special Orders of the day.
- 18th. General Orders of the day.

Any other business not prohibited by the Rules of the House.

34. 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 this House; and no business shall be in order until the whole are considered or passed; or the Committee rise; and unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon, or pass the General Orders, according to the order of their reference.

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

36. The rules of parliamentary practice, embraced in Jefferson's Manual, shall govern the House, in all cases in which they are not inconsistent with the standing rules of the House, and the joint rules of the Legislative Council and House of Representatives.

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

38. The regular hour of the daily meeting of the House shall be nine o'clock in the morning, unless some other hour be designated by the House, at the time of adjournment.

39. The ayes and nays shall be ordered, when demanded by any member, except upon the final passage of bills, in which case the ayes and nays shall be had without any demand.

40. That whenever a call of the House is ordered, the absentees be fined two dollars each, unless excused by the House, which shall be paid to the Sergeant-at-Arms.

41. That any bills after having been read a second time, be placed on file for consideration in the Committee of the Whole, unless especially ordered by the House.

# JOINT RULES

## OF THE COUNCIL AND HOUSE OF REPRESENTATIVES.

*Fifth Session of the Legislature of Colorado Territory.*

Rule 1. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Sergeant-at-Arms, and shall be respectfully communicated to the chair by the person by whom it may be sent.

Rule 2. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

Rule 3. Messages shall be transmitted from one House to the other while both Houses are in session.

Rule 4. After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the Territory for his approval.

Rule 5. When the bills are enrolled, they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any error that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Rule 6. After examination and report, each bill shall be signed in their respective Houses, first, by the Speaker of the House of Representatives, then by the President of the Council.

Rule 7. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Chief Clerk of the House in which the same did originate,) and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the journal of each House.

Rule 8. All orders, resolutions and votes, which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner be enrolled, examined and signed, and shall be presented in the same manner, and by the same committee as provided in the cases of bills.

Rule 9. Each House shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

Rule 10. The President of the Council shall preside at all Conventions of the Houses.

Rule 11. Any three members may move a call of the Convention.

Rule 12. In all cases, the President shall have the right of voting, and in all cases he shall vote last.

Rule 13. When a bill or resolution, which shall have passed one House, shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

Mr. Ball moved that the report be received, and committee discharged.

Carried.

Mr. Hall moved that a committee of two be appointed to confer with a like committee of the Council, on Joint Rules.

Carried.

Speaker appointed Messrs. Hall and Colvin as such committee.

Mr. Henry offered the following resolution:

*Resolved*, That the Secretary of the Territory be instructed to have five hundred copies of the Rules of the House printed for the use of the House.

Mr. Colvin moved to amend by saying one (1) hundred instead of five (5) hundred copies.

Mr. Fosher moved to amend by saying fifty copies instead of one hundred.

Amendment to the amendment, lost.

Question as amended by Mr. Colvin was then put and carried.

Mr. Gregory asked leave of absence until Monday, Jan. 8th.

Leave granted by the House.

Mr. Ball moved to adjourn till 9 a. m., to-morrow.

Mr. Henry moved to amend by saying 10 o'clock, a. m.

Amendment accepted, and

House adjourned until 10 o'clock, a. m.

SATURDAY, JANUARY 6th, 1866.

House met at 10 o'clock, a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Ball, Hall and Riddlebarger.

No quorum present.

Sergeant at Arms was dispatched after absent members.

Mr. Riddlebarger appeared and took seat. And

Quorum announced.

Communication read from Rev. O. A. Willard, Chaplain elect, stating that he could not attend the session of House until Tuesday next.

On motion of Mr. Ball,

It was received and placed on file as part of the Records of the House.

Journal of previous day read, corrected and approved.

Mr. Ball appeared and took his seat.

On motion of Mr. Breath,

Leave of absence was granted Mr. Bergen until Wednesday, January 10th, 1866.

Mr. Camilla Ducheneau having been employed as interpreter for the House, came forward and took the required oath of office, which was administered to him by the Speaker.

The Speaker then announced the following Standing Committees:

#### STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

*Agriculture and Manufactures.*—H. J. Graham, T. C. Bergen, B. F. Johnson, J. A. Gardner and J. G. Martine.

*Territorial Affairs.*—J. Fosher, B. F. Johnson, D. J. Ball, Thomas Keys and J. G. Martine.

*Education.*—Thomas Keys, D. J. Ball, H. J. Graham, B. R. Colvin and J. F. Gardner.

*Federal Relations.*—Frank Hall, D. J. Ball, P. Dodge, Thomas Keys and J. W. Henry.

*Printing.*—Frank Hall, P. Dodge, B. F. Johnson, M. Riddlebarger and H. J. Graham.

*Rules and Joint Rules.*—P. Dodge, J. G. Ehrhart, J. Fosher, J. W. Henry and H. J. Graham.

*Military Affairs.*—J. F. Gardner, L. F. Bartells, B. R. Colvin, J. W. Henry and M. Riddlebarger.

*Roads and Bridges.*—H. J. Graham, T. C. Bergen, S. M. Breath, J. G. Ehrhart and M. Riddlebarger.

*Indian Affairs.*—S. M. Breath, J. W. Henry, D. Gregory, J. Fosher and B. F. Johnson.

*Ways and Means.*—Frank Hall, S. M. Breath, D. J. Ball, L. F. Bartells and P. Dodge.

*Judiciary.*—J. W. Henry, B. R. Colvin, J. Fosher, Thomas Keys and S. M. Breath.

*Elections and Apportionment.*—L. F. Bartells, Frank Hall, B. F. Johnson, J. G. Martine and M. Riddlebarger.

*Counties and County Lines.*—D. J. Ball, J. F. Gardner, B. R. Colvin, J. W. Henry and H. J. Graham.

*Incorporations.*—M. Riddlebarger, H. J. Graham, D. J. Ball, T. C. Bergen and L. F. Bartells.

*Mines and Minerals.*—B. R. Colvin, S. M. Breath, D. J. Ball, J. Fosher and Thomas Keys.

*Engrossment.*—Thomas Keys, H. Dodge and J. W. Henry.

*Enrollment.*—D. J. Ball, Frank Hall and B. R. Colvin.

Mr. Graham asked leave to present a bill entitled "An act to amend an act to incorporate the Denver and San Luis Valley Wagon Road Company."

Leave granted. And bill read by its title.

Mr. Fosher rose to a point of order.

Mr. Bartells moved that all bills introduced be read at length on first reading.

Carried.

Mr. Graham moved that House reconsider the motion of Mr. Bartells.

Carried.

Mr. Henry introduced the following resolution:

*Resolved,* That Rule 17, of the Standing Rules of this House be so amended as to read that every bill and resolution shall be read the first and second time by their titles only.

Mr. Riddlebarger moved to amend by saying "Except the reading be called for at full length, by some member of the House."

Amendment accepted, and resolution passed as amended.

By permission of the House,

Mr. Henry introduced House Bill, No. (3) three, entitled "An act granting exclusive right to William Craig, to erect and maintain a toll bridge across the Arkansas River."

Mr. Fosher gave notice that at some future day he would introduce a bill for a joint memorial to Congress, concerning a Mining Bureau.

On Motion of Mr. Graham,

House adjourned to meet on Monday at 9 o'clock. a. m., January 8th, 1866.

# MONDAY, JANUARY 8th, 1866.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent,—Messrs. Bergen, Bartells, Ball, Colvin, Ehrhart, Gregory, Henry, Hall, Johnson, Martine and Riddlebarger.

Ball,

No quorum present.

Mr. Breath moved the House adjourn until 2 o'clock, p. m.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent,—Messrs. Bergen, Bartells, Ball, Gregory and Riddle-  
barger.

No quorum present.

Mr. Ball appeared and took his seat.

Quorum announced.

Journal read, corrected and approved.

Mr. Bartells appeared and took his seat.

Order of business read.

Special committee on joint rules, submitted the following re-  
port:

*Mr. Speaker:* Your committee on rules and joint rules, beg  
leave to report that they have conferred with a like committee  
from the Council, and have decided to adopt the rules and joint  
rules of the session of 1865.

F. HALL, *Chairman.*

On motion of Mr. Bartells,

The report was received and adopted, and committee dis-  
charged.

Mr. Fosher moved

That there be a committee of three appointed to examine  
the Governor's Message, and recommend it to the different com-  
mittees for their action on the same.

Carried. And

Speaker appointed Messrs. Fosher, Ball and Bartells as such  
committee.

Mr. Fosher offered the following resolution:

*Resolved,* That Judges of the Supreme Court, members of the  
Executive Department and members of the Council, be admitted  
within the bar of this House.

On motion of Mr. Ball,

Adopted.

Mr. Fosher here introduced a bill entitled "A bill for a joint  
memorial to the Congress of the United States, asking for the  
establishment of a Mining Bureau for the Territory of Colorado.

Bill read first time by its title.

H. B. No. 1, was read second time, and

On motion of Mr. Fosher,

Referred to committee on Incorporations.

H. B. No. 2, read second time, and

On motion of Mr. Henry,

Referred to committee on Incorporations.

H. B. No. 3, read second time, and on motion,

Referred to committee on Incorporations.

Speaker ordered

Sergeant-at-Arms to procure a map of Colorado Territory for the use of the House.

Mr. Henry moved

To adjourn until to-morrow at 10 o'clock, a. m.

Mr. Bartells moved to amend, by saying 9 o'clock, a. m.

Amendment accepted, and motion carried.

## TUESDAY, JANUARY 9th, 1866.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Bartells, Ball, Ehrhart, Fosher, Gregory, Hall and Martine.

No quorum present.

On motion of Mr. Riddlebarger, House adjourned until 10 o'clock, a. m.

10 O'CLOCK, A. M.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Gregory and Hall.

Journal read and approved.

Special committee on Governor's Message, made the following report:

*Mr. Speaker:* Your special committee to whom was referred the Message of His Excellency, the Governor, beg leave to recommend,

That as much of that Message as refers to Indian Affairs be referred to committee on Indian Affairs.

That portion referring to Finance, to the committee on Ways and Means.

That portion referring to Pacific Railroad, Telegraph and Denver Memorial, to the committee on Federal Relations.

That portion referring to Territorial Affairs, Library and School Fund, to committee on Education.

That portion referring to the Adjutant General's Report, and Colorado Militia, to the committee on Military Affairs.

That portion referring to the Supreme Court, to the committee on Judiciary.

That portion referring to Gambling and Emigration, to the committee on Territorial Affairs.

Respectfully submitted.

JOHN FOSHER, *Chairman.*

Mr. Henry gave notice that he would on to-morrow, or some subsequent day, introduce

A Bill to incorporate the Colorado and New Mexico Wagon Road Company.

Also at the same time,

A Bill to amend an Act entitled An Act to prevent the introduction of animals for the purpose of grazing, within certain limits, approved November 6th, 1861.

Also at the same time,

A Bill for an Act granting the exclusive right to Thomas Suttells, of Pueblo, to establish and maintain a ferry across the Arkansas River at the town of Pueblo.

Mr. Riddlebarger gave notice that he would on to-morrow, or some subsequent day, introduce

A Bill for an Act concerning County Lines.

Also,

A Bill for an Act to incorporate the Arkansas River and Saint Charles Ditch and Irrigating Company.

Mr. Fosher gave notice that he would on to-morrow or some subsequent day introduce

A bill relating to Assaying of Minerals in Colorado Territory.

Mr. Bartells gave notice that he would, on to-morrow or some subsequent day, introduce

A Bill to repeal an Act entitled An Act to create the office of Flour Inspector, approved Feb. 8th, 1865.

Mr. Ball presented a petition asking for the establishment of a new County, to be taken off of the western part of Summit County.

The petition was read and referred to the committee on Counties and County Lines.

Mr. Henry presented a petition from Joseph Cox and others, asking for the right to Thomas Suttells, of keeping a ferry at Pueblo.

The petition was read and referred to the committee on Incorporations.

H. J. R. No. 1 was read second time and referred to committee on Federal Relations.

Mr. Riddlebarger moved that the resolution in relation to absent members be taken from the table and considered.

Carried.

Mr. Riddlebarger offered the following amendment:

Strike out "or" in the 8th line, and "otherwise" in the 9th line from the top; and strike out "except the member from Fremont County, and members from Costella County."

Amendment accepted by Mr. Henry.

Mr. Fosher moved that this resolution be made the order of the day for 2 o'clock, this p.m.

Carried.

Mr. Colvin moved that the committee on Credentials report the names of absentees, at 2 o'clock, this p.m.

Carried.

Mr. Hall moved,

That this House adjourn until 2 o'clock, p.m.

Carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Committee on credentials made the following report:

Mr. Speaker: Your committee on Credentials ask leave to submit the following report:

That A. Mansur, Ira Austin, and J. W. Watson, of the 6th district,

A. D. Beran, of the 8th district,

Geo. W. Norris, of the 9th district,

Wm. Lock, of the 13th district,

Jesus Maria Barela, of the 19th district,

And M. Mandragen, of the 11th district,

In all, eight members who were proclaimed elected to this House, have failed to appear and take their seats;

We therefore report said members absent from this House.

All of which is respectfully submitted.

H. J. GRAHAM,

JOHN FOSHER.

Mr. Fosher moved the adoption of the report.

Carried.

Mr. Henry's resolution in relation to absent members was then taken up and considered.

Ayes and nays called for on the resolution.

Ayes, Messrs. Breath, Colvin, Dodge, Ehrhart, Graham, Hall, Henry, Johnson, Keys, Riddlebarger and Speaker—11.

Nays, Messrs. Bartells, Ball, Fosher, Graham and Martine—5.  
Carried.

Mr. Fosher offered the following resolution:

*Resolved*, That the seats of all absentees reported by the committee on Credentials, as absent, shall be declared vacant.

Mr. Riddlebarger moved,

To lay the resolution on the table, and called for the ayes and nays.

Ayes, Messrs. Breath, Colvin, Dodge, Ehrhart, Graham, Henry, Keys, Riddlebarger and Speaker—9.

Nays, Messrs. Bartells, Ball, Fosher, Gardner, Hall, Martine, —6. Carried.

Mr. Bartells introduced the following resolution:

*Resolved*, That no standing committee shall hold a bill longer than five days under consideration, without the consent of the House.

Mr. Graham gave notice that he would, at some future time, introduce a bill for changing the time of holding the General Elections.

Mr. Colvin introduced the following resolution:

*Whereas*, The people of the Territory of Colorado, in their sovereign capacity, ordered an election and adopted a State Constitution, on the second of September, 1865, and also duly elected members to a State Legislature, in accordance with said Constitution.

*And whereas*, The Honorable Senate and House of Representatives of the said State Legislature, after having organized, appointed a special committee to wait on His Excellency, Governor Gilpin, Governor elect of the so-called State of Colorado, and inform His Excellency that both Houses were duly organized, and would meet in joint Convention at a specified time, at which time the Legislature would be ready to listen to any communication he might think proper to offer.

*And Whereas*, His Excellency, Governor Gilpin, appeared before said joint convention and delivered a very important and instructive message,

*Therefore, Resolved*, 1st, That inasmuch as said State Legislature and said joint convention, and all acts done by them were unprecedented and informal, we, the House of Representatives of the Territory of Colorado, heartily approve the magnani-

inuous condescension of His Excellency, Governor Gilpin, in delivering a message to said State Legislature.

*Resolved*, 2d, That we commend the wisdom and high appreciation, as shown by the State Legislature, in ordering five thousand copies of Governor Gilpin's message printed.

*Resolved*, 3d, That we denounce the comments in the editorial columns of the *Rocky Mountain Daily News*, of Jan. 8th, wherein it characterizes the message of Governor Gilpin as dealing in ambiguous and highfaluting language, as undignified and unworthy the columns of any respectable newspaper of Colorado.

Mr. Ball moved,

To lay resolution on the table, and

Ayes and nays called for.

Ayes, Messrs. Ball, Dodge, Foshier, Graham, Hall, Johnson, Keys, Riddlebarger and Speaker—9.

Nays, Bartells, Breath, Colvin, Ehrhart, Gardner, Henry and Martine—7.

Carried.

Sergeant-at-Arms announced a message from the Council.

#### COUNCIL CHAMBER, January 9, 1866.

To the Honorable Speaker of the House of Representatives:

I am instructed to inform your Honorable Body that the Council has passed the following bill, C. B. No. 10.

A bill for an act to suppress gambling and gambling houses, and to repeal an act to suppress gambling and gambling houses, approved March 2d, 1864,

And to repeal an act limiting the operation of an act to suppress gambling and gambling houses, approved March 2d, 1864.

And repealing certain parts of section 31, of an act entitled an act to incorporate the city of Denver, approved March 11th, 1864.

Very Respectfully,

CHARLES E. COX, Secretary.

Mr. Riddlebarger moved

To adjourn until 10 o'clock, a. m., to-morrow.

Mr. Bartells called for the ayes and nays.

Ayes, Messrs. Ehrhart, Gardner, Graham, Hall, Henry, Johnson, Riddlebarger and Speaker—8.

Nays, Messrs. Bartells, Breath, Ball, Colvin, Dodge, Foshier, Keys and Martine—8.

Lost.

Mr. Bartells moved,

To suspend the rules and consider C. B. No. 10.

Division of the House called for, and

Motion carried.

Mr. Fosher moved,

The bill be read first and second time, and referred to appropriate committee.

Carried, and

Bill read first and second time.

Mr. Colvin moved,

The House go into a committee of the whole, for the consideration of C. B. No. 10, in relation to gambling and gambling houses.

Mr. Fosher offered the following resolution, as an amendment to Mr. Colvin's motion:

*Resolved*, That Council Bill No. 10, be referred to the committee of the whole, and made the special order of the day for to-morrow at 10 o'clock.

Amendment accepted,

Mr. Henry called for the reading of the rules.

Rules read.

Mr. Colvin moved to amend the resolution, offered by Mr. Fosher, by referring said "C. B. No. 10," to committee on Judiciary, and that said committee report at 10 o'clock to-morrow.

Mr. Fosher did not accept the amendment.

Mr. Fosher's resolution ruled out of order by the Speaker.

Mr. Fosher appealed from decision of the chair.

The House sustained the Speaker.

Mr. Graham moved,

That rule No. 17, be suspended for the purpose of considering C. B. No. 10.

Carried.

Mr. Graham moved that C. B. No. 10 be made the special order of the day for to-morrow at 11 o'clock.

Carried.

Mr. Riddlebarger moved,

The House adjourn until to-morrow at 2 o'clock, p. m.

Mr. Hall moved to amend by saying 10 o'clock, a. m.

Ayes and nays called for.

Ayes, Messrs. Bartells, Breath, Ball, Colvin, Dodge, Ehrhart, Fosher, Graham, Hall, Henry, Keys, Martine and Speaker—14.

Nays, Gardner and Riddlebarger—2.

Carried.

And House adjourned until 10 o'clock to-morrow.

WEDNESDAY, JANUARY 10th, 1866.

House met pursuant to adjournment, at 10 o'clock, a. m.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Gregory and Hall.

Quorum present.

Journal read and approved.

Committee on Credentials made the following report:

*Mr. Speaker:* Your committee on Credentials submit the following report:

Mr. Norris, from the 9th Representative District, has appeared and presented his credentials, and your committee find him entitled to a seat in this House.

H. J. GRAHAM, *Chairman.*

On motion, adopted. And

Mr. Norris appeared and the required oath was administered to him by the Speaker.

Mr. Foshier presented a memorial from the people of Colorado, to the Congress of the United States, asking certain action in regard to titles of the mineral lands of Colorado.

Memorial read, and

On motion, referred to committee on Federal Relations.

Mr Riddlebarger presented the following petition:

*To the Honorable Council and House of Representatives:*

We, the undersigned citizens and residents of Trinidad, Huerfano County, Colorado, would respectfully ask your Honorable Bodies to pass a bill incorporating the town of Trinidad, believing we shall be materially benefited thereby.

And your petitioners in duty bound will ever pray.

Mr. Henry moved that permission be granted Mr. Riddlebarger to present a bill accompanying the petition.

Permission granted by the House.

Committee on Incorporations made the following report:

*Mr. Speaker:* Your committee on Incorporations beg leave to report,

That they have had under their consideration H. B. No. 1, an act to amend an act entitled an act to incorporate the Denver and Pacific Wagon Road, approved March 10th, 1864.

Also,

H. B. No. 3, an act granting the exclusive right to William

Craig, to erect and maintain a toll bridge across the Arkansas River, and recommend their passage without amendment.

MATT RIDDLEBARGER, *Chairman.*

Mr. Henry gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the relief of the Arkansas Valley Ditch and Irrigating Company.

Mr. Johnson gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to incorporate the Coal Creek and Black Hawk Wagon Road Company.

Mr. Colvin moved,

That all motions be reduced to writing.

Lost.

The following bills were read first time:

H. B. No. 5.

A bill for an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

H. B. No. 6.

For an act to repeal an act entitled, an act to create the office of Flour Inspector.

Approved Febuary 8th, 1865.

H. B. No. 7.

For an act to incorporate the Colorado and New Mexico Wagon Road Company.

H. B. No. 8.

For an act to amend an act to prevent the introduction of animals within certain limits.

Approved November 6th, 1861.

H. B. No. 9.

For an act granting the exclusive right to Thomas Suttells of Pueblo to establish and maintain a ferry across the Arkansas river at the town of Pueblo.

H. B. No. 10.

For an act to incorporate the Trinidad Town Company.

H. B. No. 1.

Read third time, and referred to the committee on Engrossment.

House went into committee of the Whole for consideration of C. B. No. 10.

Mr. Colvin in the chair.

The committee arose, asked leave to sit again.

Mr. Fosher moved that the Clerks of the House be authorized to compare the proof-sheets of Council Bill, No. 10 in order to make the necessary corrections.

Carried.

Mr. Riddlebarger moved that

The House adjourn until 2 o'clock, p. m.

Carried.

#### AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Speaker in the Chair.

By permission,

Mr. Graham offered the following resolution:

*Resolved*, That the Secretary of the Territory is hereby instructed to furnish this House with the manuscript copies of the Laws of the Legislative Assembly which the Organic Act requires him to record and preserve.

Mr. Hall offered the following amendment:

*Resolved*, That the Honorable Speaker of this House be authorized to request of the Honorable Sam. H. Elbert, Secretary of Colorado Territory, that this House be furnished with all manuscripts, laws, records, journals, and other papers pertaining to the Legislative Assembly now in session, and that the same be placed within the building now occupied by said Assembly, for its use and benefit.

Amendment accepted.

Motion made that House go into committee of the Whole at 2½ o'clock.

Carried.

H. B. No. 3,

Now taken up and considered.

Mr. Hall moved that the bill be referred to a select committee.

House went into a committee of the Whole for the consideration of

C. B. No. 10.

After some time committee arose.

Mr. Fosher moved the House take a recess of twenty minutes.

Carried.

Time of recess having expired,

The House was called to order by the Speaker.

Committee of the Whole submitted the following report:

*Mr. Speaker*: The chairman of the committee of the Whole asks leave to report as follows:

They have had under consideration C. B. No. 10; for the suppression of gambling and gambling houses, and have agreed to recommend the striking out the word "or" between the words "livelihood" and "shall" in section two, line seventeen, and insert the word *and* instead.

Also, recommend the striking out of the word "assessment," in line 41, section 6, and inserting the words "Bill, bond, note or other evidence of indebtedness."

Also, recommend adding to section 7, the following: "Every day for which any person or persons that shall keep any place mentioned in the first section of this act, to be used for gambling, and shall knowingly submit any such place to be used or occupied for gambling, contrary to provisions of said section, shall be deemed and held to be a separate and distinct offense."

Also, recommend that in line 55, of section 9, insert between the words "four" and "be," "So much of said acts as conflict with this act."

Also, all parts and portions of acts which authorize or empower any city or other incorporation to license gambling houses, with the above amendments. The committee recommend that the bill do pass.

Mr. Foshier moved that the report be received and adopted.

Carried.

Committee on Credentials made the following report:

*Mr. Speaker:* Your committee on Credentials ask leave to make the following report: That Mr. Barela from the 11th Representative district, has appeared and presented his credentials, which your committee have examined, and find him entitled to a seat in this House.

H. J. GRAHAM,  
J. FOSHER.

On motion, the report was received and adopted.

Mr. Barela came forward, and the oath of office was administered to him by the Speaker.

Mr. Hall moved,

That the rules be suspended, and he be allowed to present a resolution.

Carried.

And resolution adopted.

Mr. Ball moved,

That the rules be suspended, and he be allowed to present a resolution.

Carried.

And Mr. Ball offered the following resolution:

*Resolved,* That the Secretary of the Territory be instructed to have printed for this House one hundred copies of the rules adopted by this House.

Carried.

Mr. Hall moved,

To adjourn until 7 o'clock this evening.

Motion withdrawn, and

A letter from the Honorable A. A. Bradford was read by consent of the House.

Mr. Hall renewed his motion to adjourn.

Carried.

#### EVENING SESSION

House met at 7 o'clock, pursuant to adjournment.

Speaker in the chair.

H. B. No. 3, taken up.

Motion of Mr. Dodge, as to amendment of H. B. No. 3, withdrawn.

Mr. Graham moved,

That the House now go into a committee of the Whole, for the consideration of H. B. No. 3.

Carried, and

House went into committee of the Whole.

Mr. Graham in the chair.

After some time spent therein, the committee arose.

On motion of Mr. Riddlebarger,

Mr. Henry was allowed to withdraw H. B. No. 3.

Mr. Fosher moved,

To take up C. B. No. 10, for consideration.

Mr. Riddlebarger moved,

To adjourn until to-morrow at 10 o'clock, a. m.

Lost.

Mr. Graham moved,

To consider C. B. No. 10, by sections.

Carried, and

Section 1 read, and,

On motion of Mr. Bartells,

Adopted.

Section 2 read, and Mr. Riddlebarger moved,

That the House do not concur with the committee of the Whole on the amendments.

Carried, and

Section adopted as first read.

Section 3 read and adopted.

Section 4 read and adopted.

Section 5 read and adopted.

Section 6 read.

Mr. Fosher moved,

That the House do not concur in the amendment of the committee.

January 11, 1866.

Carried, and section adopted.

Section 7 read and adopted as amended.

Section 8 read and adopted.

Section 9 read, and on motion,

Adopted as amended.

Section 10 read and adopted.

Mr. Norris moved,

That the title of the bill be amended by striking out all after the word "Houses."

Carried.

Mr. Foster moved,

That the amendments of the bill be engrossed for third reading.

Carried.

On motion, House adjourned until Thursday, January 11th, 1866.

## THURSDAY, JANUARY 11, 1866.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absent, Messrs. Bergen, Bartells, Barela, Gregory, Hall and

Martine.

Quorum present.

Journal read and approved.

Committee on Incorporations made the following report:

Mr. Speaker: Your committee on Incorporations, beg leave

to report that they have had under consideration H. B. No. 2,

a bill for an act to amend an act entitled an act to incorporate

the Denver and San Luis Valley Wagon Road Company, and

recommend its passage.

MATT RIDDLEBARGER, *Chairman*.

Committee on Engrossment made the following report:

Mr. Speaker: Your committee on Engrossment, beg leave to

report H. B. No. 1, as correctly engrossed.

THOMAS KEYS, *Chairman*.

Mr. Bartells presented the following note from Mr. Gregory,

explaining his absence:

KEYSTONE RANCH,  
January 7th, 1866.

*Mr. Louis F. Bartells:*

SIR: You will confer a favor on me by informing the House that the cause of my absence is the sickness of my family, and it is impossible for me to leave at this time.

[Signed.] DAVID GREGORY.

On motion, Mr. Gregory was excused.

Mr. Breath gave notice that on to-morrow, or some subsequent day he would introduce a bill to repeal an act entitled an act amendatory to an act relating to fencing, approved March 11, 1864.

Mr. Riddlebarger introduced the following resolution:

*Resolved*, That the committee on Elections and Apportionments be requested to report at an early day a bill for re-districting and apportioning the Territory into Council and Representative districts.

C. B. No. 1, read first and second time, and, on motion, Referred to committee on Federal Relations.

H. B. No. 11, entitled an act for the relief of the Arkansas Valley Irrigating Company, read first and second time, and referred to committee on Federal Relations.

H. B. No. 5, read second time, and referred to committee on Incorporations.

H. B. No. 6, read second time, and referred to Judiciary committee.

H. B. No. 9, read second time, and referred to committee on Roads and Bridges.

H. B. No. 8, read second time, and referred to committee on Agriculture and Manufactures.

H. B. No. 10, read second time, and referred to committee on Federal Relations.

H. B. No. 11, read second time, and referred to committee on Incorporations.

H. B. No. 2, read at length.

Committee on Engrossment made the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report C. B. No. 10 as correctly engrossed.

THOMAS KEYS, Chairman.

On motion, report received.

C. B. No. 10 read at length.

Mr. Hall offered the following amendment:

It shall be the duty of all Sheriffs, Coroners, Constables, Police, officers of cities, and other officers charged with executing the laws of the Territory, whenever it shall come to the knowledge of any such officer, that any person has in his possession any cards, tables, checks, balls, wheels, or gambling devices of any nature or kind, used or kept for the purpose of gambling or playing at any game of chance, or that any cards, tables, checks, balls, wheels, or gambling devices used or kept for the purpose aforesaid, may be found in any place, to seize and take such cards, tables, checks, balls, wheels or gambling devices, and convey the same before some Judge or Justice of the Peace, to inquire of such witnesses as he shall summon to appear before him in that behalf, touching the nature of such gambling devices, and if such Judge or Justice of the Peace shall ascertain that the same were used or kept for the purpose of gambling or playing at any game or games of chance, it shall be his duty to destroy them.

It shall be lawful for officers in executing the duty imposed upon them by this section, to break open doors for the purpose of obtaining possession of any such gambling devices, and all persons having possession of any of the articles aforesaid, shall be conveyed before some Judge or Justice of the Peace, in the county in which they may be found, and held or committed for appearance at the next term of the District Court of such county, for a violation of this act.

Sec. 10. Judges of District Courts throughout the Territory, and Probate Judges and Justices of the Peace in their respective counties, may inquire concerning offences against the provisions of this act, and hold to bail or commit offenders for their appearance at the next term of the District Court of the proper county, and if the Prosecuting Attorney of any County shall elect so to do, it shall be lawful for him, instead of the proceeding by indictment, to present to the District Court information against any and all persons who shall violate any of the provisions of this act, which information shall be made in the name of the people of Colorado Territory, and signed by the Prosecuting Attorney, and need not be otherwise authenticated. When any information shall be presented against any person as aforesaid, the trial shall proceed in the same manner and with like effect, as if such person had been indicted by a Grand Jury.

Message from the Council.

AND COUNCIL CHAMBER, January 11, 1866.

To the Honorable Speaker of the House of Representatives:

Mr. Speaker—SIR: I am instructed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 1.

A bill for an act to incorporate the Butterfield Overland Dispatch Company.

C. B. No. 3.

A bill for an act supplemental to and amendatory of an act entitled an act to incorporate the Colorado and Clear Creek Railroad Company.

C. B. No. 6.

A bill for an act to amend an act pending for the collection of taxes from non-resident stock owners.

Very Respectfully,  
CHARLES G. COX, Secretary.

On motion, the first amendment was considered, engrossed, and made section 9 of the bill.

Mr. Norris moved,

That the second amendment be referred to Judiciary Committee.

Carried.

On motion of Mr. Bartells,

C. J. M. No. 1 was taken up and considered.

Committee on Federal Relations reported as follows:

Mr. Speaker: Your committee to whom was referred C. J. M. No. 1, respectfully submit said Memorial without amendment, and recommend its passage.

FRANK HALL, Chairman.

Report adopted.

On motion, memorial was read a third time, and put upon its final passage, and the question being upon its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Barela, Ball, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Hall, Henry, Johnson, Keys, Martine, Norris, Riddlebarger, and the Speaker—18.

Nays, none.

So the bill passed, and the title agreed to.

Mr. Hall introduced H. C. R. No. 1, in relation to manuscript Laws of the Territory.

On motion, House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION: I am informed that they have had under consideration H. B. No. 1.

House met at 2 o'clock, p.m., pursuant to adjournment, Speaker in the chair.

Committee on Council Bill No. 10, made the following report: and with this amendment recommended its passage.

Mr. Speaker: Your committee to whom was referred the amendments to C. B. No. 10, beg leave to report the same back to the House without amendment or recommendation.

J. W. HENRY, Chairman, legislative Assembly and other officers of the Territory of Colorado, approved Feb. 10th.

On motion, the amendment was adopted.

Mr. Graham moved, Previous notice having been given.

That the sections that were numbered 9 and 10, be now numbered 11 and 12, respectively.

Carried.

On motion of Mr. Fosher, The reading was dispensed with, and the bill put upon its final passage.

The question now being upon its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ballin, Colvin, Barela, Dodge, Ehrhart, Fosher, Gardner, Graham, Hall, Henry, Johnson, Keys, Martine, Norris, Riddlebarger, and the Speaker—18.

Nays, none.

So the bill passed and title agreed to.

Message from the Council.

COUNCIL CHAMBERS, January 11, 1866.

To the Honorable Speaker of the House of Representatives:

SIR: I am instructed to inform you that the Council has this day passed C. J. R. No. 3,

A Joint Resolution and Memorial of the Council and House of Representatives of Colorado Territory, to the Senate and House of Representatives in Congress assembled; and the concurrence of the House of Representatives is respectfully solicited.

Your Obedient Servant,

CHARLES G. COX, Secretary of the Council.

On motion, the House went into committee of the Whole for the consideration of H. B's. Nos. 1 and 2.

Mr. Breath in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* I am instructed by the committee of the Whole to report that they have had under consideration H. B. No. 1, and report the same back to the House without amendment, and recommend its passage.

Also, H. B. No. 2, and amend the same by striking out section 2, and with this amendment recommend its passage.

Report received.

*Mr. Breath* having given previous notice, introduced H. B. No. 12, entitled an act to amend section sixteen (16) of an act entitled an act fixing the compensation of members of the Legislative Assembly and other officers of the Territory of Colorado, approved, Feb. 16th, 1865.

Previous notice having been given, *Mr. Graham* introduced H. B. No. 13, a bill for an act amendatory of an act entitled an act regulating elections, approved Nov. 6, 1861.

Message from the Council.

COUNCIL CHAMBERS, January 11, 1866.

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

I am instructed to inform your Honorable Body that the Council has passed C. B. No. 2, a bill for an act supplemental to an act entitled an act to create a fund for the benefit of schools.

Approved August 15, 1862.

Also, C. B. No. 9, a bill for an act to authorize the Commissioners of Park county to appropriate to other purposes, the military fund, raised by virtue of an act to encourage the formation and equipment of Volunteer companies, approved Feb. 10, 1865.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

H. C. R. No. 1, taken up and considered and read the third time and unanimously adopted.

Committee on Federal Relations submitted the following report:

*Mr. Speaker:* Your committee to whom was referred H. J. M. No. 1, respectfully offer the following substitute for the same, and recommend its passage without further amendment.

FRANK HALL, *Chairman.*

*Mr. Breath* gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an act concerning Roads and Highways.

Mr. Gardner gave notice that he would, on to-morrow, or some subsequent day, introduce a bill in relation to irrigating ditches.

Mr. Ball gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act to dissolve the marriage contract existing between Amos B. Squires, of the Territory of Colorado, and Nancy Squires, of the State of Kansas.

Leave of absence granted Mr. Breath until Tuesday next.

On motion of Mr. Fosher,

The House adjourned until to-morrow at 10 a. m.

### FRIDAY, JANUARY 12th, 1866.

House met at 10 o'clock, pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent, Messrs. Bergen and Martine.

Quorum present.

Journal read and approved.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10, 1866.

To the Honorable E. N. Stevens, Speaker of the House of Representatives:  
SIR: I have the honor to transmit herewith the reports of the Territorial Librarian, and also the report of the Territorial School Superintendent.

Respectfully, your obedient Servant,

A. CUMMINGS,  
Governor Colorado.

OFFICE OF THE TERRITORIAL LIBRARIAN,

Denver, Colorado, January 2, 1866.

To the Honorable the Legislative Assembly of Colorado:  
GENTLEMEN: The number of volumes in the Territorial Library having been greatly increased by the recent addition of books, purchased under the Congressional appropriation of twenty-five hundred dollars, and it having been impracticable to find a suitable room for their reception and classification, I am unable to present to report correctly on the condition of said Library.

I would respectfully call the attention of your Honorable Body to the acts passed by the Territorial Legislature, under date of November 6, 1861, and February 9, 1865, concerning Territorial Library and Cabinet, and the appointment of Territorial Librarian, with a view of eliciting from you such action as shall render the present miscellaneous and valuable Library serviceable to the people of Colorado.

For the careful preservation of the books, their safe custody, and the convenience of the public, it would appear essential that a suitable room be provided wherein to deposit said Library, that a Librarian be appointed to attend said room daily, and at proper seasons to keep the same lighted and warmed. The adoption of such measures would necessarily incur the outlay of a few hundred dollars per annum, but apart from the satisfactory state of our finances, the consideration of that old axiom, "Knowledge is power," is of itself a strong appeal for such legislation as in the opinion of your Honorable Body will tend to advance the interests and the intelligence of the people.

I have the honor to be, gentlemen,

Very Respectfully, your most obedient servant,

ALEXANDER W. ATKINS,

*Territorial Librarian.*

OFFICE OF THE SUPERINTENDENT OF COMMON SCHOOLS,  
Denver, Col., January 2d, 1866.

*To the Honorable the Legislative Assembly of Colorado Territory:*

GENTLEMEN: It is to be regretted that the efforts of the late Superintendent, used for the purpose of inducing the various County Superintendents to report to this office as required by law, should have proved unsuccessful.

Since the date of this report, (February 1st, 1864,) I find only partial and informal returns of two counties, viz: Douglass and Fremont.

It cannot be presumed that such negligence results from a lack of interest experienced by the people of Colorado in educating their youth, for their efficient contributions in furtherance of this object indicate that they fully realize its importance.

In carefully examining the law passed at the first session of the Legislature of Colorado to establish a system of Common Schools, it will be observed that although a series of duties are thereby prescribed to be performed by County Superintendents, it does not provide any compensation for such services, and to this fact may be attributed the non-performance of those duties.

By an act passed at the second session of the Legislature of Colorado, entitled "An act to create a fund for the benefit of

Schools," the duties of Superintendents in several counties were greatly augmented. Sec. 5 of said act provides that the County Superintendents shall have supervision and control of all mining claims set apart for schools, and shall annually report, &c.

Up to the present date no such report has been received by this office from the Superintendent of any County wherein mines are situated.

Under the provisions of this act many valuable mining claims were set apart for school purposes, and were afterward "jumped." Further legislation is necessary to define a course to be pursued for the purpose of carrying out the original intent of said act.

Several applications have been made at this office on behalf of the colored citizens of Colorado, who, being excluded from participating in the benefit of the school fund, ask that they may be either exempted from payment of a school tax, or that such portion of the same assessed against them may be set apart as a separate fund for the support of schools for the colored people.

I have the honor to be, Very Respectfully,  
Your Obedient Servant,  
ALEXANDER W. ATKINS,  
Territorial School Superintendent.

The following reports were received from standing committees:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 6, beg leave to report the same back to the House without amendment, and recommend its passage.

J. W. HENRY, *Chairman.*

*Mr. Speaker:* Your committee on Territorial Affairs, to whom was referred so much of the Governor's Message as referred to gambling, have considered the same, and in view of C. B. No. 10, relating to gambling, having passed the House, your committee would therefore make no recommendations.

JOHN FOSHER, *Chairman.*

*Mr. Speaker:* Your committee on Territorial Affairs, to whom was referred a memorial of the citizens of Colorado, to the Congress of the United States, have had the same under consideration, and ask to make the following report:

That the Memorial be approved by this legislative body and the following be added:

*Resolved,* By the Council and House of Representatives, that the above Memorial be passed, and that we request His Excel-

agency, Governor Alexander Cummings, to forward copies of the same to the President of the Senate and Speaker of the House of Representatives, and our delegate in Congress, the Hon. Allen A. Bradford, and recommend that the same be passed.

Respectfully submitted.

JOHN FOSHER, *Chairman.*

Reports of School Superintendent and Territorial Librarian referred to committee on Education.

Mr. Colvin offered the following:

H. J. R. No. 1, concurring in the resolutions adopted at a mass Convention, January 8, 1866.

On motion of Mr. Henry,

The rules were suspended, and

H. J. R. No. 1 read second time, and referred to committee on Federal Relations.

Committee on Federal Relations made the following report:

*Mr. Speaker:* Your committee to whom was referred H. J. R. No. 1, respectfully report that they have had the same under consideration, and recommend its passage without amendment.

FRANK HALL, *Chairman.*

On motion of Mr. Ball,

The rules were further suspended, and House went into committee of the Whole for the consideration of

H. J. R. No. 1.

Mr. Graham in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration H. J. R. No. 1, and recommend the word "Legislation," be stricken out and the words "Legislative Assembly" be inserted in the second resolution.

And that the resolutions be referred back to the House with the recommendation that they pass without further amendment.

H. J. GRAHAM, *Chairman.*

Report adopted.

The following Council Bills read second time, and referred to the appropriate committees:

C. B. No. 1, read second time, and referred to the committee of the Whole.

C. B. No. 2, read second time, and referred to committee on Education.

C. J. R. No. 3, read second time and referred to committee of the Whole.

C. B. No. 3, read second time, and referred to committee of the Whole.

C. B. No. 6, read second time, and on motion,

Referred to committee on Agriculture.

C. B. No. 9, read second time, and on motion,

Referred to a select committee of one, Mr. Norris.

H. B. No. 12, read second time, and referred to committee on Ways and Means.

H. B. No. 13, read second time, and referred to committee on Elections and Apportionments.

H. B. No. 6, read second time, and referred to committee of the Whole.

On motion, House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Speaker in the chair.

H. B. No. 1, read third time, and being upon its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Hall, Henry, Keys, Johnson, Norris and Speaker—14.

Nays, none.

So the bill passed and title agreed to.

H. B. No. 2, read third time and section 2 stricken out.

The question being upon its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Hall, Henry, Johnson, Keys and Speaker—13.

Nays, Mr. Norris—1.

So the bill passed and title agreed to.

H. J. R. read, and on motion,

Referred to committee on Engrossment.

On motion of Mr. Graham,

A message was sent to the Secretary of the Territory, asking for a manuscript copy of the charter of the Consolidated Ditch Company, approved October 18th, 1861.

The House now went into committee of the Whole for the consideration of C. B's. Nos. 1 and 3, C. J. R. No. 3, H. J. M. No. 1, and H. B. No. 6.

Mr. Foshier in the chair.

After some time spent therein, the committee arose and asked leave to sit again.

On motion, House adjourned until to-morrow at 9 o'clock, a. m.

# SATURDAY, JANUARY 13th, 1866.

House met at 9 o'clock, pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bartells, Breath, Barela, Gregory, Hall and Martine.

No quorum.

Messrs. Bartells and Barela appeared and took their seats.

Quorum announced.

Journal read and approved.

Standing committees made the following reports:

Committee on Credentials reported Mr. S. Mandragen as present and entitled to a seat in this House.

Mr. Mandragen came forward and took the oath of office, which was administered to him by the Speaker.

Committee on Elections reported H. B. No. 13, and recommended that it pass without amendment.

The committee on Agriculture, to whom was referred C. B. No. 6, reported that they have had the same under consideration, and recommend it to pass without amendment.

The committee on Education, to whom was referred C. B. No. 2, have had the same under consideration, and recommend its passage without amendment.

Mr. Norris, the special committee of one, to whom was referred C. B. No. 9, reported that he had the same under consideration, and recommended the passage of the bill as passed by the Council.

Mr. Foshier offered the following resolution:

*Resolved*, That this House order one hundred copies each of the reports of the Territorial Librarian, Treasurer, Auditor, Secretary, and Superintendent of Schools, printed for the use of this House.

Referred to committee on Printing.

Mr. Gardner gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to amend an act entitled an act fixing the compensation of Members of the Legislative Assembly, and other officers of Colorado Territory. Approved February 11, 1865.

C. B's Nos. 2, 9 and 6, and H. B. No. 13 read second time, and referred to committee of the Whole.

On motion, House went into committee of the Whole for such business as shall properly come before it.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration H. B. No. 6, an act to repeal an act, approved Feb. 8th, 1865.

Also, H. J. M. No. 1, asking Congress to establish a Mining Bureau.

Report the same back with the recommendation that it pass.

Also, C. B. No. 1, a bill for an act to incorporate the Butterfield Overland Dispatch Company, and recommend that section 4 be amended as follows:

Strike out all after the word "them" in the thirteenth line, and insert in lieu thereof, "That they may have the same rights to the claims on mining lodes which they may discover, that individuals have in the districts where the claims are located."

With the above amendment, your committee recommend that the bill do pass.

Also, C. B. No. 3, C. J. R. No. 1, C. B. No. 9, C. B. No. 2, H. B. No. 6, H. B. No. 13 and H. J. M. No. 2, and recommend their passage without amendment.

Respectfully submitted.

JOHN FOSHER, *Chairman.*

Report received, and

On motion of Mr. Riddlebarger,

House adjourned until Monday at 10 o'clock, a. m.

MONDAY, JANUARY 15th, 1866.

House met at 10 o'clock, a. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Breath, Gregory, Graham and Hall.

Quorum present.

Journal read and approved.

Mr. Keys, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment to whom was referred H. J. M. No. 1, beg leave to report that they have had the same under consideration, and find it correctly engrossed.

THOMAS KEYS, *Chairman.*

Committee on Federal Relations made the following report:

*Mr. Speaker:* Your committee to whom was referred H. B. Nos. 11 and 12,

Have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that they pass without amendment.

FRANK HALL, *Chairman.*

Report received.

Mr. Gregory appeared and took his seat.

Mr. Riddlebarger gave notice, that on some future day he would introduce

A bill to dissolve the bonds of matrimony existing between Cina E. Vandyke, of El Paso County, Colorado Territory, and John Vandyke, of the State of Iowa.

C. B.'s Nos. 7, 11, 13 and 16,

Read second time, and referred to committee of the Whole.

Mr. Gardner having given previous notice,

Introduced H. B. No. 14,

A bill for an act to amend section 6 of an act entitled an act fixing compensation of members of the Legislative Assembly, and other officers of Colorado Territory.

Message from the Council.

COUNCIL CHAMBERS, January 15th, 1866.

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

SIR: I am instructed to inform your Honorable body that the report of the Territorial Superintendent of Schools, a document accompanying a message from His Excellency, the Governor, sent to this body on Friday, January 12th inst., was referred to the committee on Education, and your concurrent action is requested.

CHARLES G. COX,

*Secretary of Council.*

Mr. Graham having given previous notice,

Introduced H. B. No. 15.

A bill for an act relating to irrigating ditches.

By consent of the House,

A minority report was received from the committee on Credentials.

*Mr. Speaker:* Your committee on Credentials beg leave to make the following report: William Locke, of the 12th district, present and entitled to a seat in this House.

Very Respectfully,  
**JOHN FOSHER, Chairman.**

Report adopted.

*Mr. Locke* came forward and the oath of office was administered to him by the Speaker.

C. B. No. 2, an act supplementary to an act entitled an act to create a fund for the benefit of schools, approved Aug. 15th, 1862, read a third time.

*Mr. Foshier* moved,

To amend section 1 by striking out the word March, in the 16th line, and insert the word June instead.

Amendment adopted.

The bill being upon its final passage the ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Hall, Henry, Locke, Johnson, Keys, Martine, Mandrager, Norris, Riddlebarger and Speaker—17.

Nays, Messrs. Foshier and Gregory—2.

So the bill passed and title agreed to.

C. B. No. 1, an act to incorporate the Butterfield Overland Despatch Company, read third time.

*Mr. Bartells* moved,

To amend by adding to section 3, "From Denver, Colorado Territory, to the western boundary of the Territory."

Amendment lost.

Message from the Governor, Dob, Colvin, Ball, Colvin, Dodge, Ehrhart, Gardner, Hall, Henry, Locke, Johnson, Keys, Martine, Mandrager, Norris, Riddlebarger, and Speaker—17.

EXECUTIVE DEPARTMENT,  
Denver, January 15th, 1866.

*Hon. E. W. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to submit to your Honorable Body the annual report of the Territorial Auditor.

I am Very Respectfully,

Your Obedient Servant,

**ALEXANDER CUMMINGS,**

Governor of Col. Ter.

Mr. Gregory moved,

To amend by inserting a clause, making every individual member of the company liable for the company's debts.

Amendment lost.

Amendment to section 4, recommended by the committee of the Whole, taken up and adopted.

Mr. Bartells moved that to section 7 be added: "Provided that nothing in this act shall in any way exclude Railroad companies or private parties from the use of said road."

Amendment adopted.

Mr. Stearns moved the previous question.

Mr. Ehrhart moved to adjourn until 2 o'clock, p. m.

Division called for, and motion carried.

And House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Fosher in the chair.

The motion for the previous question withdrawn.

Amendments to C. B. No. 1, Section 7, reconsidered.

Mr. Bartells offered the following substitute:

"Provided, That nothing granted in this act shall in any way exclude private parties or freighters from the use of this said Road, nor shall it interfere with granting Railroad Charters over the same road.

Accepted and passed.

Previous question called for, and carried.

Question being on the final passage of the bill, the ayes and nays were:

Ayes, Messrs. Ball, Colvin, Dodge, Ehrhart, Fosher, Graham, Hall, Henry, Johnson, Keys, Locke, Norris, Riddlebarger, and Speaker—15.

Nays, Messrs. Bartells, Barela, Gregory, Martine, and Mandragen—5.

So the bill passed, and title agreed to.

C. B. No. 6, was read a third time, and the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Dodge, Fosher, Graham, Gregory, Johnson, Keys, Martine, Mandragen, Norris—12.

Nays, Messrs. Colvin, Ehrhart, Gardner, Henry, Riddlebarger, Locke, and Speaker—7. Mr. Hall excused.

So the Bill passed, and title agreed to.

C. B. No. 3, a Bill for an act supplementary of an act, entitled

"An act to incorporate the Colorado and Clear Creek Rail Road Company, approved Feb. 9th, 1865." Read third time, and the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker—20. Nays, none.

So the bill passed, and title agreed to.

C. B. No. 9, a bill for an act to authorize the Commissioners of the County of Park, to appropriate to other purposes, the Militia Fund, raised by virtue of an act, entitled an act to encourage the formation and equipment of volunteer companies, approved Feb. 10th, 1865.

Read third time, and being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker—20. Nays, none.

Nays, none.

So the bill passed, and title agreed to.

C. J. R. No. 3, a Joint Resolution and Memorial of the Council and House of Representatives of Colorado Territory, to the Senate and House of Representatives, in Congress assembled.

Read the third time, and the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker—20. Nays, none.

So the bill passed, and title agreed to.

Message from the Council.

COUNCIL CHAMBER, January 15th, 1866.

To the Honorable, the Speaker of the House of Representatives:

SIR: I am instructed to inform your Honorable Body, that the Council has passed the following bills: C. B. No. 5, a bill for an act, to incorporate the Overland Wagon Road Company.

C. B. No. 14, a bill for an act authorizing and legalizing the transcription of the Records of Pueblo County.

Your concurrent action is requested.

CHARLES G. COX, Secretary.

House Joint Resolution No. 1, a resolution concurring in resolutions adopted at a Mass Convention, January 8th, 1866.

Read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, and Speaker—19.

Nays, none.

So the resolution passed.

H. J. M. No. 1, asking Congress to establish a Mining Bureau, within the limits of Colorado Territory.

Read a third time, and the question being on its final passage, The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Gregory, Hall, Henry, Keys, Johnson, Locke, Martine, Mandragen, Norris, and Speaker—18.

Nay, Mr. Graham.

So the memorial passed, and title agreed to.

H. J. M. No. 2, read third time, and ordered engrossed.

H. B. No. 6, an act to repeal an act, entitled an act to create the office of Flour Inspector, approved Feb. 8, 1865.

Read a third time, and the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker—19.

Nays, none.

So the bill passed and title agreed to.

The House now went into committee of the Whole on the General File.

Mr. Fosher in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* I am directed by the committee of the Whole, that they have had the following bills under consideration, and beg leave to report as follows:

C. B. No. 7, report the same back, and recommend that it be referred to the committee on Judiciary.

Also, C. B. No. 11, and report the same with recommendation that it do pass.

Also, C. B. No. 13, and report the same back, with recommendation that the same do pass.

Also, C. B. No. 16, and report the same back, and recommend it to be referred to the committee on Agriculture and Manufactures.

Very Respectfully,

JOHN FOSHER, *Chairman.*

On Motion of Mr Mandragen,

The House adjourned until to-morrow at 11 a. m.

TUESDAY, JANUARY 16th, 1866.

House met at 10 o'clock, a. m., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Bergen, Breath, Graham and Hall.

Quorum present.

Journal read and approved.

Committee on Judiciary reported C. B. No. 7 back, with recommendation that it do not pass.

Mr. Riddlebarger, from committee on Incorporations, reported as follows:

*Mr. Speaker:* Your committee on Incorporations have had under consideration H. B. No. 5, and would respectfully recommend that it be referred to the committee of the Whole for favorable consideration.

M. RIDDLEBARGER.

Mr. Hall, from the committee on Printing reported verbally, that he had placed the reports of Territorial Officers in the hands of the printer.

Message from the Governor in regard to Auditor's report.

Auditor's report referred to committee on Engrossment.

Message from the Council.

COUNCIL CHAMBER, Jan. 16th, 1866.

*To the Honorable, the Speaker of the House of Representatives:*

SIR: I am directed to inform your Honorable Body that the Council has refused to concur in and have indefinitely postponed H. C. R. No. 1, a resolution requiring the Secretary of the Territory to place the records, journals, &c., &c., in a building designated by the Executive.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

Mr. Colvin gave notice that he would, on to-morrow or some subsequent day, introduce a bill concerning lode claims.

Mr. Foshier gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act amendatory of an

act entitled an act concerning lode claims, approved November 7th, 1861.

Mr. Gregory gave notice that he would on to-morrow or some subsequent day, introduce a bill for the registration of stray stock, and sale thereof; also, requiring the registration of brands and marks.

Mr. Riddlebarger gave notice that he would introduce a bill for an act amendatory of an act to prevent the introduction of stock into the counties of Huerfano, Pueblo, Fremont, Jefferson, Boulder and Costillo, for the purpose of grazing, approved August 15th, 1862.

Mr. Fosher gave notice that he would on to-morrow, or some future day, introduce a bill for a special tax to raise a fund to pay the militia of Colorado Territory.

Mr. Johnson gave notice that he would at some future time introduce a bill entitled an act to incorporate the Boulder and Weld County Ditch Company.

C. B. No. 5 read second time and referred to committee on Incorporations.

Mr. Fosher introduced H. B. No. 16, an act concerning analytical assays of minerals in Colorado Territory.

H. B. No. 14,

Read second time and referred to committee on Ways and Means.

H. B. No. 15,

Read at length and referred to committee on Agriculture.

C. B. No. 11,

Read, and being on its final passage, the ayes and nays were: Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker  
—20.

Nays, none.

C. B. No. 13,

Read at length, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger, and Speaker  
—20.

Nays, none.

So the bill passed and title agreed to.

C. B. No. 7 read third time and referred back to the committee of the Whole.

On motion,

The House went into committee of the Whole on the General File,

After some time spent therein, the committee rose,  
And on motion,  
The House adjourned until 1.30, p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment, at 1.30, p. m.  
Speaker in the chair.

Sergeant-at-Arms sent after Mr. Hall.

On motion,

The House took a recess of one half hour.

Time of recess having expired, the House was called to order  
by the Speaker.

Report of committee of the Whole was read as follows:

*Mr. Speaker:* Your committee of the Whole report that they  
have considered the following bills:

C. B. No. 7 is referred back to the House with recommenda-  
tion that it do not pass.

H. B. No. 12 is reported back to the House with the recom-  
mendation that it be laid upon the table until the same can be  
explained by the Hon. Mr. Breath, who is now absent.

H. B. No. 11 is reported back to the House with recommenda-  
tion that it do pass.

H. B. No. 5 referred back, with recommendation that it do  
pass.

FRANK HALL, *Chairman.*

Mr. Graham presented a petition from the people of Colorado  
Territory, in regard to the herding of cattle.

Petition read and referred to committee on Agriculture and  
Manufactures.

Mr. Gardner presented a petition from the citizens of Douglass  
county, in relation to repealing an act entitled "An act for the  
protection of farmers against the depredations of stock."

Referred to committee on Agriculture and Manufactures.

Message from the Council.

COUNCIL CHAMBERS, January 16, 1866.

*To the Honorable, the Speaker of the House of Representatives:*

SIR: I am instructed, to inform your Honorable Body that  
the Council has concurred in House amendments to C. B. No. 1,  
a bill for an act to incorporate the Butterfield Overland Dis-  
patch Company, and has passed H. J. R. No. 1, a joint resolu-  
tion concurring in the resolutions adopted at a mass convention,  
January 8, 1866; and have indefinitely postponed H. B. No. 6,

a bill for an act to repeal an act entitled an act creating the office of Flour Inspector, approved Feb. 8th, 1865.

And has passed,

H. B. No. 13, a bill for an act amendatory of an act entitled an act regulating elections, approved November 6th, 1861, and H. J. M. No. 1, a joint memorial to the Congress of the United States, and H. B. No. 1, a bill for an act to amend an act entitled an act to incorporate the Denver and Pacific Wagon Road Company, approved March 10th, 1864.

Very Respectfully,

CHARLES G. COX, *Secretary*.

Mr. Johnson presented a petition from the citizens of Weld county, in regard to passing a law repealing the stock law which requires the herding of stock between April and November.

Read and referred to committee on Agriculture and Manufactures.

Mr. Henry presented a petition from the citizens of Pueblo county, in relation to a special term of the District Courts to be held at Pueblo.

Received, read and referred to committee on Judiciary.

Mr. Hall gave notice that on to-morrow he would introduce

A bill to provide for the payment of Clerks and other officers of the Legislative Assembly. Also,

A joint memorial to the Congress of the United States, concurring in a memorial adopted by the Mining Board of Gilpin County, adopted Jan. 13th, 1866.

Mr. Dodge gave notice that he would at some future time introduce a bill to incorporate the Middle Park and South Boulder Wagon Road Company.

Mr. Graham gave notice that he would at some future time introduce a bill for an act to incorporate the Denver and Turkey Creek Wagon Road Company.

Mr. Bartells gave notice that he would at some future time introduce a bill for an act to reduce the law incorporating the city of Denver, and the several acts amendatory thereof, into one act, and to amend the same.

Mr. Norris gave notice that he would on to-morrow or some subsequent day, introduce a bill to incorporate the Hamilton and Montgomery Wagon Road Company.

Mr. Henry gave notice that he would at some future time introduce a bill to amend an act entitled an act to incorporate the Excelsior Ditch Company, approved March 11th, 1864.

By permission, Mr. Breath introduced

H. B. No. 17, a bill for an act to legalize the March Term of the District Court held in Boulder County, A. D. 1865.

Mr. Fosher moved,

That the Judiciary committee be instructed to report at their earliest convenience, a bill districting the Territory into judicial districts, and assigning the Judges to the same.

Motion carried.

On motion of Mr. Hall,

The House adjourned until 10 o'clock, a. m., to-morrow.

WEDNESDAY, JANUARY 17th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Bergen and Graham.

Mr. Ball moved,

To suspend the reading of the Journal until the afternoon.

Carried.

Message sent to the Council in regard to one of the amendments to C. B. No. 1.

Committee on Credentials made the following report:

*Mr. Speaker:* Your committee on Credentials beg leave to report Columbus Nuckolls and C. M. Grimes, of the sixth representative district, who were elected at a special election, held by virtue of a proclamation by the Governor, of the thirteenth of January, 1866, and find them entitled to seats as members of this House.

Very Respectfully,

H. J. GRAHAM,

JOHN FOSHER.

Report received, and

Messrs. Nuckolls and Grimes came forward, and the required oath of office was administered to them by the Speaker.

Mr. Dodge presented a petition from members of the bar, in relation to the fees of the clerks of the District Courts.

Judiciary committee reported on C. B. No. 14, an act authorizing and legalizing the transcription of the records of Pueblo County, have had the same under consideration and report the same back to the House, and recommend its passage with the following amendment: After the word "Pueblo," in second line, section 1, strike out the word "County," and insert the words, "and Huerfano Counties."

Respectfully,

J. W. HENRY, *Chairman.*

Mr. Riddlebarger gave notice that he would introduce a bill legalizing the proceedings of the Probate Court of Huerfano County.

Also, a bill for an act authorizing the County Commissioners of Huerfano County to levy a special tax to pay past indebtedness.

Previous notice having been given, Mr. Gardner introduced H. B. No. 18, a bill for an act to incorporate the Denver and Turkey Creek Wagon Road Company.

Read first and second time, and referred to committee on Roads and Bridges.

Mr. Norris having given previous notice, introduced H. B. No. 19, a bill for an act to incorporate the Hamilton and Montgomery Wagon Road Company.

Read first and second time, and referred to committee on Roads and Bridges.

Mr. Breath having given previous notice, introduced H. B. No. 20, a bill for an act supplemental to an act concerning Roads and Highways.

Read first and second time, and referred to committee on Roads and Bridges.

C. B. No. 14, read second time, and referred to committee of the Whole.

C. B. No. 7, a bill for an act to regulate the fees of the Clerks of the Courts of Colorado Territory, read at length, and on motion of Mr. Fosher,

It was laid on the table.

H. B. No. 5, a bill for an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company, read at length, and the question being upon its final passage the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed and title agreed to.

H. B. No. 11, a bill for the relief of the Arkansas Valley Ditch and Irrigating Company.

Read at length, and the question being on its final passage the ayes and nays were:

Ayes, Messrs. Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—22.

Nays, none.

H. B. No. 12, a bill for an act to amend section 16 of an act entitled an act fixing the compensation of members of the

General Assembly, and other officers of the Territory, approved Feb. 10th, 1865.

Mr. Gregory moved,

To amend by striking out the words "County seat," and inserting "The place of meeting."

Carried.

Read at length, and the question being upon its final passage, the ayes and nays were:

Ayes, Messrs. Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed and the title agreed to.

On motion of Mr. Hall,

The House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Speaker in the chair.

Journal read and approved.

Mr. Mandragen moved,

That the Clerk read the Journal in the Spanish Language.

Motion carried:

But owing to the incompetency of the Clerk, the reading was dispensed with.

Mr. Hall offered the following resolution:

*Resolved*, That the following Rule be added to the Rules, adopted for the government of the House:

"That no amendment shall be received for discussion at the third reading of any Bill, Resolution or Motion, unless by unanimous consent of the members present."

Referred to committee of the Whole.

Mr. Bartells, by permission of the House, introduced

H. B. No. 22, a bill for an act to reduce the law incorporating the City of Denver, and the several acts amendatory thereof, into one act, and to amend the same.

Mr. Henry, by permission of the House, introduced

H. B. No. 21, a bill for an act to provide for the payment of Clerks and other Officers of the Legislative Assembly.

Bills Nos. 21 and 22, read first and second times, and referred to the committee of the Whole.

Messages from the Council.

COUNCIL CHAMBER, January 16, 1866.

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

SIR: I am instructed to inform your Honorable Body, that the Council has concurred in the House amendment to C. B. No. 2, a bill for an act to amend an act, entitled an act to create a fund for the benefit of Schools, approved Aug. 15th, 1862.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

COUNCIL CHAMBER, January 17, 1866.

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

SIR: I am directed to inform your Honorable Body, that the Council has concurred in House amendments to C. B. No. 1, transmitted this morning.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

COUNCIL CHAMBER, January 17, 1866.

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

SIR: I am instructed to inform your Honorable Body that the Council has passed the following bills:

H. B. No. 2, a bill for an act to amend an act, entitled an act to Incorporate the Denver and San Luis Valley Wagon Road Company.

C. B. No. 18, a bill for an act to Incorporate the South Park, Blue River and Middle Park Wagon Road Company.

C. B. No. 19, a bill for an act amendatory of an act, entitled an act concerning Roads and Highways, approved March 11th, 1864.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

The House now went into committee of the Whole, on the General File.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration C. B. No. 14, and report the same back to the House, with the following amendments:

Amend sections 1 and 2 by striking out the word "County"

and inserting the word "Counties" wherever the word "County" occurs, and insert the word "respectively" in the seventh line of Section 1, after the word "Counties." Also, in the second line of Section 1, after the word "Pueblo" insert the words "and Huerfano."

Also, H. B. No. 21, and report the same back to the House, with the following amendments:

Amend Section 1, by inserting after the word "Representative," in the second line, "additional to the amount already allowed by the Government of the United States."

And with this amendment recommend the bill to pass.

Also, a Resolution in regard to an additional Rule of the House, and report the same back to the House, with the recommendation that it be laid on the table.

And ask leave to sit again.

H. J. GRAHAM, *Chairman.*

Mr. Hall asked leave of absence until Tuesday next.

Leave granted by the House.

On motion the House adjourned until 10 o'clock to-morrow.

#### THURSDAY, JANUARY 18th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Bergen, Hall, Graham, Nuckolls and Riddlebarger.

Speaker announced the following additional members to the

Standing Committees:

Agriculture and Manufactures:

Mr. Locke.

Military Affairs:

Mr. Grimes.

Ways and Means:

Mr. Nuckolls.

Judiciary:

Mr. Norris.

Journal of the preceding day read and approved.

Mr. Graham presented a petition from the citizens of Island Precinct, in relation to establishing a Herd Law.

Petition read and referred to committee on Agriculture and Manufactures.

Committee on Roads and Bridges, submitted the following report:

Have had H. B. No. 9 under consideration, and recommend that the word "exclusive" be stricken out, with which amendment the bill do pass.

Also H. B. No. 18, and recommend the bill do pass.

Also H. B. No. 7, and recommend that the time be inserted for which the charter shall run, and that the bill do pass.

Also, C. B. No. 5, and recommend that the bill more clearly define the location of the road, and with an additional section, which will be offered, that the bill do pass.

Also, H. B. No. 20, and recommend that the same do pass.

Also, H. B. No. 19, and recommend that the same do pass.

H. J. GRAHAM, *Chairman.*

Committee on Agriculture and Manufactures made the following report:

*Mr. Speaker:* Your committee have considered the following bills:

H. B. No. 15, and report the same back to the House without recommendation, other than that it be referred to a special committee.

H. B. No. 8, and recommend that the bill do pass.

H. J. GRAHAM, *Chairman.*

Report received.

Committee on Enrollment submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have examined H. J. B. No. 1, and beg leave to report the same correctly enrolled.

DAVID P. BALL, *Chairman.*

C. B. No. 19 read second time and referred to the committee on Roads and Bridges.

C. B. No. 18 read second time and referred to committee on Roads and Bridges.

Chairman Graham asked leave of absence until to-morrow. Granted by the House.

Mr. Colvin having given previous notice, introduced

H. B. No. 23, a bill for an act to amend an act entitled an act concerning Lode Claims, approved November 7th, 1861.

Also an act to amend an act entitled an act to create a fund for the benefit of Schools, approved August 15th, 1862.

Read first and second time and referred to the committee on Mines and Minerals.

H. B. No. 17, read second time and referred to Judiciary Committee.

C. B. No. 14, read at length as amended, and amendments adopted.

And on motion, the amendments were ordered to be engrossed for third reading.

H. B. No. 21, read at length as amended, and amendments adopted.

And bill ordered engrossed for third reading.

On motion of Mr. Breath,

Mr. Hall's resolution in regard to an extra Rule of the House, was laid on the table.

H. B. No. 9, read at length.

Mr. Fosher moved to amend by striking out the word "exclusive" in section 1.

Motion lost.

Mr. Fosher moved to amend section 2, by striking out all after the word "cents" in the 10th line, and insert the following:

"For each additional two animals the sum of fifty cents, for each carriage or buggy, drawn by one animal, the sum of seventy-five cents; for every head of loose horses, mules, asses, hogs, or goats, the sum of ten cents."

On motion, section 4 was stricken out, and bill ordered engrossed as amended for third reading.

H. B. No. 18, read at length, and amended by striking out the word "reasonable," before the word "good" in second line of section 10.

On motion, leave of absence granted Mr. Johnson until Monday next.

H. B. No. 7, a bill for an act to incorporate the Colorado and New Mexico Wagon Road Company,

Read second time, and on motion of Mr. Barela, was indefinitely postponed.

C. B. No. 5, read second time with amendments.

Mr. Barela moved,

That the House do now adjourn until 2 o'clock, p. m.

Motion lost.

Mr. Ball moved,

To postpone the consideration of C. B. No. 5, and make it the special order of the day for next Tuesday, the 23d, at 11 o'clock, a. m.

Motion carried.

On motion of Mr. Bartells,

The House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

House bill No. 20 read at length, with amendments as recommended by committee on Roads and Bridges.

Amendments adopted, and

Bill referred to committee on Engrossment.

House bill No. 19, read at length with amendments as recommended.

Amendments adopted, and

Bill ordered engrossed.

House bill No. 15, read, and referred to special committee of four, consisting of Messrs. Gregory, Gardner, Locke and Keys.

C. B. No. 14, a bill for an act authorizing and legalizing the transcription of the records of Pueblo County.

Read as amended.

And the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gregory, Gardner, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris and Mr. Speaker—18.

Nays, none.

So the bill passed and title amended by striking out all after the word "Pueblo," and inserting the words "and Huerfano Counties."

H. B. No. 21, a bill for an act to provide for the payment of Clerks and other officers of the Legislative Assembly.

Read at length, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gregory, Gardner, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris and Speaker—18.

Nays, none.

So the bill passed and title agreed to.

The House now went into committee of the Whole on General File.

Mr. Henry in the chair.

Message from the Council.

### COUNCIL CHAMBER, January 18th, 1866.

*To the Honorable, the Speaker of the House of Representatives:*

SIR: I am directed to inform your Honorable Body that the Council has adopted C. C. R. No. 2, a concurrent resolution to correct C. B. No. 10, in the recital of the title in section 11.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

On motion, the committee arose.

The Speaker resumed the chair, and

On motion of Mr. Bartells,

The rules were suspended for the consideration of C. C. R. No. 10, in the recital of the title in section 11.

C. C. R. No. 2 read at length, and the question being on its adoption, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Henry, Keys, Locke, Martine, Mandragen, Norris and Speaker—18.

Nays, none.

So the resolution was adopted.

The House now went into committee of the Whole.

Mr. Henry in the chair.

After some time spent therein, the committee arose and reported progress and asked leave to sit again.

On motion, the House adjourned until 10 o'clock, a. m., to-morrow.

# FRIDAY, JANUARY 19th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Fosher, Graham, Gregory, Hall, Johnson, Norris and Nuckolls.

Quorum present.

Journal read, corrected and approved.

Judiciary committee made the following report:

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 17, have had the same under consideration, and report the same back to the House without amendment, and recommend its passage.

J. W. HENRY, *Chairman.*

Report of Enrolling committee:

*Mr. Speaker:* Your committee on Enrolled Bills have had under consideration H. B's Nos. 1, 2 and 13, and beg leave to report the same as correctly enrolled.

D. J. BALL, *Chairman.*

Committee on Military Affairs submitted the following report:

The committee of Military Affairs, to whom was referred the report of the Adjutant General of the Territory, have had the

same under consideration, and respectfully recommend the passage of a bill authorizing and requiring the Territorial Auditor to issue scrip bearing date April 29th, 1865, payable five years from date, with interest at the rate of ten per cent. per annum, in payment of the officers and men of the first regiment of Colorado Volunteer Mounted Militia.

Your committee also recommend that the Adjutant General be directed to procure from Washington the papers necessary for a complete and convenient record of the military history of the officers and men of the Colorado regiments, late in the service of the United States, and transcribe the same in books designed for that purpose, and that the sum of \$1,000 be appointed from the Territorial Treasury to meet such expenses as may be incurred in performing this duty. Also, that the pay of the Adjutant General of Colorado be increased to five hundred dollars per annum.

J. F. GARDNER, *Chairman.*

Committee on Engrossment reported the following:

*Mr. Speaker:* Your committee on engrossed bills, beg leave to report House bills Nos. 5, 9, 11, and H. J. M. No. 1, as correctly engrossed.

THOMAS KEYS, *Chairman.*

Mr. Colvin gave notice that at some future day he would introduce a resolution calling the attention of Congress to portions of the Governor's message.

Mr. Riddlebarger having given previous notice, introduced House bill No. 24, a bill for an act to dissolve the bonds of matrimony existing between Cina E. Vandyke and John Vandyke.

Mr. Ball having given previous notice, introduced H. B. No. 25, a bill for an act to dissolve the bonds of matrimony existing between Amos B. Squires, of the county of Arapahoe, and Territory of Colorado, and Nancy Squires, of the State of Kansas.

H. B's Nos. 24 and 25, read second time, and referred to committee on Incorporations.

On motion, the report on Military Affairs was laid on the table.

House bill No. 17 ordered engrossed.

House bill No. 9 read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Grimes, Henry, Locke, Martine, Mandrager, Norris, Riddlebarger and Speaker—16.

Nays, Foshier—1.

So the bill passed and title agreed to.

H. J. M. No. 2, a memorial to the Senate and House of Representatives of the United States of America,

Read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—18.

Nays, none.

So the bill passed and the title agreed to.

The House now went into committee of the Whole on the

General File.

Mr. Henry in the chair.

After some time spent therein, the committee arose.

Speaker resumed the chair.

On motion, the House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

The House went into committee of the Whole.

Mr. Henry in the chair.

After some time spent therein, the committee arose and submitted the following report:

Mr. Speaker: The committee of the Whole have had H. B. No. 22 under consideration, and have amended the same as follows:

In section 17, article 5, strike out the words "Merchants, retailers, grocers, and money changers."

Also, add to section 20, article 5, "this act shall in no way be construed so as to give authority to the city of Denver to license gambling or gambling houses."

Also, in article 7, section 3, line 5, strike out the word "disclose," and insert "declare" instead.

Also, in article 8, add to section 7 the words, "This act may be repealed, altered or amended by the Legislature at any time hereafter."

Also, in article 7, section 20, in the fifth line, strike out the word "twenty," and insert the word "fifteen" instead.

And with these amendments recommend that the bills do pass.

H. B. No. 16, and recommend the passage of the same without amendment.

J. W. HENRY, Chairman.

## Message from the Council.

COUNCIL CHAMBER, January 19th, 1866.

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

SIR: I am directed to inform your Honorable body that the Council has concurred in House amendments to C. B. No. 14, a bill for an act authorizing and legalizing the transcription of the records of Pueblo County.

Very Respectfully,

CHARLES G. COX, *Secretary.*

By permission of the House, Mr. Colvin introduced H. B. No. 26, a bill for an act supplementary to an act entitled an act to incorporate the Canon City, Grand River and San Juan Road Company, approved Nov. 6th, 1861, read first and second time, and referred to committee on Roads and Bridges.

Mr. Breath gave notice that he would introduce a bill concerning fence owners.

Mr. Riddlebarger introduced H. B. No. 27, a bill for an act to prevent the introduction of stock into certain counties of the Territory, for the purpose of grazing, and to repeal an act entitled an act to prevent the introduction of stock into the counties of Huerfano, Pueblo, Fremont, Jefferson, Boulder and Costilla, for the purpose of grazing.

Read first and second time, and referred to committee on Agriculture and Manufactures.

Mr. Breath gave notice that he would at some future day, introduce a bill to repeal an act entitled "An act for the protection of farmers against the depredations of stock in the counties of Douglass and Weld.

On motion of Mr. Riddlebarger,

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

## SATURDAY, JANUARY 20th, 1866.

The House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Ball, Fosher, Gardner, Grimes, Gregory, Hall, Johnson, and Nuckolls—9.

Quorum present.

Journal read and approved.

Mr. D. J. Ball, from committee on Enrollment, reported

H. J. R. No. 1, as correctly enrolled.

Mr. Breath, from committee on Ways and Means, submitted the following report:

*Mr. Speaker:* Your committee beg leave to report a bill for an act making an appropriation for the payment of the members and officers of the present Legislative Assembly of the Territory of Colorado, for the year 1866, and recommend that it so pass.

S. M. BREATH, *Chairman.*

Mr. Riddlebarger, from committee on Incorporations, reported as follows:

*Mr. Speaker:* The committee to whom was referred H. B's Nos. 24 and 25, have considered the same and recommend their passage.

MATT RIDDLEBARGER, *Chairman.*

Mr. Colvin, from committee on Ways and Means, reported as follows:

*Mr. Speaker:* Your committee to whom was referred House Bill No. 28, have considered the same, and recommend its passage with the following amendments:

In section 3, in the fifth line, after the words "a section," insert the words "on either end of said lode."

Also, the following amendment to section 6: after the word "it," add "or his right to the same shall be forfeited."

B. R. COLVIN, *Chairman.*

Mr. Riddlebarger gave notice that he would on some subsequent day introduce a bill for re-districting the Territory into Council and Representative Districts.

Mr. Breath having given previous notice, introduced

H. B. No. 28, a bill for an act making an appropriation for the payment of the members and officers of the present Legislative Assembly, of the year 1866.

Mr. Dodge, having given previous notice, introduced

H. B. No. 29, a bill for an act to incorporate the Middle Park and South Boulder Wagon Road Company.

Mr. Fosher having given previous notice, introduced

H. B. No. 30, a bill for an act supplementary of an act entitled an act concerning lode claims, approved Nov. 7th, 1861.

Also, H. B. No. 31, a bill for an act to amend an act entitled an act to create a fund for the benefit of schools, approved Aug. 15th, 1862.

Mr. Riddlebarger having given previous notice, introduced

H. B. No. 32, a bill for an act legalizing the proceedings of the Probate Court of Huerfano County.

H. B. No. 28, read second time, and referred to committee on Ways and Means.

H. B. No. 29, read second time, and referred to committee on Incorporations.

H. B. Nos. 30 and 31, read second time, and referred to committee on Mines and Minerals.

H. B. No. 32, read second time, and referred to committee on Judiciary.

H. B. No. 23, referred back to committee on Mines and Minerals.

On motion, H. B's Nos. 24 and 25 were indefinitely postponed.

Message from the Council.

COUNCIL CHAMBER, January 20th, 1866.

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

SIR: I am instructed to inform your Honorable body that the Council has passed C. B. No. 25,

A bill for an act to amend an act entitled an act to incorporate the Gold Run Tunneling Company.

C. B. No. 26, a bill for an act to amend an act entitled an act to incorporate the Pioneer Tunneling Company No. 1.

Approved November 8th, 1861.

C. C. R. No. 3, a concurrent resolution to define the term of Territorial Auditor and Territorial Treasurer.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

Mr. Keys, from committee on Engrossment, reported as follows:

*Mr. Speaker:* Your committee beg leave to report H. B's Nos. 19, 8, 20, 18 and 17, as correctly engrossed.

Report received.

H. B. No. 22, taken up and considered, and the question being upon the adoption of the amendments as proposed by the committee of the Whole, the amendments were adopted with this addition to article 8, section 11:

Nothing in this act shall be so construed as to authorize the City Council to tax or license the sale of products of the Territory.

The amendments were ordered engrossed for third reading.

H. B. No. 16 read third time, and recommitted to committee on Mines and Minerals.

H. B. No. 8, an act to amend an act entitled an act to prevent the introduction of stock, for the purpose of grazing, within certain limits, approved November 6th, 1861.

Read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, and Riddlebarger—18.

Nays, none.

So the bill passed and title agreed to.

H. B. No. 20, a bill for an act supplementary to an act concerning Roads and Highways, approved March 11, 1861.

Read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris and Riddlebarger—18.

Nays, none.

So the bill passed and title agreed to.

H. B. No 18, a bill for an act to incorporate the Denver and Turkey Creek Wagon Road Company.

Read third time as amended, and the question being upon its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—18.

Nays, Mr. Ball.

So the bill passed and title agreed to.

H. B. No. 19, a bill for an act to incorporate the Hamilton and Montgomery Wagon Road Company.

Read third time, and the question being on its final passage, the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Dodge, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—17.

Nays, Messrs. Colvin and Ehrhart—2.

So the bill passed and title agreed to.

H. B. No. 17, a bill for an act to legalize the March term of the District Court, holden in Boulder County, A. D. 1865.

Read third time, and the question being on its final passage the ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—19.

Nays, none.

So the bill passed and title agreed to.

By permission, Mr. Gardner introduced the following resolution:

*Resolved*, That the committee on Agriculture be requested to obtain such information from the Treasurers of the different counties of this Territory, as shall inform the House how much tax has been collected in their respective counties from non-resident stock owners, and whether such tax has been properly accounted for, and that any information throwing light upon this subject obtained from stock owners or agents who have paid such tax, be reported for the information of the House.

On motion,

The rules were suspended, and the resolution adopted.

By permission, Mr. Norris introduced the following resolution:

*Resolved*, That this House will consider no more bills presented after Monday, the 23d inst.

Mr. Ball offered to amend by saying "of a private nature."

Mr. Fosher moved,

To amend by saying from this date.

Mr. Riddlebarger moved,

To lay resolutions and amendments on the table, which motion carried.

Mr. Bartells offered the following resolution:

*Resolved*, That after the 1st of February there shall be no private business transacted in this House.

On motion of Mr. Graham,

The rules were suspended, and

C. C. R. No. 3,

A concurrent resolution to define the term of Territorial Auditor and Territorial Treasurer, was taken up and put on its final passage.

The ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—19.

Nays, none.

So the resolution was adopted.

On motion,

The House adjourned until Monday at 10 o'clock, a. m.

MONDAY, JANUARY 22nd, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bergen, Graham, Gregory, Hall, Henry, Johnson, Nuckolls and Riddlebarger—8.

Quorum announced.

Journal read and approved.

Message from the Council.

COUNCIL CHAMBER, January 22, 1866.

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

SIR: I am instructed to inform your Honorable Body that the Council passed, on the 20th inst., C. B. No. 30, a bill for an act to amend an act entitled an Act concerning Attorneys and Counselors at Law.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

A petition was presented from the people of Boulder, in relation to a special tax levied for school purposes.

Read and referred to committee on Judiciary.

Mr. Ball presented a petition from the citizens of Colorado Territory, in relation to mineral lodes.

Petition read and referred to committee on Mines and Minerals.

Mr. Riddlebarger, from committee on Incorporations, reported as follows:

*Mr. Speaker:* Your committee beg leave to report, that they have considered H. B. No. 29, an Act to incorporate the Middle Park and South Boulder Wagon Road Company, and recommend its passage without amendment.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Henry, from committee on Judiciary, reported as follows:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 32, a bill for an Act to legalize the proceedings of the Probate Court of Huerfano county, have considered the same, and recommend it back to the House, and that it pass without amendment.

J. W. HENRY, *Chairman.*

C. B. No. 25, read second time and referred to committee on Incorporations.

C. B. No. 26, read second time and referred to committee on Incorporations.

Mr. Breath, from committee on Ways and Means, reported as follows:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 28, have had the same under consideration, and recommend its passage without amendment.

S. M. BREATH, *Chairman.*

Mr. Ball, from committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have this day presented to His Excellency the Governor the following bills for his approval, to-wit: H. B. No. 1, a bill for an act to amend an act entitled, an Act to incorporate the Denver and Pacific Wagon Road Company, approved March 10th, 1864.

H. B. No. 2, an act to amend an act entitled, an Act to incorporate the Denver and San Luis Valley Wagon Road Company.

H. B. No. 13, an act amendatory of an act entitled, an Act regulating Elections, approved November 6th, 1864.

H. J. M. No. 1, a bill for a joint memorial to the Congress of the United States, asking for the establishment of a mining bureau within the limits of the Territory of Colorado.

Joint resolution, concurring in the resolutions adopted at a mass convention held at Central City, January 8th, 1866.

DAVID J. BALL, *Chairman.*

By permission, Mr. Breath introduced

H. B. No. 33, a bill for an Act to incorporate the Ni Wat and Black Hawk Wagon Road Company.

Read first and second time, and referred to committee on Roads and Bridges.

Mr. Riddlebarger, having given previous notice, introduced

H. B. No. 34, a bill for an Act to survey and locate portions of the boundary line between the counties of Pueblo, Huerfano and Fremont.

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

Mr. Gardner, having given previous notice, introduced

H. B. No. 35, a bill for an act to repeal an act entitled, an Act for the protection of farmers against the depredations of stock in Douglass and Weld counties, approved March 11th, 1864.

Also, an act to amend an act entitled, an Act for the protection of farmers against the depredations of stock in Douglas and Weld counties, approved February 10th, 1865.

Read first and second time, and referred to committee on Agriculture and Manufactures.

H. B. No. 29, an act to amend an act entitled, an act for the protection of farmers against the depredations of stock in Douglas and Weld counties, approved February 10th, 1865.

Read at length, and on motion was referred to the committee of the Whole.

H. B's Nos. 28 and 32, an act to amend an act entitled, an act for the protection of farmers against the depredations of stock in Douglas and Weld counties, approved February 10th, 1865.

Read at length, and ordered engrossed for third reading.

H. B. No. 22, a bill for an Act to reduce the law incorporating the City of Denver, and the several acts amendatory thereof, into one act, and to amend the same, taken up and considered and the amendments adopted,

And the question being on the final passage,

The ayes and nays were:

Ayes, Messrs. Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Keyes, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—19.

Nays, none.

So the bill passed and the title agreed to.

By permission, the committee on Roads and Bridges submitted the following report:

*Mr. Speaker:* Your committee beg leave to report that they have considered C. B's Nos. 18 and 19, and H. B. No. 26, and recommend that they do pass.

H. J. GRAHAM, *Chairman.*

Committee on Agriculture reported.

H. B. No. 35, with recommendation that it pass.

The House went into committee of the Whole on the General File.

After a short time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had C. B. No. 18 under consideration, and have made some progress, and ask leave to sit again.

H. J. GRAHAM, *Chairman.*

By permission of the House, Mr. Breath introduced

H. B. No. 36, a bill for an Act concerning Fence Viewers.

Also,  
The following resolution:

*Resolved*, That the committee on Military Affairs be requested to present a bill for an Act to provide for the payment of persons having horses pressed into the service of the First Colorado Militia.

Resolution read, and referred to Committee on Military Affairs.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

House went into committee of the Whole.

Mr. Graham in the chair.

After some time spent therein, the committee rose and reported as follows:

*Mr. Speaker*: The committee of the Whole House have had C. B. No. 18 under consideration, read the bill at length, amended sections 6 and 8, and with the amendments recommend that the bill do pass.

C. B. No. 19, and recommend that it pass without amendments.

H. B's Nos. 26 and 35, and recommend their passage without amendments.

H. B. No. 29, and report the same back with the recommendation that it be referred to the committee on Roads and Bridges, and they be requested to report a new section for section 13.

H. J. GRAHAM, *Chairman*.

By permission of the House, Mr. Breath introduced

H. B. No. 37, a bill for an act to incorporate the South Boulder and Dry Creek Irrigating Ditch Company.

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

Mr. Ball, from committee on Ways and Means, reported as follows:

*Mr. Speaker*: Your committee to whom was referred H. B. No. 34, have had the same under consideration, and refer the same back to the House without recommendation.

D. J. BALL, *Chairman*.

Committee on Federal Relations reported as follows:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 10, beg leave to report that they have considered the same, and refer it back to the House without recommendation.

FRANK HALL, *Chairman.*

By permission of the House, Mr. Colvin introduced H. C. R. No. 1, a concurrent resolution.

Mr. Ball moved to lay the resolution on the table.

Motion lost.

Mr. Dodge moved it be indefinitely postponed.

Motion lost.

Mr. Riddlebarger moved to adjourn.

Motion withdrawn.

Mr. Colvin called for the previous question.

Carried,

And on motion the rules were suspended, and Resolution read first and second time, and referred to committee on Federal Relations.

On motion,

The House adjourned until 10 o'clock, a. m., to-morrow.

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TUESDAY, JANUARY 23d, 1863.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bartells, Graham, Gregory and Hall.

Quorum present.

Journal read and approved.

Mr. Hall appeared and took his seat.

Mr. Colvin presented a petition from the people, asking a reduction of the rates of recording lodes.

Petition read, and referred to committee on Mines and Minerals.

Mr. Riddlebarger, from committee on Incorporations, reported as follows:

*Mr. Speaker:* Your committee have considered C. B. No. 35, a bill for an act to amend an act to incorporate the Gold Run Tunnel Company, approved November 8th, 1861.

Also, C. B. No. 26, a bill for an act to amend an act to incorporate the Pioneer Tunneling Company No. 1, approved November 8th, 1861.

And recommend them to the House for consideration, together with the accompanying petition.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Henry, from committee on Judiciary, reported as follows:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred that portion of the Governor's Message in relation to the Supreme Court,

And also a petition from the citizens of Pueblo county, asking for a special term of the District Court,

Have had the same under consideration, and ask leave to report the following bill:

An act concerning the practice in the District and Probate Courts, and to provide for a term of the Supreme Court, and for other purposes.

J. W. HENRY, *Chairman.*

Report received.

C. B. No. 38,

A bill for an act concerning the practice in the District and Probate Courts, and to provide for a term of the Supreme Court, and for other purposes.

Read first and second time, and referred to committee of the Whole.

C. B. No. 18,

Taken up and considered with amendments.

Amendments adopted, and ordered engrossed for third reading.

H. B. No. 26,

Read, and ordered engrossed for third reading.

The time having arrived for the consideration of

C. B. No. 5,

On motion,

It was referred, and made the special order for 3 o'clock, p. m.

On motion,

The House adjourned until 3 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

House went into committee of the Whole.

Mr. Riddlebarger in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration C. B. No. 5, an act to incorporate the Overland Wagon Road Company, and recommend its passage, with the following amendment:

In section 12, after the word "authority," in the first line, insert, "after one year from the completion of said road."

Also, strike out the word "reasonable" wherever it occurs in sections 16 and 17.

Also, by adding an additional section, 19.

MATT. RIDDLEBARGER, *Chairman.*

Message from the Council.

COUNCIL CHAMBER, January 23d, 1866.

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

SIR: I am instructed to inform your Honorable Body that the Council has passed the following bills:

H. B. No. 5, a bill for an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

H. B. No. 9, a bill for an act granting the exclusive right to Thomas Suttells, of Pueblo, to establish a ferry across the Arkansas River at the town of Pueblo.

H. B. No. 11, a bill for an act for the relief of the Arkansas Valley Ditch and Irrigating Company.

C. B. No. 31, a bill for an act to incorporate the Cache-la-Poudre River Bridge Company, and

C. B. No. 32, a bill for an act to incorporate the Holladay Overland Mail and Express Company.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Mr. Mandragen moved to adjourn.

Motion lost.

H. B's Nos. 34 and 35,

Read, and ordered engrossed for third reading.

H. B. No. 29,

Taken up for consideration.

On motion of Mr. Ball,

The House adjourned until 10 o'clock, a. m., to-morrow.

WEDNESDAY, JANUARY 24th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Bartells, Ball, Colvin, Dodge, Grimes, Gregory and Hall.

Quorum present.

Mr. Breath was granted leave of absence, on account of sickness in his family.

Journal read and approved.

Committee on Printing made a verbal report, to the effect that the reports of the Territorial officers would be ready for distribution to-morrow.

Mr. Keys, from committee on Engrossment, reported as follows:

*Mr. Speaker:* Your committee beg leave to report H. B's Nos. 26, 28 and 32, as correctly engrossed.

THOMAS KEYS, *Chairman.*

Sergeant-at-Arms announced two Messages from the Governor.

EXECUTIVE DEPARTMENT, Denver, January 23d, 1866.

*To the Legislative Assembly of Colorado Territory:*

I have the honor to transmit herewith a petition of a committee of colored citizens of this Territory, on the subject of a law passed by the Legislative Assembly during its session of 1864, by which they were deprived of their rights to vote.

The Organic Act provided that every free white male citizen of the United States, of the age of twenty-one years, including those recognized as citizens by the treaties with Mexico, shall be entitled to vote at the first election. *But that qualification of voters, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly.*

Under the authority conferred by the foregoing section, the Legislative Assembly at its first session, in a spirit of liberality that did them honor, passed a law regulating elections, approved November 6th, 1861, providing that every male person of the age of twenty-one years and upwards, who shall have resided in the Territory for three months next preceding any election, shall be deemed a qualified voter.

The Legislative Assembly, at its session of 1864, passed an act, approved March 11th, 1864, amending the foregoing section by inserting, after the word "upwards," the words, "not being a negro or mulatto," so as to make it read, "every male person of the age of twenty-one years and upwards, not being a negro or mulatto, \* \* \* shall be deemed a qualified voter."

It seems incredible, and were it not for the record, it would be incredible that such a measure could have been adopted at such a time.

The colored people at that moment were everywhere eagerly

pushing forward to the support of the Government, and their services were as gladly accepted. They contributed largely to the triumph of the nation over the rebellion; and just at that darkest period of our country's history, when they were doing their utmost to rescue the Government from its imminent danger, this wrong was perpetrated upon them.

It is a fact worthy of notice, that this was the only case in the whole nation where public sentiment retrograded during our fearful struggle.

This petition, in the hand-writing of one of the signers, evinces an ability to exercise intelligently the right of suffrage, which it would be well if all who enjoy that right could imitate.

I invoke your earnest attention to this subject, and I hope, for the honor of the Territory, that you will promptly take action to erase this odious record from the statute book.

In connection with this subject, I deem it proper to say also that the Legislative Assembly owes it to the enlightened sentiment of the country to take into consideration the condition of the colored people with regard to the public schools. Under the law of 1861, offering them equal political privileges with others, they came here in considerable numbers, and to an equal if not greater extent than any other class of emigrants to the Territory. As I am informed, they brought their families and have kept them here.

The evidences of their industry, frugality and thrift are to be seen in various parts of the city of Denver, some of the finest properties in town belonging to them. They are subject to the tax laid for the support of common schools, while their children are not permitted to attend them. In consequence of this exclusion from the public and private schools, some of these people have been compelled to send their children to the Eastern States to be educated, while paying the taxes for education in the Territory.

But all are not able to incur the expense, and the necessary consequence of this is that many of their children must grow up in ignorance.

This is but one of the forms, or at least one of the features of the accursed system of slavery, from whose thralldom the nation has just emerged, by which the children of one man are educated at the expense of another.

I do not propose, in this communication, to discuss the question of equality of races, about which so many words and so much labor have been wasted; but I submit, without argument, the fact that the colored people in Denver and various parts of the Territory are taxed to pay for educating white children, while their own children are excluded from the public schools;

and your action will determine how long this humiliating spectacle shall be presented to the world.

Justice to the living, and gratitude to those who died that the nation might live, forbid that this state of things, against which these petitioners protest, should longer prevail.

I only perform my duty in calling your attention to these subjects; for the rest the responsibility is with you.

I am, Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, January 24th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives :*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, which are certified to have originated in the House of Representatives:

An act to amend an act entitled, An act to incorporate the Denver and San Luis Valley Wagon Road Company.

An act amendatory of an act entitled, An act Regulating Elections, approved November 6th, 1861.

A bill for a Joint Memorial to the Congress of the United States, asking for the establishment of a Mining Bureau within the limits of Colorado Territory.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Territory.

Report received,

And on motion, referred to committee on Elections.

Mr. Locke gave notice that he would at some future time introduce

A bill changing the Eastern boundary of Fremont County, and defining the same.

Mr. Nuckolls gave notice that he would at some future day introduce

A bill to incorporate the Mining Board of Gilpin County.

Also, a bill to incorporate the Rocky Mountain Lodge No. 2, of the Independent Order of Odd Fellows.

Mr. Colvin gave notice that at some future day he would introduce

A resolution in reference to appointing a commissioner to codify the Laws of Colorado Territory.

H. J. R. No. 3,

A resolution in relation to Mails on the Overland Route.  
Read first and second times, and referred to committee on Federal Relations.

C. B. No. 31,

Read second time, and referred to committee on Roads and Bridges.

C. B. No. 32,

Read second time, and referred to committee on Incorporations.

Mr. Johnson introduced

H. B. No. 39, a bill for an act to incorporate the Boulder and Weld County Ditch Company.

Mr. Gardner introduced

H. B. No. 40, a bill for an act to amend an act entitled, An act concerning Fences.

H. B's Nos. 39 and 40,

Read second time, and referred to committee on Agriculture and Manufactures.

H. B. No. 29,

A bill for an act to incorporate the Middle Park and South Boulder Wagon Road Company,

Was considered, amended, and ordered engrossed for third reading.

C. B. No. 5

Was taken up for consideration.

Amendments recommended by the committee of the Whole were

Adopted,

And amendments ordered engrossed for third reading.

C. B. No. 18,

A bill for an act to incorporate the South Park, Blue River and Middle Park Road Company,

Was read a third time, and

The question being upon its final passage,

The ayes and nays were:

Ayes, Messrs. Ball, Barela, Colvin, Ehrhart, Foshier, Graham, Gardner, Hall, Henry, Johnson, Keys, Locke, Martine, Mandrén, Norris, Nuckolls and Speaker—17.

Nays, Messrs. Bergen, Dodge and Grimes—3.

So the bill passed, and the title agreed to.

H. B. No. 26,

A bill for an act supplementary to an act entitled, An act to incorporate the Canon City, Grand River and San Juan Wagon Road Company.

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Speaker—19.

Nays, Mr. Ball—1.

H. B. No. 28,

A bill for an act making an appropriation for the payment of the Members and Officers of the present Legislative Assembly of the year 1866,

Was read at length, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 32,

A bill for an act legalizing the proceedings of the Probate Court of Huerfano county,

Was read the third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—20.

Nays, none.

So the bill passed, and the title agreed to.

The House then went into committee of the Whole.

Mr. Nuckolls in the chair.

After some time spent therein, the committee rose, and

Submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration a resolution for cutting off all private business after a certain time,

And report the same back, with the recommendation that it be laid on the table.

Also, H. B. No. 38,

And report the same back to the House, with the recommendation that it do pass.

C. NUCKOLLS, *Chairman.*

On motion, the House adjourned until 2 o'clock, p. m.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Keys, from committee on Engrossment, made the following report:

*Mr. Speaker:* Your committee beg leave to report the amendments to C. B. No. 5, as correctly engrossed.

THOMAS KEYS, *Chairman.*

Mr. Ball moved,

That C. B. No. 5,

A bill for an act to incorporate the Overland Wagon Road Company,

Be read third time, and put upon its final passage.

Carried.

The bill was read and considered.

The ayes and nays were:

Ayes, Messrs. Bergen, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed and title agreed to.

On motion,

The House adjourned until 10 o'clock, to-morrow.

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THURSDAY, JANUARY 25th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Breath, Graham, Martine and Riddlebarger.

Quorum present.

Journal read and adopted.

Committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee beg leave to report H. B's Nos. 34 and 35 as correctly engrossed.

THOMAS KEYS, *Chairman.*

Committee on Enrollment submitted the following report:

*Mr. Speaker:* Your committee have presented to His Excellency, the Governor, the following bills for his approval:

H. B. No. 5,

An act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

H. B. No. 9,

An act granting the exclusive right to Thomas Suttells to establish a ferry across the Arkansas River at the town of Pueblo.

H. B. No. 11,

An act for the relief of the Arkansas Valley Ditch and Irrigating Company.

Respectfully submitted.

D. J. BALL, *Chairman.*

Report of committee on Agriculture:

*Mr. Speaker:* Your committee have had under consideration C. B. No. 16,

And report the same back to the House with the recommendation that it pass without amendment.

H. J. GRAHAM, *Chairman.*

Also, your committee have had under consideration,

H. B's Nos. 40, 39 and 36,

And report them back to the House with the recommendation that they pass without amendment.

H. J. GRAHAM, *Chairman.*

Mr. Bartells gave notice that he would on some subsequent day introduce

A bill for an act to incorporate Union Lodge No. 1, I. O. O. F., Denver.

Mr. Martine introduced

H. J. R. No. 4,

A joint resolution to translate laws of A. D. 1865 and '66 into the Spanish language,

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

Sergeant-at-Arms announced the following message from the Council:

COUNCIL CHAMBER, January 25th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

H. B. No. 12,

A bill for an act to amend section 16 of an act entitled, An act fixing the compensation of members of the Legislative Assembly and other officers of Colorado Territory, approved Feb. 10th, 1865.

C. B. No. 24,

A bill for an act to incorporate the American Exploring Company of Philadelphia.

C. B. No. 29,

A bill for an act to provide for the payment of the officers and men of the First Regiment Colorado Mounted Militia.

C. B. No. 35,

A bill for an act to change the name of Seneca L. Page to Harry Richmond.

The same are herewith transmitted.

Also, H. B. No. 21,

A bill for an act to provide for the payment of the Clerks and other officers of the Legislative Assembly.

Amended in the last line but two of section 3, by the introduction of the word "for" after the word "days," and by the addition of a section to be called section 4, thereto appended, and herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

COUNCIL CHAMBER, January 24th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has concurred in House amendments to

C. B's Nos. 5 and 18.

Also, that we have passed

C. B. No. 37,

A bill for an act to provide for the military record of Volunteer Troops of Colorado.

Also return

C. B. No. 26,

A bill for an act to amend An act to incorporate the Pioneer Tunneling Company No. 1, approved Nov. 8th, 1861.

Properly drawn.

Very Respectfully,

CHARLES G. COX,

*Secretary of Council.*

Mr. Nuckolls gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act to amend an act entitled, An act to incorporate the City of Central.

C. B. No. 24,

Read second time and referred to committee on Incorporations.

C. B's Nos. 29 and 37,

Read second time, and referred to committee on Military Affairs.

C. B. No. 35,

Read second time, and referred to committee on Ways and Means.

C. B. No. 36,

Read second time and referred to committee on Federal Relations.

Mr. Johnson having given previous notice, introduced

H. B. No. 41,

A bill for an act to incorporate the Coal Creek and Black Hawk Wagon Road,

Mr. Nuckolls having given previous notice, introduced

H. B. No. 42,

A bill for an act to incorporate Rocky Mountain Lodge No. 2, I. O. O. F.

Also, H. B. No. 43,

An act to amend An act to incorporate the City of Central.

Mr. Locke having given previous notice, introduced

H. B. No. 44,

A bill for an act to change and locate the boundary lines of Fremont County.

Mr. Fosher having given previous notice, introduced

H. B. No. 45,

A bill for an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same.

H. B's Nos. 41, 42, and 43,

Read second time, and referred to committee on Incorporations.

H. B. No. 44,

Read second time, and referred to committee on Counties and County Lines.

H. B. No. 45,

Read second time, and referred to committee of the Whole.

H. B's Nos. 39 and 40,

Ordered engrossed for third reading.

On motion,

H. B. No. 36,

A bill for an act concerning fence viewers, was referred to committee of the Whole.

C. B. No. 16,

A bill for an act to amend an act amendatory of An act relating to Fences, approved March 11th, 1864,

Was read a third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—23.

Nays, none,

So the bill passed, and the title agreed to.

C. B. No. 26,

A bill for an act to amend An act to incorporate the Pioneer Tunneling Company No. 1, approved November 8th, 1861,

Was read a third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—23.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 34,

A bill for an act to survey and locate portions of the Boundary Lines between the counties of Pueblo, Huerfano and Fremont,

Was taken up and considered, and

On motion,

Was referred to the committee on Counties and County Lines, with instructions to furnish a substitute bill.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

H. B. No. 35,

A bill for an act to repeal an act entitled, An act for the Protection of Farmers against the depredations of stock, in the counties of Douglass and Weld, approved March 11th, 1864.

Also, an act approved February 10th, 1865.

Read a third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Gregory, Hall, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Speaker—19.

Nays, none.

So the bill passed, and the title agreed to.

Amendments to H. B. No. 21

Were taken up, and

On motion,

The House concurred in amendments, and

The bill was given to the Enrollment committee.

Committee on Engrossment reported

H. B's Nos. 29 and 38

As correctly engrossed.

On motion,

H. B. No. 29,

An act to incorporate the Middle Park and South Boulder Wagon Road Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Speaker—19.

Nays, Mr. Fosher—1.

So the bill passed, and the title agreed to.

H. B. No. 38,

A bill for an act concerning the Practice in the District and Probate Courts, and to provide for a Term of the Supreme Court, and for other purposes,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Grimes, Gregory, Hall, Johnson, Keys, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—19.

Nays, Messrs. Fosher and Graham—2.

Mr. Locke was excused.

So the bill passed, and the title agreed to.

On motion,

Mr. Bartells' resolution was taken from the table and considered

*Resolved*, That after the first day of February, this House will not permit the introduction of any resolutions or acts of a private nature.

Mr. Graham moved to amend by saying, "unless by consent of the House."

Mr. Riddlebarger moved that the resolution, with amendment, be indefinitely postponed.

Carried.

Mr. Fosher introduced the following resolution:

*Resolved*, That this House will consider no bills of a public nature on and after this day.

On motion, the resolution was indefinitely postponed.

The House then went into committee of the Whole on the General File.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker*: Your committee of the Whole have had under consideration H. B. No. 45, and report it back with the recommendation that it be indefinitely postponed.

Also, H. B. No. 36, and recommend that it be laid on the table.

WILLIAM LOCKE, *Chairman*.

Report received.

Mr. Riddlebarger, from the committee on Incorporations, reported as follows:

*Mr. Speaker*: Your committee have considered C. B. No. 32, an act to incorporate the Holladay Overland Mail and Express Company, and recommend its passage without amendment.

MATT. RIDDLEBARGER, *Chairman*.

Mr. Hall, from the committee on Federal Relations, reported as follows:

*Mr. Speaker*: Your committee, to whom was referred H. J. R. No. 3, have had the same under consideration, and respectfully offer the accompanying resolution as a substitute, with the recommendation that it do pass.

FRANK HALL, *Chairman*.

Mr. Ball, from the committee on Enrollment, submitted the following report:

*Mr. Speaker*: Your committee have examined H. B. No. 12, and beg leave to report the same as correctly enrolled.

DAVID J. BALL, *Chairman*.

Mr. Ball gave notice that he would, to-morrow or some subsequent day, introduce

A bill for an act to establish the County of Lincoln, and locate the boundaries thereof.

H. B. No. 45,

Taken up for consideration, and referred to the committee on Judiciary.

On motion,

H. B. No. 36

Was laid on the table.

Mr. Graham presented a petition from the citizens of Arapahoe county, asking for a Herd Law.

Petition read, and referred to the committee on Agriculture.

Mr. Fosher gave notice that he would on some future day introduce

A bill for an act giving District Judges additional fees.

Committee on Roads and Bridges reported back

H. B. No. 31,

Without amendment, and recommended its passage.

Mr. Ball, from the committee on Enrollment, reported as follows:

*Mr. Speaker:* Your committee on Enrolled Bills have examined H. B. No. 21, and beg leave to report the same correctly enrolled.

DAVID J. BALL, *Chairman.*

On motion,

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

FRIDAY, JANUARY 26TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Fosher and Locke.

Quorum present.

Journal read and approved.

Mr. Riddlebarger, from committee on Incorporations, made the following report:

*Mr. Speaker:* Your committee has had under consideration H. J. R. No. 4, a joint resolution to translate the Laws of 1865 and 1866 into the Spanish language.

Also, H. B. No. 41, an act to incorporate the Coal Creek and Black Hawk Wagon Road Company.

Also, H. B. No. 42, an act to incorporate the Rocky Mountain Lodge No. 2, of the Independent Order of Odd Fellows.

Also, C. B. No. 24, an act to incorporate the American Exploring Company of Philadelphia.

Also, H. B. No. 43, an act to amend an act entitled, An act to incorporate the City of Central.

And respectfully recommend their passage.

MATT. RIDDLEBARGER, *Chairman*.

Mr. Ball, from the committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee have presented to His Excellency, the Governor, the following bills for his approval:

H. B. No. 12, an act to amend section 16 of an act entitled, An act fixing the compensation of Members of the Legislative Assembly, and other Officers of Colorado Territory.

H. B. No. 21, an act to provide for the payment of Clerks and other Officers of the Legislative Assembly of Colorado Territory.

Respectfully Submitted,

D. J. BALL, *Chairman*.

Mr. Keys, from the committee on Engrossment, made the following report:

*Mr. Speaker:* Your committee beg leave to report H. B's Nos. 39 and 40 as correctly engrossed.

THOMAS KEYS, *Chairman*.

Mr. Graham, from the committee on Agriculture, submitted the following report:

*Mr. Speaker:* Your committee, in accordance with a resolution requesting them to report upon the operation of an act providing for the collection of taxes from non-resident stock-owners, approved March 11th, 1864, would submit the following:

That we have been unable to learn of any sum of money, so paid into the treasury of Arapahoe county, being accounted for; and the small amount that was paid into the treasury of Weld county, and placed to the credit of the county, did not agree with the large amount believed by the citizens to have been so paid in.

Therefore it is evident that the law is calculated to benefit

individuals only, instead of replenishing the treasury; and that the law has been so construed as to require the citizens of one county, wintering their stock in another, to pay fifty cents per head upon the same, thereby taxing them the second time during the same fiscal year upon the same property.

Therefore your committee would recommend the above-named law be repealed.

H. J. GRAHAM, *Chairman.*

Mr. Gregory, from Special committee, submitted the following report:

*Mr. Speaker:* Your Special committee, to whom was referred H. B. No. 15, have had the same under consideration, and ask leave to offer a substitute.

DAVID GREGORY, *Chairman.*

On motion,

Mr. Fosher was excused for to-day.

The Sergeant-at-Arms announced the following Message from the Council:

COUNCIL CHAMBER, January 26th, 1866.

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

SIR: I am directed to inform the House that the Council has passed the following bills:

C. B. No. 23, a bill granting the exclusive right to William Craig to erect and maintain a Toll-Bridge across the Arkansas River.

C. B. No. 27, a bill for an act to provide for the Registration of Votes.

C. B. No. 33, a bill for an act to regulate Ditches used for farming purposes, in the counties of Costilla and Conejos.

C. B. No. 34, a bill for an act for the Relief of W. S. Walker, of Summit county.

H. B. No. 8, a bill for an act to amend an act entitled, An act to prevent the Introduction of Animals, for the purpose of Grazing, within certain counties, approved November 6th, 1865.

H. B. No. 17, a bill for an act to Legalize the March Term of the District Court, holden at Boulder county, A. D. 1865.

H. B. No. 18, a bill for an act to incorporate the Denver and Turkey Creek Wagon Road Company, amended, and amendments engrossed and attached to bill.

H. B. No. 19, a bill for an act to incorporate the Hamilton and Montgomery Wagon Road Company.

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H. B. No. 40, a bill for an act supplementary to an act concerning Roads and Highways, approved March 11th, 1861.

All of which are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

C. B. No. 23,

Read second time, and referred to the committee on Incorporations.

C. B. No. 27,

Read second time, and referred to the committee on Elections and Apportionments.

C. B. No. 33,

Read second time, and referred to the committee on Agriculture.

C. B. No. 34,

Read second time, and referred to the committee on Ways and Means.

Mr. Ball, having given previous notice, introduced

H. B. No. 46,

A bill for an act to establish the County of Lincoln, and to locate the boundaries thereof.

Mr. Nuckolls, having given previous notice, introduced

H. B. No. 47,

A bill for an act to incorporate the Mining Board of Gilpin County.

Mr. Graham, having given previous notice, introduced

H. B. No. 48,

A bill for an act to repeal an act entitled, An act to provide for the Collection of Tax from Non-Resident Stock-Owners, approved March 11th, 1864.

H. J. R. No. 5, a resolution relating to the Codifying of the Laws,

Was read second time, and referred to the committee on Judiciary.

H. B's Nos. 46 and 48,

Read second time, and referred to the committee of the Whole.

H. B. No. 47,

Read second time, and referred to the committee on Mines and Minerals.

H. J. R. No. 3,

A joint resolution relating to the Overland Mail,

Was reported on favorably by the committee on Federal Relations, and

Referred to the committee of the Whole.

H. B.'s Nos. 41 and 42,

Ordered engrossed for third reading.

H. B. No. 39,

A bill for an act to incorporate the Boulder and Weld County Ditch Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—20.

Nays, none.

So the bill passed, and the title agreed to.

On motion,

H. B. No. 43,

A bill for an act to amend an act to incorporate the City of Central,

Was considered, engrossed, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 40,

A bill for an act to amend an act entitled, An act concerning Fences,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

House went into committee of the Whole on the General File.

Mr. Gardner in the chair.

After some time spent therein, the committee rose and Submitted the following report:

*Mr. Speaker:* The committee of the Whole have had H. J. R. No. 3 under consideration, and report the same back with the recommendation that it pass with the following amendments:

Strike out the word "printed," in section 2, and insert in lieu thereof the word "mail."

Also, H. B. No. 46, and recommend it back to the House to be laid on the table.

Also, H. B. No. 48, and C. B's Nos. 32 and 37, and recommend them to the House to pass without amendment.

J. F. GARDNER, *Chairman.*

Report received.

Mr. Ball, from the committee on Enrollment, reported as follows:

*Mr. Speaker:* Your committee on Enrolled Bills have examined H. B's Nos. 8, 17, 19 and 20, and beg leave to report the same correctly enrolled.

D. J. BALL, *Chairman.*

Also,

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following bills for his approval, to wit:

H. B. No. 8, an act to amend an act entitled, An act to prevent the Introduction of Animals for the purpose of Grazing within certain limits, approved November 6th, 1864.

H. B. No. 17, an act to Legalize the March Term of the District Court holden in Boulder county, A. D. 1865.

H. B. No. 19, an act to incorporate the Hamilton and Montgomery Wagon Road Company.

H. B. No. 20, an act supplementary to an act concerning Roads and Highways, approved March 11th, 1864.

Very Respectfully,

D. J. BALL, *Chairman.*

*Mr. Speaker:* Your committee, to whom was referred C. B. No. 34, have had the same under consideration, and respectfully recommend that it be referred to the committee of the Whole.

FRANK HALL, *Chairman.*

The Sergeant-at-Arms announced the following

Message from the Governor :

EXECUTIVE DEPARTMENT, Denver, January 27th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives :*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, certified to have originated in that body :

An act to provide for the payment of Clerks and other Officers of this Legislative Assembly.

An act to amend section 16 of an act entitled, An act fixing the Compensation of Members of the Legislative Assembly, and other Officers of Colorado Territory, approved February 10th, 1865.

A joint resolution in relation to a Memorial to Congress, on the subject of Legislation affecting Mining Interests.

An act granting the exclusive right to Thomas Suttells, of Pueblo, to establish and maintain a Ferry across the Arkansas River at the town of Pueblo.

Respectfully,

ALEXANDER CUMMINGS,

*Governor of Colorado Territory.*

On motion,

The House adjourned until 10 o'clock, a. m., to-morrow.

SATURDAY, JANUARY 27th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Journal read and approved.

Mr. Fosher presented a petition from the citizens of Summit county, in relation to School Claims.

Petition read, and referred to the committee on Mines and Minerals.

Mr. Graham presented a petition from the citizens of Jefferson county, asking for a Herd Law.

Petition read, and referred to the committee on Agriculture.

Mr. Colvin, from the committee on Mines and Minerals, reported as follows :

*Mr. Speaker :* Your committee, to whom was referred H. B. No. 47, have had the same under consideration, and report it

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back to the House and recommend that it pass without amendment.

B. R. COLVIN, *Chairman.*

Report received.

Mr. Keys, from the committee on Engrossment, reported as follows:

*Mr. Speaker:* Your committee beg leave to report H. B.'s Nos. 41 and 42 as correctly engrossed.

THOMAS KEYS, *Chairman.*

Report received.

Mr. Henry, from the committee on Judiciary, reported as follows:

*Mr. Speaker:* Your committee, to whom was referred C. B. No. 30, have had the same under consideration, and report it back to the House with an amendment thereto attached, and recommend that it do pass.

J. W. HENRY, *Chairman.*

Report received.

Mr. Hall, from the committee on Federal Relations, reported as follows:

*Mr. Speaker:* Your committee, to whom was referred C. B. No. 36, have considered the same, and recommend its passage.

Also, H. B. No. 14, and respectfully offer the accompanying substitute.

Also, C. B. No. 35, and recommend that it be referred to the committee of the Whole.

FRANK HALL, *Chairman.*

Mr. Riddlebarger, from the committee on Incorporations, reported as follows:

*Mr. Speaker:* Your committee have examined C. B. No. 23, an act granting the exclusive right to William Craig to erect and maintain a Toll-Bridge across the Arkansas River, and recommend its passage by inserting "twenty years" in lieu of "ten years."

MATT. RIDDLEBARGER, *Chairman.*

Mr. Gardner, from the committee on Military Affairs, reported as follows:

*Mr. Speaker:* Your committee have had H. B. No. 29 under consideration, and recommend its passage without amendment.  
J. F. GARDNER, *Chairman.*

Mr. Graham, from the committee on Agriculture, reported as follows:

*Mr. Speaker:* Your committee have had under consideration H. B. No. 27 and C. B. No. 33, and recommend that they be referred to a committee of the Whole.

H. J. GRAHAM, *Chairman.*

Mr. Bartells, from the committee on Elections and Apportionments, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred C. B. No. 27, have considered the same, and recommend its passage without amendment.

L. F. BARTELLS, *Chairman.*

Mr. Ball, from the committee on Counties and County Lines, submitted the following:

*Mr. Speaker:* Your committee have examined H. B. No. 34, and refer it back without recommendation.

D. J. BALL, *Chairman.*

Mr. Colvin, from the committee on Mines and Minerals, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. B's Nos. 30 and 31, have examined the same, and recommend that they be laid on the table.

Also, H. B. No. 16, and report the same back to the House without recommendation.

B. R. COLVIN, *Chairman.*

Mr. Foshier submitted the following minority report from the committee on Mines and Minerals:

*Mr. Speaker:* The undersigned (a minority) asks leave to report that H. B. No. 16 be favorably considered by this House, and passed without amendment.

JOHN FOSHER, *Chairman.*

On motion,  
H. B. No. 18

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Was taken up and considered, and

The question being on the adoption of the amendment proposed by the Council,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Henry, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—20.

Nays, Mr. Graham—1.

So the amendment was

Adopted.

Previous notice having been given,

Mr. Norris introduced

H. B. No. 49,

An act to incorporate Towns and Villages.

Without previous notice,

Mr. Henry introduced

H. B. No. 50,

An act to amend an act to incorporate the Excelsior Ditch Company, approved March 11th, 1864.

Also, H. B. No. 51,

An act to incorporate the Sangre-Christo Wagon Road Company.

Without previous notice,

Mr. Keys introduced

H. B. No. 52,

An act concerning the Territorial Librarian.

Mr. Graham, having given previous notice, introduced

H. B. No. 53,

An act regulating the Herding of Animals, and requesting farmers and ranchmen to give proper notice of Cultivated and Meadow Lands.

Without previous notice, ..

Mr. Fosher introduced

H. B. No. 54,

An act enabling the Judges of Courts to collect Fees.

H. B's Nos. 49, 50 and 51,

Read second time, and referred to the committee on Incorporations.

H. B's Nos. 52 and 53,

Read second time, and referred to the committee of the Whole.

H. B. No. 54,

Read second time, and referred to the committee on Judiciary.

Amendments to

H. J. R. No. 3

Were adopted,

And resolution ordered engrossed for third reading.  
H. B. No. 46

Was taken up and considered.

Mr. Riddlebarger moved to lay it on the table.

And called for the ayes and nays:

Ayes, Messrs. Bergen, Bartells, Barela, Ehrhart, Foshier, Gregory, Henry, Keys, Locke, Martine, Mandragen, Norris and Speaker—13.

Nays, Messrs. Ball, Colvin, Dodge, Graham, Gardner, Grimes, Hall, Johnson, Nuckolls and Riddlebarger—10.

So the bill was laid on the table.

H. B. No. 48

Was taken up, and

The question being on the adoption of the report of the committee of the Whole, which was to indefinitely postpone,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Barela, Ehrhart, Gardner, Gregory, Hall, Johnson, Keys, Locke, Martine and Mandragen—12.

Nays, Messrs. Ball, Colvin, Dodge, Foshier, Graham, Grimes, Henry, Norris, Nuckolls, Riddlebarger and Speaker—11.

So the bill was indefinitely postponed.

Mr. Graham moved that the rules be suspended, and

C. B. No. 32

Be put on its final passage.

Carried.

And the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Graham, Grimes, Gregory, Hall, Henry, Keys, Locke, Martine, Mandragen, Nuckolls, Riddlebarger and Speaker—19.

Nays, Messrs. Foshier, Gardner, Johnson and Norris—4.

So the bill passed, and the title agreed to.

H. B. No. 47,

Referred to the committee of the Whole.

C. B. No. 30,

Taken up, and the report of the committee of the Whole adopted, and

On motion,

The rules were suspended, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

The Sergeant-at-Arms announced the following

Message from the Governor :

EXECUTIVE DEPARTMENT, Denver, January 27th, 1866.

Hon. E. N. Stearns, Speaker of the House of Representatives:

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, which are certified to have originated in that House:

An act for the Relief of the Arkansas Valley Ditch and Irrigating Company.

An act supplementary to an act concerning Roads and Highways, approved March 11th, 1864.

An act to amend an act entitled, An act to prevent the Introduction of Animals, for the purpose of Grazing, within certain limits, approved November 6th, 1861.

An act to Legalize the March Term of the District Court, holden in Boulder county, A. D. 1865.

An act to incorporate the Hamilton and Montgomery Wagon Road Company.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Territory.

On motion,

The House adjourned until Monday next, at 10 o'clock, a.m.

MONDAY, JANUARY 29th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Bergen, Breath, Graham, Grimes, Gregory, Hall and Norris.

Quorum present.

Journal read and approved.

Mr. Riddlebarger presented a petition from the citizens of Huerfano county, asking for a division of the county.

Petition read, and referred to the committee on Counties and County Lines.

Also, a petition from the citizens of the town of Trinidad, in relation to incorporating the town.

Petition read, and referred to the committee on Incorporations.

Mr. Henry, from the committee on Judiciary, submitted the following report :

*Mr. Speaker:* Your committee, to whom was referred H. J. R. No. 5, have had the same under consideration, and respectfully report a substitute, and recommend that it pass.

J. W. HENRY, *Chairman.*

Mr. Riddlebarger, from the committee on Incorporations, submitted the following :

*Mr. Speaker:* Your committee have considered H. B. No. 37, a bill for an act to incorporate the South Boulder and Dry Creek Irrigating Ditch Company, and recommend that it pass without amendment.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Henry, from the committee on Judiciary, submitted the following :

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 45, have considered the same, and report it back without recommendation.

J. W. HENRY, *Chairman.*

Mr. Locke gave notice that he would, at some future day, introduce

A bill to change section 4 of an act entitled, An act to protect and regulate the Irrigation of Lands, approved November 5th, 1861.

Mr. Keys gave notice that he would, at some future day, introduce

A bill for an act to incorporate the Aurum Prospecting, Ditch and Fluming Company.

Mr. Colvin, having given previous notice, introduced

H. B. No. 55,

An act to amend an act entitled, An act concerning Lode Claims, approved November 7th, 1861.

Read first and second times, and referred to the committee of the Whole.

C. B. No. 29

Was ordered on third reading.

C. B. No. 27

Was taken up and considered.

Mr. Nuckolls moved that it be indefinitely postponed.

The ayes and nays were :

Ayes, Messrs. Ball, Barela, Dodge, Ehrhart, Henry, Locke, Martine, Mandragen, Nuckolls and Riddlebarger—10.  
Nays, Messrs. Bartells, Colvin, Fosher, Gardner, Graham, Gregory, Johnson, Keys and Speaker—9.

So the bill was indefinitely postponed.

Mr. Ball moved that the vote be reconsidered.

Carried.

Mr. Bartells moved to adjourn.

Carried.

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House met pursuant to adjournment.

Speaker in the chair.

The question being on

C. B. No. 27,

Mr. Barela moved a call of the House,

Which being ordered and called, there were

Absent, Messrs. Grimes, Henry, Locke and Nuckolls—4.

The Sergeant-at-Arms was despatched after absent members.

Returned, and reported all present.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Colvin,

C. B. No. 27

Was referred to a Special committee of five, consisting of Messrs. Hall, Henry, Colvin, Gregory and Norris.

On motion,

C. B's Nos. 34 and 35, H. B. No. 27, and H. J. R. No. 5,

Were taken up,

Reports of committees adopted, and

Referred to the committee of the Whole.

C. B. No. 31 and H. B's Nos. 14, 16 and 37

Were taken up,

Reports of committee adopted, and

Bills ordered on third reading.

On motion of Mr. Fosher,

Further proceedings with

H. B. No. 45

Were dispensed with.

On motion,

Further proceedings with

C. B. No. 36

Were dispensed with.

Mr. Nuckolls asked leave of absence for the balance of the day.

Leave granted by the House.

C. B. No. 33.

Was taken up and considered.

Mr. Henry offered the following amendment:

"All acts and sections and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed."

Adopted.

And the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Breath, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

C. B. No. 29,

A bill for an act to provide for the Payment of the Officers and Men of the First Regiment of Colorado Mounted Militia.

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Graham, Gregory, Gardner, Hall, Henry, Johnson, Keys, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

C. B. No. 31,

A bill for an act to incorporate the Cache-a-la-Poudre River Bridge Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Barela, Colvin, Dodge, Ehrhart, Graham, Gardner, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—20.

Nays, Mr. Ball—1.

So the bill passed, and the title agreed to.

C. B. No. 37,

A bill for an act to provide for a Military Record of the First, Second and Third Regiments of Colorado Volunteers.

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Gregory, Hall, Henry, John-

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son, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 14,

A bill for an act to amend section 6 of an act entitled, An act fixing the Compensation of Members of the Legislative Assembly, and other Officers of Colorado Territory,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Gregory, Hall, Henry, Johnson, Locke, Mandragen, Norris, Riddlebarger and Speaker—19.

Nays, Messrs. Graham, Keys and Martine—3.

So the bill passed, and the title agreed to.

H. B. No. 16,

An act concerning Analytical Assayers of Minerals,

Was read the third time.

Mr. Ball moved,

That the bill be postponed.

The ayes and nays being ordered, were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Graham, Gregory, Hall, Locke, Martine, Mandragen, Norris and Speaker—14.

Nays, Messrs. Bartells, Ehrhart, Fosher, Gardner, Henry, Johnson, Keys and Riddlebarger—8.

So the bill was postponed.

H. B. No. 37,

A bill for an act to incorporate the South Boulder and Dry Creek Irrigating Ditch Company,

Was read a third time, and

The question being on its third reading,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, none.

Mr. Fosher was excused.

So the bill passed, and the title agreed to.

H. B. No. 41,

A bill for an act to incorporate the Coal Creek and Black Hawk Wagon Road Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Dodge, Ehrhart, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Riddlebarger and Speaker—19.

Nays, Messrs. Colvin, Fosher and Norris—3.

So the bill passed, and the title agreed to.

H. B. No. 42,

A bill for an act to incorporate Rocky Mountain Lodge No. 2, I. O. O. F.,

Was read third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

H. J. R. No. 3,

A joint resolution relating to Mails on the Overland Route,

Was read third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the resolution was

Adopted.

Mr. Hall, from the committee on Printing, submitted the following :

*Mr. Speaker:* Your committee on Printing beg leave to report that Messrs. Byers & Dailey have printed, bound, and now have ready for delivery pamphlets containing the "Reports of Territorial Officers." On comparing them, however, with the manuscript copies furnished by the Auditor and Treasurer, we find many serious typographical errors, which render these pamphlets unfit for use in this body. These errors we find to have been occasioned by the gross carelessness of the clerk to whom the manuscripts were entrusted, with orders from this House to make a copy for the use of printers.

We would therefore recommend that your committee be instructed to revise the printed reports and correct such errors,

with full powers to order a new and accurate edition published without delay.

Very Respectfully,

FRANK HALL, *Chairman*.

Report received.

Mr. Ball, from the committee on Enrollment, submitted the following:

*Mr. Speaker*: Your committee on Enrolled Bills have examined H. B. No. 18, and report the same correctly enrolled.

D. J. BALL, *Chairman*.

Mr. Henry, from the committee on Judiciary, submitted the following:

*Mr. Speaker*: Your committee, to whom was referred the petition of the citizens of Boulder county, asking for the legalizing of a School Tax collected in District No. 4, have had the same under consideration, and report the following bill and recommend its passage.

J. W. HENRY, *Chairman*.

Report received.

The Sergeant-at-Arms announced the following

Message from the Council:

COUNCIL CHAMBER, January 29th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 22, a bill for an act in relation to the Drainage of Mines.

C. B. No. 38, a bill for an act concerning Criminal Jurisprudence.

H. B. No. 26, an act supplementary to an act entitled, An act to incorporate the Canon City, Grand River and San Juan Wagon Road Company, approved November 6th, 1861.

H. B. No. 28, an act making an appropriation for the Payment of the Members and Officers of the present Legislative Assembly, amended by introducing the word "year" in the title of the bill, and adding a section, 4, thereto appended.

H. B. No. 32, an act legalizing the Proceedings of the Probate Court of Huerfano county.

All of which are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

On motion,

The House adjourned until 10 o'clock, a. m., to-morrow.

TUESDAY, JANUARY 30th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Ball and Grimes.

Quorum present.

Journal read and approved.

Mr. Bergen presented a petition from the citizens of Jefferson county, asking for a Herd Law.

Petition read, and referred to the committee on Agriculture.

Mr. Nuckolls presented a petition from the citizens of Central City, asking for a Repeal of the City Charter.

Petition read, and referred to the committee of the Whole.

Mr. Graham, from the committee on Roads and Bridges, submitted the following:

*Mr. Speaker:* Your committee have had H. B. No. 33 under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

H. J. GRAHAM, *Chairman.*

Report received.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following:

*Mr. Speaker:* Your committee have considered H. B. No. 50, an act to amend an act entitled, An act to incorporate the Excelsior Ditch Company, approved March 11th, 1864.

Also, H. B. No. 51, an act to incorporate the Sangre de Christo Wagon Road Company, and recommend their passage.

Also, H. B. No. 49, an act to incorporate Towns and Villages, and refer the same back to the House for reconsideration.

MATT. RIDDLEBARGER, *Chairman.*

Report received.

Mr. Ball, from the Select committee, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 34, beg leave to submit the accompanying substitute.

D. J. BALL, *Chairman.*

Report received.

Mr. Locke gave notice that he would, at some future time, introduce

A bill to incorporate the Fremont Ditch and Irrigating Company.

Mr. Henry gave notice that, at some future time, he would introduce

A bill for an act to amend an act concerning Ejectments.

Mr. Riddlebarger gave notice that he would introduce

A bill to divide the County of Huerfano.

Previous notice having been given, Mr. Bartells introduced

H. B. No. 56,

A bill for an act to incorporate Union Lodge No. 1, I. O. O. F., of Denver.

Mr. Locke, having given previous notice, introduced

H. B. No. 57,

A bill for an act to amend an act entitled, An act to protect and regulate the Irrigation of Lands, approved March 5th, 1861.

Mr. Breath, having given previous notice, introduced

H. B. No. 58,

A bill for an act empowering the citizens of Boulder county, District No. 4, to levy an additional Tax for School purposes.

H. J. R. No. 3

Was read third time, and referred to the committee on Federal Relations.

H. B's Nos. 33 and 52,

Ordered engrossed for third reading.

H. B. No. 49,

Read second time, and referred to the committee of the Whole.

H. B. No. 56,

Read second time, and referred to the committee on Incorporations.

H. B. No. 57,

Read second time, and referred to the committee on Agriculture.

H. B. No. 58,

Read second time, and referred to the committee on Ways and Means.

H. B. No. 51,

Read second time.

Mr. Mandragen moved that it be indefinitely postponed.

Mr. Riddlebarger moved to amend by laying the bill on the table.

Motion declared out of order by the Speaker.

Mr. Colvin appealed to the House.

House sustained the Speaker in his decision.

Mr. Riddlebarger moved that the previous motion be laid on the table.

Motion lost.

The question being on indefinitely postponing,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Fosher, Martine, Mandragen, Norris and Nuckolls—9.

Nays, Messrs. Breath, Colvin, Dodge, Ehrhart, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Riddlebarger and Speaker—14.

So the motion was lost.

Mr. Graham moved that the bill be recommitted.

Mr. Fosher moved to amend by postponing until next to the last day of the session.

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

Carried.

Mr. Hall moved to reconsider.

Mr. Bartells moved to adjourn until 2 o'clock, p. m.

Motion carried, and

House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

House went into committee of the Whole on the General File.

Mr. Gregory in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under consideration C. B. No. 34, and amend the same by striking out the word "forty" in the first and second sections, and inserting the words "seventy-five" in lieu thereof.

Also, C. B's Nos. 24 and 35, and H. B's Nos. 34, 49, 15, 55, 44 and 47, and recommend that they pass without further amendment.

Also, C. B. No. 25, and amend the same by striking out the words "ten years" in the first and second sections, and inserting the words "twenty years" in lieu thereof, and recommend its passage without further amendment.

Also, a petition from the citizens of Central City, and recommend that further action on the same be dispensed with.

Also, H. J. R. No. 4, and recommend that it be laid on the table for the present.

Also, H. B. No. 27, and recommend that it do not pass.

Also, H. B. No. 52, and amend the same by inserting the letters "A. M." before the figure 7 in section 2.

All of which is respectfully submitted.

D. GREGORY, *Chairman.*

Report received and adopted.

Message from the Council:

COUNCIL CHAMBER, January 30th, 1866.

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

SIR: I am instructed to inform your Honorable Body that the Council has reported adversely on the passage of H. J. M. No. 2, a joint memorial to the Senate and House of Representatives of the Congress of the United States, and the same is herewith returned.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

On motion,

Mr. Nuckolls was excused until day after to-morrow.

On motion,

The House adjourned until to-morrow at 10 o'clock, a. m.

WEDNESDAY, JANUARY 31st, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Graham, Grimes and Nuckolls.

Journal read, corrected and approved.

Mr. Grimes appeared and took his seat.

Mr. Colvin presented a petition from the people, in regard to School Claims on Lodes.

On motion,

The petition was partly read, and referred to the County Commissioners of Arapahoe county for favorable consideration.

Mr. Ball, from the committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following bill for his approval, to-wit:

An act to incorporate the Denver and Turkey Creek Wagon Road Company.

Respectfully submitted.

DAVID J. BALL, *Chairman.*

Report received.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following :

*Mr. Speaker:* Your committee have considered H. B. No. 56, an act to incorporate Union Lodge No. 1, I. O. O. F., of Denver, and recommend its passage.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Henry, from the committee on Judiciary, submitted the following :

*Mr. Speaker:* Your committee have had under consideration H. B. No. 54, and offer the accompanying substitute and recommend its passage.

J. W. HENRY, *Chairman.*

Council amendments to

H. B. No. 28

Were concurred in, and the bill ordered enrolled.

Mr. Bergen gave notice that he would, on some future day, introduce

A bill concerning Grazing Rights.

Mr. Bartells, having given previous notice, introduced

H. B. No. 60.

A bill for an act to amend an act entitled, An act concerning Probate Courts and Justices of the Peace in certain counties, approved March 11th, 1864.

Read first and second times, and referred to the committee on Judiciary.

Mr. Keys, having given previous notice, introduced

H. B. No. 59,

A bill for an act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado.

Read first and second times, and referred to the committee on Incorporations.

On motion, the substitute for

H. B. No. 54

Was referred to the committee of the Whole.

H. B. No. 56,

Ordered engrossed.

H. B. No. 52,

An act concerning the Territorial Librarian,  
Was taken up and considered.

Mr. Norris moved to amend by striking out, in the first section, the words, "from 7 a. m. to 10 p. m.," and inserting in lieu thereof the words, "from 10 to 12 m., and from 1 to 10 p. m."

Amendment adopted.

Mr. Colvin moved to amend section 9, by striking out the words, "five hundred," and inserting "one thousand."

Motion lost.

Bill ordered engrossed.

C. B. No. 34,

An act for the Relief of William S. Walker, of Summit county,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Dodge, Ehrhart, Fosher, Henry, Locke, Martine, Mandragen and Speaker—12.

Nays, Messrs. Bergen, Colvin, Gardner, Gregory, Johnson and Norris—6.

So the bill passed, and the title agreed to.

C. B. No. 35,

A bill for an act for the Relief of Marshal Silverthorn,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Hall, Johnson, Locke, Martine, Mandragen, Norris and Riddlebarger—19.

Nays, Mr. Speaker—1.

So the bill passed, and the title agreed to.

C. B. No. 24,

An act to incorporate the Exploring Company of Philadelphia,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Henry, Johnson, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—20.

Nays, none.

So the bill passed, and the title agreed to.

C. B. No. 23,

An act granting the exclusive right to William Craig to erect and maintain a Toll-Bridge across the Arkansas River,

Was read third time, and

The question being on its final passage,  
The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Henry, Johnson, Locke, Martine, Mandragen, Riddlebarger and Speaker—19.

Nays, Norris—1.

So the bill passed, and the title agreed to.

H. B. No. 54

Was referred to the committee of the Whole.

H. B. No. 39,

An act to survey and locate portions of the Boundary Lines between the counties of Pueblo, Huerfano and Fremont,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Dodge, Ehrhart, Fosher, Gardner, Grimes, Hall, Henry, Johnson, Locke, Mandragen, Norris, Riddlebarger and Speaker—16.

Nays, Messrs. Bartells, Barela, Gregory and Martine—4.

So the bill passed, and the title agreed to.

H. B. No. 49,

An act to incorporate Towns and Villages,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Hall, Johnson, Locke, Martine, Mandragen and Norris—18.

Nays, Messrs. Henry and Riddlebarger—2.

So the bill passed, and the title agreed to.

Message from the Council:

COUNCIL CHAMBER, January 31st, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 41, an act regulating Proceedings in Actions of Replevin.

H. B. No. 35, an act to repeal an act entitled, An act for the Protection of Farmers against the Depredations of Stock, in the counties of Douglass and Weld, approved March 11th, 1864, and an act approved February 10th, 1865.

H. B. No. 42, an act to incorporate Rocky Mountain Lodge No. 2, I. O. O. F.

H. B. No. 22, an act to reduce the laws incorporating the City

of Denver, and the several acts amendatory thereof, into one act, and amend the same with the following amendments:

In article 3, amend section 4 thereof by inserting after the word "other," in the seventh line, the word "public;" and strike out section 5.

In article 4, amend section 1 thereof by inserting after the word "ward," in the fourth line, the words, "City Assessor, Surveyor and City Marshal, as aforesaid; and the said City Marshal shall have the same powers as County Constables; and upon filing like bond as is now required by law of Constables, may exercise such powers in all cases, both civil and criminal."

In article 5, amend section 2 thereof by striking out, in the fourth and fifth lines, the words, "City Assessor, Surveyor and City Marshal;" and add to the last word of said section the words, "also to provide by ordinance for the removal from office of the Assessor, Surveyor and City Marshal, for any omission or neglect of duty on their part, and to fill all vacancies which may occur by reason of such removal, until the next general election;" and amend section 3 by striking out the word "twenty" in the seventeenth line, and inserting in its place the word "eight."

H. B. No. 29, an act to incorporate the Middle Park and South Boulder Wagon Road Company, by striking out all of section 2, after the word "term" in the third line, and before the words "South Boulder" in the eleventh line, and insert in its place the words, "of ten years, a wagon road from a point on." Strike out all of section 6. Strike out that part of section 13 between the word "from" in the second line, and "South Boulder" in the fourteenth line; strike out that part of said section commencing with the word "and" in the twenty-sixth line, and ending with the words "South Boulder" in the thirty-second line, and all of said section after the word "the" in the thirty-fourth line, and insert instead, the words, "right to collect the following rates of toll on said road: for each vehicle drawn by two animals, one dollar; each additional two animals, twenty-five cents; horse with rider, pack animal with pack, ten cents; loose stock, five cents per head."

H. B. No. 37, an act to incorporate the South Boulder and Dry Creek Irrigating Ditch Company. Amended by striking out the word "twenty" in the second line of section 2, and inserting in its place the word "ten."

H. B. No. 39, an act to incorporate the South Boulder and Weld County Ditch Company. Amended by striking out the word "twenty" in the second line of section 2, and inserting instead thereof the word "ten."

H. B. No. 40, an act to amend an act entitled, An act to amend an act concerning Fences, approved February 9th, 1865.

Amended by adding a section giving force and effect, appended thereto.

H. B. No. 41, an act to incorporate the Coal Creek and Black Hawk Wagon Road Company. Amended by striking out all of section 2, and also the word "exclusive" in the twenty-seventh line of section 3, and the word "thirty" in the third line of section 5, and inserting the word "ten" in lieu thereof. Also, strike out section 10.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

COUNCIL CHAMBER, January 31st, 1866.

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

SIR: I am directed to inform the House that the Council has passed the following bills:

C. B. No. 48, a bill for an act supplemental to an act entitled, An act to provide for the Payment of the Officers and Men of the First Colorado Mounted Militia.

And C. J. R. No. 3, a joint resolution to adjourn.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

H. B. No. 44,

An act to change and locate the Boundary Line of Fremont county,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Grimes, Gregory, Hall, Henry, Johnson, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—20.

Nays, none.

So the bill passed, and the title agreed to.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion,

Mr. Mandrager was excused until to-morrow.

H. B. No. 47,

An act to incorporate the Mining Board of Gilpin County,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Norris and Riddlebarger—17.

Nays, Mr. Ball—1.

So the bill passed, and the title agreed to.

The House then went into committee of the Whole on the General File.

Mr. Norris in the chair.

After some time spent therein, the committee rose.

On motion,

The rules were suspended, and Mr. Fosher introduced

H. B. No. 61,

An act to provide for the Payment of the First Regiment Colorado Mounted Militia.

Read first and second times, and referred to the committee on Military Affairs.

On motion,

The House adjourned until 7 o'clock, p. m.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Norris submitted the following

Report from the committee of the Whole:

*Mr. Speaker:* The committee of the Whole have had under consideration H. J. R. No. 5, and amend the same by inserting in the blank of said resolution the name of J. W. Henry, and inserting the name of Hugh Butler instead of E. T. Wells; also by inserting in the fifth line of the fourth section, after the word "duties," "not to exceed forty days," and with these amendments recommend that it do pass.

Also, H. B. No. 54; have amended it by inserting in the sixth line of the 1st section, after the word "annually" the words, "one-fourth of;" and in the seventh line expunge "semi-annually," and insert the word "quarterly;" and with these amendments recommend its passage.

Also, H. B. No. 53, and amended it so as to exclude the counties of El Paso, Fremont, Pueblo, Huerfano, Conejos, Costilla, Douglass and Boulder from the effects of the law; and recommend that it pass without further amendment.

Also, C. B. No. 7, and recommend that further action on the same be deferred until Friday.

Also, H. B. No. 10, and recommend that it pass without amendment.

GEORGE H. NORRIS, *Chairman.*

Report received.

On motion,

Mr. Grimes was excused.

Mr. Hall, from the committee on Federal Relations, submitted the following report:

*Mr. Speaker:* Your committee, to whom were referred H. B. No. 58 and H. J. M. No. 3, have considered the same, and report them back to the House without approval.

FRANK HALL, *Chairman.*

Report received.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following:

*Mr. Speaker:* Your committee have considered H. B. No. 59, an act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado, and recommend its passage without amendment.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Colvin gave notice that he would to-morrow move a reconsideration of the vote by which H. B. No. 52 was passed.

C. B. No. 48

Was read second time, and referred to the committee on Military Affairs.

C. B. No. 41

Was read second time, and referred to the committee on Judiciary.

Mr. Gardner gave notice that he would to-morrow introduce

A bill for an act to incorporate the Frankstown and Giles Station Wagon Road Company.

By permission, Mr. Henry introduced

H. B. No. 62,

An act to repeal an act granting the exclusive right to J. N. Jayns and J. Garcia to erect and maintain a Ferry across the Rio Grande at Pass Puerta.

Read first and second times, and referred to the committee on Incorporations.

Previous notice having been given, Mr. Riddlebarger introduced

H. B. No. 63.

Read first and second times, and referred to the committee on Counties and County Lines.

On motion,

H. J. M. No. 3

Was referred to a Select committee, consisting of Messrs. Locke, Norris and Johnson.

On motion, the rules were suspended, and

H. B. No. 59

Was put on its final passage.

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Colvin, Fosher, Gardner, Graham, Henry, Keys, Locke, Mandrager, Norris, Riddlebarger and Speaker—14.

Nays, Messrs. Bartells, Barela, Dodge, Ehrhart, Hall, Johnson and Martine—7.

So the bill passed, and the title agreed to.

Mr. Gardner was excused.

Mr. Mandrager moved to adjourn until to-morrow, at 10 o'clock, a. m.

Motion lost.

The committee on Enrollment submitted the following:

*Mr. Speaker:* Your committee have examined H. B's Nos. 33 and 42, and beg leave to report the same correctly enrolled.

D. J. BALL, *Chairman.*

Report received.

Council amendments to

H. B's Nos. 29, 37, 40, 39, 41 and 22,

Were concurred in and ordered enrolled.

On motion,

The House adjourned until 10 o'clock, a. m., to-morrow.

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THURSDAY, FEBRUARY 1st, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Ehrhart, Fosher and Gardner.

Quorum present.

Journal read and approved.

The Sergeant-at-Arms announced the following Message from the Council:

COUNCIL CHAMBER, February 1st, 1866.

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

SIR: I am instructed to inform your Honorable Body that the Council has refused to concur in the House amendments to C. B. No. 34, an act for the Relief of W. S. Walker, of Summit county; and have concurred in the House amendments to C. B. No. 23.

Also, has passed the following bills:

H. J. M. No. 3, a joint memorial relating to Mail Contracts.

H. B. No. 14, an act to amend section 6 of an act entitled, An act fixing the Compensation of Members of the Legislative Assembly of Colorado Territory, approved February 10th, 1865. Amended by adding a section giving force and effect to the bill.

H. B. No. 38, an act concerning the Practice of the District and Probate Courts, and to provide for a Term of the Supreme Court, and for other purposes, by substitution of another bill for the same.

H. B. No. 43, an act to amend an act entitled, An act to incorporate the City of Central.

C. B. No. 42, an act to incorporate the Peruvian Gold and Silver Mining Company of Colorado, and

C. B. No. 47, an act to provide for submitting an act to incorporate the City of Black Hawk, &c., to vote.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Mr. Graham, from the committee on Agriculture, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 57, have considered the same, and recommend that it pass without amendment.

H. J. GRAHAM, *Chairman.*

Report adopted.

On motion,

The rules were suspended, and Mr. Graham introduced

H. B. No. 64,

An act supplemental to an act approved January 24th, 1866.

On motion,

It was read first, second and third times, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Graham, Grimes, Gregory, Hall, Henry, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, Mr. Johnson—1.

So the bill passed, and the title agreed to.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following:

*Mr. Speaker:* The committee have had under consideration H. B. No. 62, and recommend its passage.

MATT. RIDDLEBARGER, *Chairman.*

Mr. Henry, from the committee on Judiciary, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred C. B. No. 41, have had the same under consideration, and recommend that it be laid on the table.

Also, H. B. No. 60, and recommend that it pass without amendment.

J. W. HENRY, *Chairman.*

Mr. Locke, from the Select committee, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. J. M. No. 3, have had the same under consideration, and report a substitute and recommend its passage.

WILLIAM LOCKE, *Chairman.*

Mr. Keys, from the committee on Engrossment, reported

H. B's Nos. 33 and 50

As correctly engrossed.

Mr. Ball, from the committee on Enrollment, submitted the following:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following bills for his approval, to-wit:

H. B. No. 32, an act Legalizing the Proceedings of the Probate Court of Huerfano county.

H. B. No. 26, an act supplementary to an act entitled, An act to incorporate the Canon City, Grand River and San Juan Road Company, approved November 6th, 1861.

H. B. No. 28, an act making an appropriation for the Pay-

ment of the Members and Officers of the present Legislative Assembly of the year 1866.

H. B. No. 35, an act to repeal an act entitled, An act for the Protection of Farmers against the Depredations of Stock, in the counties of Douglass and Weld, approved March 11th, 1864; and an act to amend an act entitled, An act for the Protection of Farmers against the Depredations of Stock, in the counties of Douglass and Weld, approved February 10th, 1865.

H. B. No. 42, an act to incorporate Rocky Mountain Lodge No. 2, of the Independent Order of Odd Fellows.

All of which is respectfully submitted.

DAVID J. BALL, *Chairman.*

Mr. Norris moved a reconsideration of the vote by which the Council amendments to H. B. No. 22 were concurred in.

Carried.

C. B's Nos. 42 and 47

Were read second time, and referred to the committee on Incorporations.

Previous notice having been given, Mr. Henry introduced

H. B. No. 65,

An act to amend an act concerning Ejectments.

Read first and second times, and referred to the committee of the Whole.

Previous notice having been given, Mr. Locke introduced

H. B. No. 66,

An act to incorporate the Fremont Ditch and Irrigating Company.

Read first and second times, and referred to the committee on Incorporations.

Mr. Bartells gave notice that he would introduce

A bill for an act to provide for paying the Contingent and Extra Expenses of the Territory.

On motion,

H. B. No. 36

Was taken from the table and considered.

Read, and referred to a Select committee, consisting of Messrs. Locke, Breath, Graham, Bergen and Johnson.

H. B. No. 58,

An act empowering the citizens of Boulder county, District No. 4, to levy an additional Tax for School purposes in said District,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Graham, Grimes, Gregory, Hall, Henry, Keys,

Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—20.

Nays, Messrs. Gardner and Johnson—2.

So the bill passed, and the title agreed to.

H. B. No. 62,

An act to repeal an act granting the exclusive right to J. M. Jaynes and J. Garcia to erect and maintain a Ferry across the Rio Grande at Pass Puerta,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 10,

An act to incorporate the Trinidad Town Company,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, Mr. Ball—1.

So the bill passed, and the title agreed to.

H. B. No. 60,

An act to amend an act entitled, An act concerning Probate Courts and Justices of the Peace in certain counties, approved March 11th, 1864,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 57,

An act to amend an act entitled, An act to protect and regulate the Irrigation of Lands, approved November 3d, 1861,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Gregory, Hall, Henry, Keys, Locke, Martine, Mandragen, Riddlebarger and Speaker—18.

Nays, Messrs. Johnson and Norris—2.

Excused, Messrs. Ball and Fosher—2.

So the bill passed, and the title agreed to.

H. B. No. 33,

An act to incorporate the Ni Wat and Black Hawk Wagon Road Company,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—21.

Nays, Mr. Ball—1.

So the bill passed, and the title agreed to.

H. B. No. 50,

An act to amend an act entitled, An act to incorporate the Excelsior Ditch Company, approved March 11th, 1864,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed, and the title agreed to.

H. J. M. No. 3,

A memorial to the Postmaster-General,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—22.

Nays, none.

So the memorial was adopted.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Dodge was excused.

Mr. Gardner, having given previous notice, introduced

H. B. No. 67,

An act to incorporate the Frankstown and Giles Station Wagon Road Company.

Read first and second times, and referred to the committee on Incorporations.

Message from the Council:

COUNCIL CHAMBER, February 1st, 1866.

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

SIR: I am directed to inform the House that the Council has passed C. B. No. 40, an act to amend an act entitled, An act relating to Counties and County Officers, approved November 6th, 1861.

Also, the Council has refused to recede from its amendments to H. B. No. 22, and have appointed a committee of Conference.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

H. B. No. 54,

An act enabling the Judges of the District Courts to collect Fees,

Was taken up and considered, and,

On motion,

Was referred to a Select committee, consisting of Messrs. Norris, Hall, Henry, Colvin and Bartells.

Mr. Norris moved that the committee be excused and another one appointed.

Carried,

And Speaker appointed Messrs. Graham, Ball, Gregory, Foshier and Keys.

H. B. No. 53,

An act regulating the Herding of Animals, and requiring Farmers and Ranchmen to give proper notice of Cultivated and Meadow Lands,

Was taken up and considered.

Mr. Breath moved it be indefinitely postponed.

Mr. Ball moved to adjourn until 10 o'clock, a. m., to-morrow.

Motion declared out of order by the Speaker.

Mr. Foshier appealed from the decision of the chair.

The House decided against the Speaker.

Mr. Ball's motion to adjourn was put and carried, and

House adjourned.

FRIDAY, FEBRUARY 2d, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Dodge, Ehrhart, Gardner, Graham, Hall and Riddlebarger.

Quorum announced.

Journal read and approved.

On motion of Mr. Fosher,

H. B. No. 53

Was taken up, and

The question being on indefinitely postponing.

A call of the House was ordered.

Absent, Messrs. Dodge, Ehrhart, Johnson and Riddlebarger.

The Sergeant-at-Arms was dispatched after absent members.

In a short time returned, and reported Messrs. Dodge and

Johnson present.

Mr. Gregory moved that all further proceedings under the call be dispensed with.

Motion lost.

The Sergeant-at-Arms announced Mr. Ehrhart present, but that Mr. Riddlebarger could not be found.

And on motion,

Further proceedings under the call were dispensed with.

The ayes and nays ordered and called then were:

Ayes, Messrs. Dodge, Gardner, Grimes, Locke and Mandragen—5.

Nays, Messrs. Bergen, Breath, Ball, Barela, Colvin, Ehrhart, Fosher, Graham, Gregory, Hall, Henry, Johnson, Keys, Martine, Norris and Speaker—16.

So the motion to indefinitely postpone was lost.

On motion of Mr. Graham,

The bill was recommitted to the committee on Agriculture.

On motion,

The absent members were excused from paying fines.

Mr. Keys, from the committee on Engrossment, reported

H. B's Nos. 52, 55 and 56, and substitute for H. B. No. 15.

As correctly engrossed.

Mr. Gardner, from the committee on Military Affairs, submitted the following:

*Mr. Speaker:* Your committee, to whom were referred C. B. No. 48 and H. B. No. 61, have considered the same, and recommend that they pass without amendment.

J. F. GARDNER, *Chairman.*

Mr. Locke, from the Select committee, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 36, have had the same under consideration, and report the same back with the following amendments, viz.:

That there shall be added to section 1, "Said Fence Viewers shall be elected from different parts of the county, the same as County Commissioners."

That there shall be added to section 2, "Appeals can be had from the decisions of the Fence Viewers the same as from the decisions of Justices of the Peace."

That between sections 4 and 5 another section shall be added, to-wit: "That in cases where the party, whose stock may have committed damage, makes a tender to the party being damaged of any sum of money to compromise, then if the party being damaged shall fail to recover more than was tendered to him, he shall pay all costs of said suit."

Also, that section 5 of the original bill be changed to section 6.

And respectfully recommend its passage with the amendments.

WILLIAM LOCKE, *Chairman.*

Report received and adopted.

The Sergeant-at-Arms announced the following  
Message from the Council:

COUNCIL CHAMBER, February 2d, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed H. J. M. No. 3, a joint memorial to the Hon. William Dennison, Postmaster-General of the United States,

And to forward to the House a copy of C. J. R. No. 3, said to have been lost.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Council substitute for H. B. No. 38

Was taken up, and

On motion,

Was referred to the committee on Judiciary.

On motion,

House amendments to C. B. No. 34

Were receded from.

On motion,  
H. B. No. 29

Was amended by adding an enacting clause.

Mr. Graham, from the Special committee on H. B. No. 54, submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 54, after considering the subject at length, have instructed me to submit the following report:

After the words "sum of," in the fifth line of the first section of the bill, strike out the words "two thousand," and insert in lieu thereof the words "fifteen hundred."

After the words "sum of," in the thirteenth line of section 2, strike out the words "one thousand," and insert the words "three hundred and seventy-five" in lieu thereof.

After the word "every," in the fourth line of section 4, strike out the word "six," and in lieu thereof insert the word "three."

With the above amendments your committee recommend that the bill be reported back to the House, and recommend that it pass without further amendment.

H. J. GRAHAM, *Chairman.*

D. J. BALL,

DAVID GREGORY,

THOMAS KEYS,

JOHN FOSHER.

Report received and adopted, and committee discharged.

Mr. Breath presented a petition from the Vestrymen of St. John's Church in the Wilderness.

Petition read, and referred to a Special committee, consisting of Messrs. Graham, Breath and Grimes.

Mr. Henry gave notice that he would, to-morrow or some subsequent day, introduce

A joint memorial to the President of the United States, asking the appointment of a citizen of Colorado Territory to the office of Judge, to fill the vacancy occasioned by the resignation of the Hon. S. S. Harding.

C. J. M. No. 3,

In relation to adjourning,

Was read second time, and referred to the committee of the Whole.

C. R. No. 40

Was read second time, and referred to the committee on Elections.

H. B. No. 68,

A bill for an act concerning Grazing Rights.

Read second time, and referred to the committee on Agriculture.

Message from the Governor :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
 Denver, February 1st, 1866. }

*Hon. E. N. Stearns, Speaker of the House of Representatives :*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, certified to have originated in that body :

An act supplementary to an act entitled, An act to incorporate the Canon City, Grand River and San Juan Road Company, approved November 6th, 1861.

An act Legalizing the Proceedings of the Probate Court of Huerfano county.

An act making appropriation for the Payment of Members and Officers of the present Legislature of the year 1866.

An act to incorporate Rocky Mountain Lodge No. 2, of the Independent Order of Odd Fellows.

An act to repeal an act entitled, An act for the Protection of Farmers against the Depredation of Stock, in the counties of Douglass and Weld, approved March 11th, 1864; also an act approved Feb. 10th, 1865.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Ter.*

H. B. No. 36,

An act concerning Fence Viewers,  
 Was ordered engrossed.

Mr. Breath moved,

That the House adjourn until 2 o'clock, p. m.

Carried.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Graham moved,

That H. B. No. 54,

An act enabling the Judges of Courts to collect Fees,

Be recommitted to a Select committee for further amendment.

Carried.

And Speaker appointed Messrs. Graham, Norris and Grimes.

Mr. Ball, from committee on Counties and County Lines, submitted the following :

*Mr. Speaker:* Your committee to whom was referred H. B. No. 63, beg leave to report the same back to the House with the accompanying petition, without recommendation.

D. J. BALL, *Chairman.*

Report received and adopted.

C. B. No. 48,

An act supplemental to an act entitled, An act to provide for the payment of the Officers and Men of the First Regiment of Colorado Mounted Militia,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Gregory, Henry, Johnson, Keys, Locke, Martine, Mandrager, Norris, Riddlebarger and Speaker—21.

Nays, none.

So the bill passed and title agreed to.

H. B. No. 61,

An act to provide for the Payment of the First Regiment of Colorado Mounted Militia,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Gregory, Henry, Johnson, Keys, Locke, Martine, Mandrager, Norris and Speaker—20.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 56,

An act to incorporate Union Lodge No. 1, of the Independent Order of Odd Fellows, of Denver,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandrager and Norris—20.

Nays, Mr. Speaker—1.

So the bill passed, and the title agreed to.

H. J. R. No. 5,

A resolution relating to the Codifying of the Laws,

Was read third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Johnson, Keys, Locke, Martine, Mandragen and Norris—18.

Nays, Mr. Speaker—1.

Mr. Henry was excused.

So the bill passed, and the title agreed to.

Message from the Governor :

EXECUTIVE DEPARTMENT, Denver, February 1st, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives :*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bill, which is certified to have originated in that body :

An act to incorporate the Denver and Turkey Creek Wagon Road Company.

I am, Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Territory.

On motion,

H. B. No. 52,

An act concerning the Territorial Library,

Was recommitted to the committee on Education.

H. B. No. 15,

An act regulating Irrigating Ditches,

Was read third time.

Mr. Breath offered the following amendment :

"This act shall not be construed as applying to any ditch company organized under the general act of incorporation, or any special act."

Adopted.

And the bill being on its final passage

The ayes and nays were :

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 55,

An act to amend an act entitled, An act concerning Lode Claims, approved November 7th, 1861,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

Mr. Graham introduced the following resolution:

*Resolved*, That the House hereby calls the attention of the Council to the Construction Act, section 4, page 107, of the laws of the first session, of said section doing away with the necessity of a section to every bill, showing when the same shall take effect.

Adopted.

On motion,

C. B. No. 7,

A bill for an act to regulate the Fees of Clerks of the several District Courts of Colorado Territory,

Was taken up.

Mr. Norris moved that it be indefinitely postponed.

And the ayes and nays being ordered and called, they were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Gardner, Graham, Henry, Keys, Locke, Martine, Mandragen, Norris and Speaker—13.

Nays, Messrs. Colvin, Dodge, Ehrhart, Fosher, Grimes, Gregory, Hall and Johnson—8.

So the bill was indefinitely postponed.

The House now went into committee of the Whole.

Mr. Gardner in the chair.

After some time spent therein, the committee rose.

By permission, Mr. Graham introduced

H. B. No. 69,

An act to amend an act entitled, An act to incorporate St. John's Church in the Wilderness, approved November 6th, 1861.

On motion,

The House adjourned until 9 o'clock, a. m., to-morrow.

SATURDAY, FEBRUARY 3d, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent, Messrs. Fosher, Grimes, Gregory, Hall, Locke, Martine and Nuckolls.

Quorum present.

Journal read and approved.

Mr. Henry was excused for an hour.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following:

*Mr. Speaker:* Your committee have considered H. B. No. 66, an act to incorporate the Fremont Ditch and Irrigating Company.

Also, C. B. No. 47, an act for submitting an act incorporating the City of Black Hawk to a vote.

And recommend their passage.

Also, H. B. No. 67, an act to incorporate the Frankstown and Giles Station Wagon Road Company, and recommend its passage by filling the blanks in section 3 as follows: "one dollar," "twenty-five cents," "seventy-five cents," "twenty-five cents," "five cents per head."

MATT. RIDDLEBARGER, *Chairman.*

Report received.

Mr. Gardner, from the committee of the Whole, submitted the following report:

*Mr. Speaker:* Your committee of the Whole have had under consideration H. B. No. 63, and recommend that the following section be added as section 5:

"That at the next general election the qualified voters of said county shall vote for or against the division of said county; if a majority shall appear in favor of such division, this act shall then be in full force and effect; if a majority of such votes shall appear against such division, then this act shall be void and of no effect."

And your committee report the bill with the amendment back to the House, and recommend it be referred to the committee on Counties and County Lines.

Also, C. J. R. No. 3, and recommend that the same be amended by striking out "Saturday, the 3d," and inserting "Friday, the 9th," instead, and recommend it pass as amended.

Also, H. B. No. 65, and recommend it pass without amendment.

J. F. GARDNER, *Chairman.*

Mr. Graham, from the Select committee, submitted the following:

*Mr. Speaker:* Your committee, to whom was referred H. B.

No. 54, have reported a substitute for the bill for the consideration of the House.

H. J. GRAHAM, *Chairman.*

Report received.

Substitute ordered engrossed.

H. B. No. 69,

Read second time, and

On motion,

Was read third time,

And put upon its final passage.

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Johnson, Keys, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—19.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 63

Was referred to the committee on Counties and County Lines.

C. B. No. 47

Was referred to the committee of the Whole.

C. J. R. No. 3,

In relation to adjourning,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Graham, Grimes, Hall, Henry, Keys, Martine and Mandragen—14.

Nays, Messrs. Gardner, Gregory, Johnson, Locke, Norris and Speaker—6.

So the resolution was adopted.

H. B. No. 65,

An act to amend an act concerning Ejectments,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Breath, Barela, Colvin, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Speaker—17.

Nays, Messrs. Dodge and Ball—2.

So the bill passed, and the title agreed to.

H. B. No. 66,

An act to incorporate the Fremont Ditch and Irrigating Company,

Was read third time, and

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The question being on its final passage;

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Speaker—21.

Nays, none.

So the bill passed, and the title agreed to.

H. B. No. 67,

An act to incorporate the Frankstown and Giles Station Wagon Road Company,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Gardner, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Speaker—17.

Nays, Messrs. Ball and Fosher—2.

So the bill passed, and the title agreed to.

Mr. Ball, from the committee on Enrolled Bills, submitted the following:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to-wit:

H. B. No. 37, an act to incorporate the South Boulder and Dry Creek Irrigating Ditch Company.

H. B. No. 39, an act to incorporate the Boulder and Weld County Ditch Company.

H. B. No. 40, an act to amend an act entitled, An act to amend an act concerning Fences, approved February 9th, 1865.

H. B. No. 41, an act to incorporate the Coal Creek and Black Hawk Wagon Road Company.

H. B. No. 43, an act to amend an act entitled, An act to incorporate the City of Central.

H. J. R. No. 3, a joint memorial relating to Mail Contracts.

H. B. No. 14, an act to amend an act fixing the Compensation of Members of the Legislative Assembly, and other Officers of Colorado Territory.

Respectfully submitted.

D. J. BALL, *Chairman.*

Report received and adopted.

House went into committee of the Whole on the General File.

Mr. Johnson in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have considered C. B. No. 47, and report the same back to the House and recommend its passage.

B. F. JOHNSON, *Chairman.*

Report received and adopted.

Message from the Governor :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }  
Denver, February 2d, 1866. }

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, which are certified to have originated in that body:

An act to amend section 6 of an act entitled, An act fixing the Compensation of Members of the Legislative Assembly, and other Officers of Colorado Territory, approved February 10th, 1865.

An act to incorporate the Boulder and Weld County Ditch Company.

An act to incorporate the South Boulder and Dry Creek Irrigating and Ditch Company.

An act to amend an act entitled, An act to amend an act concerning Fences.

An act to incorporate the Coal Creek and Black Hawk Wagon Road Company.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Territory.*

Message from the Council:

COUNCIL CHAMBER, February 2d, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

H. B. No. 58, an act empowering the citizens of School District No. 4, Boulder county, to levy an additional Tax for School purposes in said District.

H. B. No. 64, an act supplementary to an act approved January 24th, 1866, amended in the title by adding thereto the words, "Entitled, An act amendatory of an act entitled, An act regulating Elections, approved November 6th, 1861."

And has concurred in amendments to H. B. No. 29.

And has passed H. B. No. 10, an act to incorporate the Trinidad Town Company.

H. B. No. 33, an act to incorporate the Ni Wat and Black Hawk Wagon Road Company.

H. B. No. 50, an act to amend an act entitled, An act to incorporate the Excelsior Ditch Company, approved March 11th, 1864.

C. B. No. 44, an act supplemental to an act concerning Weights and Measures.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Mr. Norris introduced

H. J. R. No. 6,

A resolution of Inquiry.

On motion of Mr. Fosher,

The rules were suspended,

And the resolution was put upon its final passage.

The ayes and nays were :

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Martine, Mandragen, Norris and Speaker 21.

Nays, none.

So the resolution was adopted.

The Speaker appointed Messrs. Norris, Ehrhart and Henry as a committee on the part of the House to confer with a like committee from the Council.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following :

*Mr. Speaker:* Your committee have had under consideration C. B. No. 42, and refer it back to the House with the recommendation that it do pass.

MATT. RIDDLEBARGER, *Chairman.*

Report adopted, and  
Bill ordered on third reading.

On motion,

H. B. No. 64

Was taken up,

Council amendments concurred in, and

Bill ordered enrolled.

C. B. No. 34,

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

By permission, Mr. Henry introduced

H. J. M. No. —,

A memorial asking the President to appoint a citizen of this Territory as Chief Justice.

On motion,

The rules were suspended, and

The memorial was read second and third times, and

Put upon its final passage.

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Locke, Martine, Mandrager, Norris, Riddlebarger and Speaker—20.

Nays, Mr. Ball—1.

So the memorial was adopted.

By permission, Mr. Colvin introduced

H. B. No. 70,

An act to incorporate the National Gold and Silver Mining Company of Colorado.

Read second time, and referred to the committee on Incorporations.

Mr. Nuckolls introduced

H. B. No. 71,

An act to incorporate the Central and Empire City Express Company.

Read second time, and referred to the committee on Incorporations.

By permission, Mr. Bergen introduced

H. B. No. 72,

An act to incorporate the St. Vrain, Left-Hand and Columbia Hill-Ditch Company.

Read second time, and referred to the committee on Incorporations.

By permission, Mr. Norris introduced

H. B. No. 73,

An act to incorporate the Prospecting, Mining and Exchange Company of Colorado.

Read second time, and referred to the committee on Incorporations.

The Sergeant-at-Arms announced the following  
Message from the Council:

COUNCIL CHAMBER, February 3d, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 54, an act relating to Abandoned Claims.

C. B. No. 53, an act concerning Mines and Minerals.

C. J. R. No. 3, a joint resolution to attend the Funeral of L.

B. McLain, M. D., on February 4th, A. D. 1866.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

On motion,

The rules were suspended, and

C. J. R. No. 3,

A joint resolution to attend the Funeral of L. B. McLain, M. D., on February 4th, A. D. 1866,

Was read third time, and

Unanimously adopted.

On motion,

C. B. No. 41

Was taken from the table, and referred to the committee on  
Judiciary.

By permission, Mr. Gardner introduced

✓ H. B. No. 74,

An act to amend an act entitled, An act to establish the Common School Laws.

Read second time, and referred to the committee on Education.

C. B's Nos. 52 and 53,

Read second time, and referred to the committee of the Whole.

C. B. No. 42,

An act to incorporate the Peruvian Gold and Silver Mining Company of Colorado,

Was taken up for consideration.

Mr. Ball offered to amend, by striking out, in the eighth line of the Preamble, the word "are," and insert the words "claim to be," in lieu thereof.

Amendment adopted.

Mr. Hall moved a reconsideration of the vote by which the amendment was adopted.

Carried.

Mr. Graham moved that the amendment be laid on the table.  
Carried.

The bill was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Ehrhart, Foshier, Graham, Gregory, Hall, Henry, Johnson, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—17.

Nays, Messrs. Dodge and Gardner—2.

Mr. Ball was excused.

So the bill passed, and the title agreed to.

C. B. No. 37,

An act to provide for submitting an act to incorporate the City of Black Hawk, to vote, &c.,

Was read third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Gregory, Hall, Henry, Johnson, Locke, Martine, Mandragen, Norris, Riddlebarger and Speaker—19.

Nays, none.

So the bill passed, and the title agreed to.

On motion,

The House adjourned until Monday, at 10 o'clock, a. m.

### MONDAY, FEBRUARY 5th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Quorum present.

Journal read and approved.

Mr. Breath from committee on Indian Affairs submitted the following report:

*Mr. Speaker:* Your committee to whom was referred Resolution asking compensation for horses pressed into the service of the First Colorado Mounted Militia would report, that the Legislature have no evidence before them upon which to base an appropriation for such purposes, and the parties having horses pressed into said service, should present their claims to the Adjutant General of this Territory, who will be able to assist them in obtaining their rights.

Respectfully submitted.

S. M. BREATH, *Chairman.*

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Report received and adopted.

Mr. Henry, from Judiciary committee, submitted the following report:

*Mr. Speaker:* Your committee have had under consideration C. B. No. 41, an act regulating proceedings in Action of Replevin, and respectfully submit the accompanying substitute, and recommend its passage without amendment.

J. W. HENRY, *Chairman.*

Also;

*Mr. Speaker:* Your committee to whom was referred Council substitute for H. B. No. 38, an act concerning the practice in the District and Probate Courts, and to provide for a term of the Supreme Court, and for other purposes, have had the same under consideration, and respectfully report it back to the House with amendments, and recommend it pass as amended.

J. W. HENRY, *Chairman.*

Reports received and adopted.

Mr. Riddlebarger, from committee on Incorporations, submitted the following:

*Mr. Speaker:* Your committee have had under consideration H. B. No. 70, An act to incorporate the National Gold and Silver Mining and Prospecting Company of Colorado.

Also, H. B. No. 71, An act to incorporate the Central and Empire City Express Company, and recommend their passage.

MATT. RIDDLEBARGER, *Chairman.*

Report received and adopted.

*Mr. Speaker:* Your committee on Territorial Affairs to whom was referred C. B. No. 44, have had the same under consideration, and report the same back to the House with the recommendation that it pass without amendment.

Respectfully submitted.

ALEXANDER CUMMINGS, *Chairman.*

Report received and adopted.

Mr. Keys, from committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B. No. 36, and substitute for H. B. No. 54, as correctly engrossed.

THOMAS KEYS, *Chairman.*

Report received and adopted.

Mr. Hall, from Select committee on

C. B. No. 27,

Submitted the following report:

*Mr. Speaker:* Your Select committee to whom was referred C. B. No. 27, have had the same under consideration, and respectfully report the same back to the House with the recommendation that it be indefinitely postponed.

FRANK HALL, *Chairman.*

Report received.

Mr. Hall, from committee on Federal Relations, submitted the following:

*Mr. Speaker:* Your committee to whom was referred C. B. No. 40, have had the same under consideration, and respectfully recommend that it pass.

FRANK HALL, *Chairman.*

Report received and adopted.

Mr. Henry, from committee on Conference on

C. B. No. 22,

Requested further time.

Granted.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 5th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed a bill entitled,

"An act to amend an act entitled, An act to incorporate the City of Central, approved March 11th, 1864.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Ter.*

On motion,

The House concurred in Council amendments to

H. B. No. 59,

And bill ordered engrossed.

Mr. Nuckolls gave notice that he would, on to-morrow, or some subsequent day, introduce

A bill to incorporate the Bear River Wagon Road and Ferry Company.

Mr. Hall gave notice that he would introduce

A Joint Memorial to the Congress of the United States, in relation to the admission of Colorado as a State.

Mr. Gregory gave notice that he would introduce at some time,

A bill to incorporate the Platte Canon and South Park Wagon Road Company.

Mr. Hall having given previous notice, introduced

H. J. M. No. 4,

A Joint Memorial to the Congress of the United States, asking for our admission as a State.

Read second time, and referred to committee of the Whole.

By permission, Mr. Johnson introduced

H. B. No. 75,

A bill for an act amendatory of an act providing for the collection of taxes from non-resident stock owners, approved March 11, 1864.

Read second time, and referred to committee on Agriculture.

Also, H. B. No. 76,

An act authorizing the Commissioners of Weld county to select a site for the erection of a Court House for temporary use,

Read second time, and referred to committee on Judiciary.

C. B. No. 44,

An act concerning Weights and Measures,

Was read a third time, and amended in sections 1 and 2,

And the question being on its final passage as amended,

The ayes and nays were:

Ayes, Messrs. Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris and Nuckolls—18.

Nays, Messrs. Gregory, Riddlebarger and Speaker—3.

Messrs. Bartells and Hall excused.

So the bill passed and title agreed to.

H. B. No. 36,

An act concerning Fence Viewers,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Breath, Gardner, Keys, Mandragen, Riddlebarger and Speaker—7.

Nays, Messrs. Ball, Barela, Dodge, Ehrhart, Fosher, Graham, Grimes, Gregory, Hall, Henry, Johnson, Martine, Norris and Nuckolls—14.

Mr. Colvin excused.

So the bill was lost.

H. B. No. 54,

An act enabling the Judges of Courts to collect Fees.  
Was read a third time.

Mr. Graham offered the following amendments:

"And be it further enacted, That an Executive Clerk may be employed by the Governor of the Territory, and there is hereby appropriated five hundred dollars for the purpose of paying said Clerk, and the Auditor of the Territory is hereby instructed to draw a warrant of five hundred (500) dollars in favor of the Governor of the Territory.

The ayes and nays being called on the amendment, they were:

Ayes, Messrs. Bartells, Breath, Ball, Barela, Colvin, Ehrhart, Graham, Hall, Henry, Johnson, Martine, Nuckolls and Riddlebarger—13.

Nays, Messrs. Dodge, Fosher, Gardner, Grimes, Gregory, Keys, Mandragen, Norris and Speaker—9.

So the amendment was adopted.

Mr. Henry moved,

To adjourn until 2 o'clock, this afternoon.

Carried.

And House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

H. B. No. 54,

Was taken up, and read at length with amendments.

Mr. Henry moved

A reconsideration of the vote by which the amendment was adopted.

Motion lost.

The bill being ordered on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Ball, Colvin, Dodge, Ehrhart, Graham, Hall, Henry, Johnson, Nuckolls and Riddlebarger—11.

Nays, Messrs. Bergen, Breath, Barela, Fosher, Gardner, Gregory, Keys, Locke, Martine, Mandragen, Norris and Speaker—12.

So the bill was lost.

Message from the Council.

COUNCIL CHAMBER, January 3d, 1866.

*To the Honorable the Speaker of the House of Representatives.*

SIR: I am directed to inform your Honorable Body that the Council has concurred in House amendments to C. J. R. No. 3,

A resolution to adjourn, &c., and has passed the following bills:

C. B. No. 17,

An act to amend an act entitled, An act to define County Boundaries and County Seats, approved Nov. 1st, 1861.

H. B. No. 34,

An act to survey and locate a portion of the boundary lines between the counties of Pueblo, Huerfano and Fremont.

H. B. No. 44,

An act to change and locate the boundary lines of Fremont county.

H. B. No. 57,

An act to amend an act entitled, An act to protect and regulate the irrigation of lands, approved Nov. 5th, 1861.

H. B. No. 59,

An act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado.

Amended by striking out the word "Exclusive," in section 2.

C. J. R. No. 4,

A joint resolution to provide for payments of freights and charges upon weights and measures.

They are herewith transmitted.

Respectfully submitted,

CHARLES G. COX,

*Secretary of the Council.*

H. B. No. 70,

An act to incorporate the National Gold and Silver Mining Company of Colorado,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandrager, Norris, Nuckolls, Riddlebarger and Speaker—22.

Nays, none.

So the bill passed and title agreed to.

H. B. No. 71,

An act to incorporate the Central and Empire City Express Company,

Was read a third time, and

Passed unanimously, and the title agreed to.

C. B. No. 40,

An act to amend an act relating to Counties and County Officers, approved Nov. 6th, 1861,

Was read at length.

Mr. Locke moved,

To amend, by striking out the word "seven," and inserting the word "five," instead.

Mr. Henry moved,

To lay the amendment on the table.

Motion lost.

The question being on Mr. Locke's amendment,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Ball, Barela, Colvin, Fosher, Gardner, Locke, Martine, Mandragen and Norris—11.

Nays, Messrs. Breath, Dodge, Ehrhart, Graham, Gregory, Hall, Henry, Johnson, Keys, Nuckolls and Speaker—11.

So the motion was lost,

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Nuckolls and Speaker—15.

Nays, Messrs. Bartells, Barela, Fosher, Locke, Martine, Mandragen and Norris—7.

House now went into committee of the Whole on the General File. Mr. Breath in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* Your committee of the Whole have considered C. B. No. 52, concerning Lode Claims.

Also, C. B. No. 41, an act regulating Proceedings in Replevin, and recommend that they pass.

Also, H. J. M. No. 4, a Memorial to the Congress of the United States, in regard to admission as a State, and recommend that it be made the special order for Wednesday, for 2 o'clock.

Respectfully submitted.

S. M. BREATH, *Chairman.*

Report received and adopted.

On motion,

Mr. Fosher was excused.

Mr. Colvin moved,

That when we do adjourn, we adjourn to meet at 7 o'clock, this evening, for the purpose of considering C. B. No. 53.

Carried.

Mr. Riddlebarger moved to adjourn.

Lost.

Mr. Hall introduced,

H. B. No. 77, an act making an appropriation for the fiscal year ending January 1st, 1867.

Read second time, and referred to committee of the Whole.

On motion of Mr. Colvin,

The House adjourned until 7 o'clock, p. m. *consideration H. B. No. 77, as follows: That the sum of three hundred and twenty-eight dollars, be appropriated to pay freight and charges upon Scales and Weights ordered and shipped to the House met at 7 o'clock, pursuant to adjournment.*

Speaker in the chair.

House went into committee of the Whole for the consideration of C. B. No. 53.

Mr. Henry in the chair.

After some time spent therein, the committee rose and reported as follows:

*Mr. Speaker:* The committee of the Whole House have had under consideration C. B. No. 53, an act entitled An act concerning Mines and Minerals, and have instructed me to report the same back to the House, by amending section 9, by inserting a substitute for the same, and by adding section 21, and with the amendments recommend that it pass.

*J. W. HENRY, Chairman.*  
Report received.

Mr. Fosher moved, to adjourn until 10 o'clock, a. m. Motion lost.

Mr. Hall moved,

That the appropriation bill No. 77, be made the special order of the day, for to-morrow morning, at 10 o'clock, a. m.

Carried.

On motion,

The House adjourned until 10 o'clock, a. m. to-morrow.

TUESDAY, FEBRUARY 6th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Bartells, Barela, Fosher and Martine.

Quorum present.

Journal read and approved.

On motion,

The House went into committee of the Whole, for the consideration of H. B. No. 77. After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had under

consideration H. B. No. 77, and have amended the same, by adding to section 1, as follows: That the sum of three hundred and twenty-eight dollars and twenty-eight cents, be appropriated to pay freight and charges, upon Scales and Weights, ordered and shipped as Territorial Goods; Also, by striking out sections 2 and 3, and recommend the passage of the bill as amended.

FRANK HALL, *Chairman.*

Report adopted, and

Bill ordered engrossed as amended.

Message from the Council:

COUNCIL CHAMBER, February 6th, 1866.

To the Honorable the Speaker of the House of Representatives:

SIR: I am instructed to inform your Honorable Body that the Council has indefinitely postponed the following bills:

H. B. No. 15, an act regulating Irrigating Ditches.

H. B. No. 66, an act to amend an act, entitled An act concerning Probate Courts and Justices of the Peace in certain Counties, approved March 11th, 1864.

And have passed C. B. No. 56, an act to amend an act, concerning Licenses.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Mr. Keys, from committee on Education, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 72, entitled an act to amend an act, entitled An act to establish the Common School System, have had the same under consideration, and recommend its passage, with the following amendments: Add to the title "approved Nov. 7th, 1861;" and in section 1, between the word "system" and "be," in the third line, insert "approved Nov. 7th, 1861."

THOMAS KEYS, *Chairman.*

Report received.

Mr. Ball, from committee on Enrolled Bills submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to-wit:

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H. B. No. 34, an act to survey and locate a portion of the Boundary Lines between the Counties of Pueblo, Huerfano and Fremont.

H. B. No. 44, an act to change and locate the Boundary Line of Fremont County.

H. B. No. 57, an act to amend an act, entitled An act to Protect and Regulate the Irrigating of Lands, approved Nov. 5, 1861.

H. B. No. 59, an act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado.

Respectfully submitted.

D. J. BALL, *Chairman.*

Report adopted.

Mr. Bergen, from the Committee on Agriculture submitted the following:

*Mr. Speaker:* Your committee on Agriculture have had before them H. B. No. 68, a bill for an act concerning Grazing Rights, and recommend that it do pass without amendment.

Respectfully submitted.

T. C. BERGEN, *Chairman.*

Report adopted.

Mr. Riddlebarger, from the committee on Incorporations, submitted the following report:

*Mr. Speaker:* Your committee have considered H. B. No. 72 and 73, and recommend their passage.

MATT. RIDDLEBARGER, *Chairman.*

Report received and adopted.

Minority report on C. B. No. 27:

*Mr. Speaker:* The undersigned, a minority of the Select Committee, to whom was referred C. B. No. 27, an act to provide for the Registration of Voters, have had the same under consideration and would respectfully recommend its passage without amendment.

DAVID GREGORY,

B. R. COLVIN.

Mr. Henry, from Special Committee submitted the following:

*Mr. Speaker:* Your Special Committee appointed to confer with a like committee from the Council, to consider the proposed Council amendments to House Bill No. 22, have had the same under consideration, and report the same back to the House with a recommendation that the House do not concur in

the amendments, so far as they refer to expunging section 5 of article 1st of said act. Your committee would recommend that the House do concur in all other amendments proposed by the Council to said bill.

All of which is respectfully submitted.

J. W. HENRY, *Chairman.*

Report received.

Mr. Ball, from committee on Enrollment, submitted the following:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly Enrolled Bills, for his approval:

H. B. No. 29, an act to incorporate the Middle Park and South Boulder Wagon Road Company.

H. B. No. 33, an act to incorporate the Ni Wot and Black Hawk Wagon Road Company.

H. B. No. 10, an act to incorporate the Trinidad Town Company.

H. B. No. 50, an act to amend an act, entitled An act to incorporate the Excelsior Ditch Company, approved March 11, 1864.

H. B. No. 58, an act empowering the citizens of School District No. 4, Boulder County, to levy an additional tax for School purposes in said District.

H. J. M. No. 3, a Joint Memorial to the Hon. Wm. Dennison, P. M. General of the United States.

Respectfully submitted.

D. J. BALL, *Chairman.*

On motion,

The House refused to recede from its amendments to C. B. No. 44.

Mr. Graham moved,

That the House insist on its amendments to C. B. No. 44.

Carried.

C. B. No. — read second time, and referred to committee on Counties and County lines.

C. B's Nos. 45 and 50, read second time, and referred to committee on Judiciary.

C. B. No. 55, read second time, and referred to committee of the Whole.

C. J. M. No. 2 read second time and referred to committee on Federal Relations.

By permission, Mr. Colvin introduced

H. B. No. 78,

A bill for an act to reinstate James Curran in all the rights

of a citizen of Colorado Territory, and the privilege of the elective franchise.

Also, H. B. No. 79,

An act to amend an act entitled An act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15th, 1862.

Mr. Gregory, having given previous notice, introduced

H. B. No. 80,

A bill to incorporate the Platte Canon and South Park Wagon Road Company.

Also, H. B. No. 81,

An act amendatory of an act entitled An act concerning Lost Goods and Estrays.

Mr. Nuckolls, having given previous notice, introduced

H. B. No. 82,

An act to incorporate the Bear River Wagon Road and Ferry Line.

H. B's Nos. 78 and 79,

Read second time, and referred to committee on Elections and Apportionments.

H. B's Nos. 80 and 82,

Read second time, and referred to committee on Incorporations.

H. B. No. 81,

Read second time, and referred to committee on Agriculture.

On motion,

The House adjourned until 2 o'clock, p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

C. B. No. 53,

Taken up and considered.

Amendments offered by the committee were adopted.

Mr. Foshier moved the following amendment:

That any person who shall knowingly jump any claim or claims, after such discovery shall have been made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$200, nor more than \$1,000, and shall not be allowed to possess, improve, or dispose of any such claim or claims.

Mr. Norris moved to lay the amendment on the table.

Motion lost.

Question being on the amendment, it was lost.

Mr. Breath offered to amend as follows:

That the said sum of four dollars allowed the County Clerk shall be considered full compensation for recording the discovery claim, and the claims set apart for the School and the Miners' Relief and Poor Fund.

The question now being on its final passage as amended,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Fosher, Graham, Grimes, Gregory, Hall, Henry, Johnson, Locke, Martine, Mandragen, Norris, Nuckolls, and Speaker—20.

Nays, Messrs. Ehrhart and Keys—2.

Mr. Gardner excused.

So the bill passed and the title agreed to.

Message from the Governor.

EXECUTIVE DEPARTMENT, Colorado Territory, )

Denver, February 6th, 1866. II

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

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, certified to have originated in that body:

An act to incorporate the Trinidad Town Company.

An act to incorporate the Middle Park and South Boulder Wagon Road Company.

An act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado.

A Memorial to the Hon. William Dennison, P. M. General.

An act to incorporate the Ni Wot and Black Hawk Wagon Road Company.

An act to change and locate the Boundary Lines of Fremont County.

An act to empower the citizens of School District No. 4, in Boulder County, to levy an additional tax for School purposes in said District.

An act to amend an act entitled An act to incorporate the Excelsior Ditch Company, approved March 11th, 1864.

An act to Survey and Locate portions of the Boundary Lines between the counties of Pueblo, Huerfano, and Fremont.

An act to amend an act entitled An act to Protect and Regulate the Irrigation of Lands, approved Nov. 5th, 1861.

Very Respectfully,

ALEXANDER CUMMINGS,

Governor of Colorado Territory.

H. B. No. 73,

Referred to committee of the Whole.

By permission Mr. Norris introduced

H. B. No. 83,

An act to amend an act entitled An act relating to Notaries Public, approved March 4th, 1861.

Read second time, and referred to committee of the Whole.

C. B. No. 52,

An act concerning Abandoned Claims,

Was read a third time and passed unanimously.

C. B. No. 41,

An act regulating proceedings in Actions of Replevin,

Was read a third time, and passed unanimously.

H. B. No. 68,

An act concerning Grazing Rights,

Was read a third time.

Mr. Bartells moved that the bill be referred to a select committee.

Carried.

And Speaker appointed as such committee, Messrs. Ehrhart, Norris, Grimes, Bergen and Gregory.

Mr. Ball offered the following resolution:

*Resolved*, That the committee on Printing be instructed to have printed for the use of members of this Legislature, one hundred copies of the following bills, to wit: C. B. No. 53, an act concerning Mines and Minerals; and C. B. No. 5, an act for the benefit of Public Schools: provided, always, that the Council does concur in the amendments made by the House to said C. B. No. 53.

Adopted.

Mr. Foshier moved a reconsideration of the vote by which H. B. No. 54 was lost.

The ayes and nays being ordered and called, were:

Ayes, Messrs. Bartells, Ball, Colvin, Dodge, Foshier, Graham, Grimes, Hall, Henry, Johnson, Nuckolls, and Riddlebarger—12.

Nays, Messrs. Bergen, Breath, Barela, Ehrhart, Gardner, Gregory, Keys, Locke, Martine, Mandragen, Norris, and Speaker—12.

Motion lost.

On motion,

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

WEDNESDAY, FEBRUARY 7th, 1866.

House met at 10 o'clock, a. m., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Fosher and Gregory.

Quorum present.

Journal read and approved.

Mr. Graham, from committee on Agriculture submitted the following report:

*Mr. Speaker:* Your committee on Roads and Highways and Bridges, to whom was referred C. B. No. 55, after considering the same at length, report the same back to the House without amendment, and recommend that it do pass.

Also, H. B. No. 81, and recommend the following amendments:

In section 5th, at the end of the 4th line, insert "in which he shall register all descriptions of animals returned to him, the name of the person taking up the same, the time, appraisers' value, costs, with the appraisers' names;" and strike out in the ninth line, the words "keep a book for the same," and insert in lieu thereof, after the word "shall" the words "enter the same in a book kept for the purpose, called an entry book, and it will be"; and with the above amendments, recommend that the bill do pass.

H. J. GRAHAM, *Chairman.*

Report received and adopted.

And bill ordered engrossed with the amendments.

Mr. Keys, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B. No. 77 as correctly engrossed.

THOMAS KEYS, *Chairman.*

Mr. Ball, from committee on Counties and County Lines, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred C. B. No. 17, have examined the same, and beg leave to report the same back to the House with the recommendation that it do pass.

D. J. BALL, *Chairman.*

Report adopted.

Mr. Hall, from committee on Federal Relations, submitted the following:

*Mr. Speaker:* Your committee to whom was referred C. J. A. M. No. 2, have had the same under consideration, and respectfully recommend its passage.

FRANK HALL, *Chairman.*

Adopted.

Message from the Council.

COUNCIL CHAMBER, February 6th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has indefinitely postponed H. B. No. 49, an act to incorporate Towns and Villages.

H. B. No. 61, an act to provide for the payment of the First Colorado Mounted Militia.

And has passed C. B. No. 49, An act to apportion the Territory of Colorado.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

On motion,

The House concurred in Council amendments to H. B. No. 22, except the striking out of section 5 in article 1.

And the bill was sent to Council with the request that they would recede from that amendment.

C. B. No. 49,

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

C. B. No. 50 read second time and referred to committee of the Whole.

Mr. Henry moved, that

H. J. R. No. 4 be taken up and referred to committee on Printing, with instructions to ascertain what the probable costs of 500 or 1000 copies of the laws of 1864, '65, and '66, in the Spanish language, would amount to.

Carried.

Mr. Johnson introduced

H. B. No. 84,

An act to submit the Herd Law of Weld County to a vote of the people.

Read second time, and referred to committee of the Whole.

C. B. No. 17,

Was read a third time.

Mr. Norris moved that the bill be referred to Mr. Ehrhart, as a special committee on correction.

C. J. M. No. 2,

A Memorial to the Congress of the United States,

Was read a third time, and passed unanimously,

And title agreed to.

H. B. No. 72,

An act to incorporate the St. Vrain, Left-Hand, and Columbia Ditch Company,

Was read a third time.

Mr. Graham moved to adjourn.

Motion withdrawn.

Mr. Hall, from committee on Printing,

Submitted the following report:

*Mr. Speaker:* Your committee have made an estimate of the cost, or approximate cost of printing the laws in English, and would report that for 500 copies, the cost would be \$3,000; and for 1,000 copies, would be \$4,500. Printing the same in Spanish would cost about 25 per cent. more.

Respectfully submitted,

FRANK HALL, *Chairman.*

Report received.

Mr. Fosher renewed his motion to adjourn,

And called for the ayes and nays.

Ayes, Messrs. Ehrhart, Fosher, Graham, Henry, Johnson, Locke, Martine, Mandragen, Nuckolls and Riddlebarger—10.

Nays, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Gardner, Grimes, Gregory, Hall, Keys, Norris and Speaker—14.

So the motion was lost.

On motion,

The bill was read at length.

Mr. Johnson moved to adjourn.

Motion lost.

Mr. Graham moved,

To lay the bill on the table.

Motion lost.

Mr. Locke moved to adjourn.

Motion lost.

Mr. Breath called for the ayes and nays on the final passage.

Carried.

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Grimes, Gregory, Hall, Keys, Mandragen, Norris, Riddlebarger and Speaker—15.

Nays, Messrs. Ehrhart, Fosher, Graham, Johnson, and Martine—5.

Excused, Messrs. Gardner, Henry, Locke and Nuckolls—4.

So the Bill passed and title agreed to.

Mr. Bartells moved to adjourn.

Motion lost.

Mr. Riddlebarger moved,

That the House take a recess until 2 o'clock, p. m.

2 O'CLOCK, P. M.

Time of recess having expired, the House was called to order by the Speaker.

H. J. M. No. 4,

A Joint Memorial to the Congress of the United States, asking for the admission of Colorado as a State,

Having been made the special order of the day, for 2 o'clock, was taken up and considered.

Mr. Breath moved the Memorial be put on its final passage.

Call of the House ordered.

Roll called.

Absent, Messrs. Bartells and Fosher.

Sergeant-at-Arms despatched after absentees.

Returned in a short time and reported Messrs. Fosher and Bartells present.

On motion,

Further proceedings under the case were dispensed with.

Message from the Council.

COUNCIL CHAMBER, February 7th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 51,

An act providing for an extra compensation of the Gilpin county Assessors for A. D. 1865.

C. B. No. 54,

An act to incorporate the Rocky Mountain Pioneer Friction Engine and Endless Railway Company.

H. B. No. 65,

An act to amend An act concerning Ejectments.

H. B. No. 66,

An act to incorporate the Fremont Ditch and Irrigating Company.

H. B. No. 67,

An act to incorporate the Frankstown and Giles Station Wagon Road Company.

H. B. No. 70,

An act to incorporate the National Gold and Silver Mining and Prospecting Company. And

H. B. No. 71,

An act to incorporate the Central and Empire City Express Company, has been indefinitely postponed.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, February 7th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to transmit herewith one hundred copies of a special message of His Excellency, the President of the United States to Congress, dated Dec. 11th, 1865, concerning the Universal Exposition to be held at Paris, in the year 1867, forwarded by the Honorable the Secretary of State for the use of the Legislative Assembly.

Some two months ago I made a request to Mr. Derby, agent in New York, to have space allotted for the Exposition of Colorado products. I have no doubt it will be available for any citizen who desires, to forward specimens.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Ter.*

Mr. Fosher offered a substitute for

H. J. M. No. 4.

Mr. Henry offered a substitute for the substitute.

Mr. Ball moved,

That Mr. Henry's substitute be indefinitely postponed.

Mr. Norris called for the previous question,

And being sustained by two others,

The question was then on the substitute of Mr. Henry.

The ayes and nays were:

Ayes, Messrs. Barela, Henry, Locke, Martine, Mandrager and Riddlebarger—6.

Nays, Messrs. Bergen, Bartells, Breath, Ball, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Johnson, Keys, Norris, Nuckolls and Speaker—18.

So the substitute was lost.

Mr. Hall accepted Mr. Fosher's substitute.

The question now being on the final passage of the Memorial as substituted by Mr. Fosher,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Colvin, Dodge, Fosher, Gardner, Graham, Gregory, Hall, Johnson, Keys, Norris, Nuckolls and Speaker—16.

Nays, Messrs. Barela, Ehrhart, Grimes, Henry, Locke, Martine, Mandragen and Riddlebarger—8.

So the Memorial was adopted.

Mr. Hall moved,

That the House now take up

H. B. No. 77,

An act making an appropriation for the fiscal year ending January 1st, 1867.

Carried.

Mr. Bartells moved,

To strike out "four and one half," and insert "four," in lieu thereof, in section 3.

Amendments adopted.

Mr. Nuckolls moved,

That section 4 be stricken out.

Carried.

Mr. Nuckolls offered an additional section.

Adopted.

On motion,

The bill was considered, engrossed, and put on its final passage.

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Speaker—23.

Nays, none.

So the bill passed and title agreed to.

On motion,

C. B. No. 38,

Was referred to committee of the Whole House.

Mr. Stearns moved,

That the House do now adjourn to meet at 7 o'clock, this evening, to go into committee of the Whole on the General File.

Carried.

And House adjourned.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Henry moved,

That the chairman of the Territorial Committee be instructed at once on the Apportionment Bill.

Carried.

Call of the House ordered, and called.

There were absent:

Messrs. Graham, Barela, Martine, Mandrager, Ehrhart, Bartells, Locke, Hall and Johnson.

Sergeant-at-Arms despatched after absent members.

In a short time returned and reported all present except Messrs. Johnson and Gregory.

On motion,

Further proceedings under the call were dispensed with.

Mr. Nuckolls moved,

The previous question.

Mr. Breath moved,

To amend by saying 2 o'clock, to-morrow.

Mr. Ball moved,

To amend by saying 10 o'clock, to-morrow.

Both amendments lost.

Mr. Fosher moved,

That both Council and House bills be brought before the House.

Call of the House ordered.

Absent, Messrs. Gregory and Johnson.

Sergeant-at-Arms despatched after absentees.

Returned in a short time and announced Messrs. Gregory and Johnson present.

On motion,

Further proceedings under the call were dispensed with.

Question now being on instructing committee on Territorial Affairs to report forthwith,

Carried.

On motion,

The House went into committee of the Whole.

Mr. Riddlebarger in the chair.

Committee arose.

Mr. Ball moved,

That C. B. No. 49,

Be made the special order of this evening.

Mr. Norris moved,

To amend by saying H. B. No. 79.

Motion lost.

Question now being on Mr. Ball's motion,

Mr. Norris moved,

To postpone until 2 o'clock, to-morrow.

Motion lost.

Mr. Ehrhart moved,

To adjourn until to-morrow, at 10 o'clock, a. m.

Motion lost.

Mr. Ball amended his motion by saying C. B. No. 49.

Be made the special order for this evening.

Mr. Graham moved,

To adjourn until 10 o'clock, to-morrow.

Motion lost.

The question now recurring on Mr. Ball's motion.

It was put and carried.

Mr. Hall moved,

To adjourn until 20 minutes before 10 o'clock.

Motion withdrawn.

Mr. Bartells moved,

To adjourn until 10 o'clock to-morrow.

Motion lost.

Mr. Fosher, from committee on Territorial Affairs, submitted the following report:

*Mr. Speaker:* Your committee have considered C. B. No. 49, and beg leave to report the same back to the House without recommendation.

JOHN FOSHER, *Chairman.*

Report received.

Mr. Hall moved,

That the House go into committee of the Whole, for the consideration of C. B. No. 49.

Mr. Graham moved,

To adjourn.

Motion lost.

Question recurring on Mr. Hall's motion,

Mr. Graham moved,

A call of the House.

Which being had, there were found absent, Mr. Bartells.

Sergeant-at-Arms ordered to find him.

Returned and reported that Mr. Bartells could not be found.

Mr. Hall moved,

That further proceedings under the call be dispensed with.

Chair decided that further proceedings could not be dispensed with.

Mr. Ball appealed from decision.

Speaker decided that appeal could not be entertained.

Mr. Graham moved to adjourn.

Motion lost.

Sergeant-at-Arms despatched again after Mr. Bartells.

Mr. Fosher moved to adjourn.

Motion lost.

Sergeant-at-Arms announced Mr. Bartells.

Mr. Nuckolls moved,

That Mr. Bartells be fined two dollars.

Motion lost.

Mr. Graham moved to adjourn.

Motion lost.

Mr. Graham moved,

The rules be suspended, and we take up

C. B. No. 49 for consideration.

Mr. Riddlebarger moved,

That the motion be laid on the table.

Carried.

Mr. Fosher moved to adjourn.

Motion lost.

On motion,

The House went into committee of the Whole.

Mr. Norris in the chair.

After some time spent therein, the committee arose and reported that they had had a very lucid discussion on C. B. No. 49, had not made much progress, and asked leave to sit again.

Mr. Henry moved,

That C. B. No. 49, be made the special order of the day, for 10 o'clock, to-morrow.

Carried.

On motion,

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

## THURSDAY, FEBRUARY 8th, 1866.

House met at 10 o'clock A. M., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Grimes and Gregory—2.

Journal read and approved.

On motion,

The rules were suspended, and

C. B. No. 56,

An act to amend An act concerning Licenses,

Was read a third time, and

The question being upon its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Bartells, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Hall, Henry,

Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Riddlebarger—22.

Nays, none.

So the bill passed and title agreed to.

C. B. No. 55,

An act to incorporate the South Platte River and Bridge Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Fosher, Gardner, Graham, Grimes, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls and Riddlebarger—21.

Nays, Mr. Ehrhart—1.

So the bill passed and title agreed to.

Mr. Hall moved

That we now go into committee of the Whole for the consideration of

C. B. No. 49.

Mr. Bartells moved a call of the House.

Carried.

Absent—Mr. Gregory.

Sergeant-at-Arms dispatched after him.

Returned, and

Reported that Mr. Gregory's family was sick and that he could not leave.

On motion,

Further proceedings under the call were dispensed with.

On motion,

Mr. Gregory was excused.

The question now being on Mr. Hall's motion to go into Committee of the Whole,

Motion carried, and

House went into Committee of the Whole,

Mr. Norris in the chair.

After some time spent therein, the committee rose and submitted the following report:

*Mr. Speaker:* The committee have had C. B. No. 49 under consideration, and report a substitute and recommend its passage.

GEORGE W. NORRIS, *Chairman.*

Mr. Graham moved that the rules be suspended and the substitute be put on its final passage.

Carried.

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Colvin, Dodge, Ehrhart, Gardner, Graham, Grimes, Gregory, Hall, Johnson, Norris, Nuckolls and Speaker—16.

Nays, Messrs. Barela, Fosher, Henry, Keys, Locke, Martine, Mandragen and Riddlebarger—8.

So the bill passed and title agreed to.

Mr. Graham moved a reconsideration of the vote by which C. B. No. 49 was passed.

Motion lost.

Mr. Ball, from committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to wit: H. J. M. No. 4, "a Joint Memorial asking the President to appoint a citizen of this Territory as Chief Justice."

H. B. No. 55, an act to amend an act entitled An act concerning Lode Claims, approved November 7th, 1861.

H. B. No. 56, an act to incorporate Union Lodge No. 1, of the Independent Order of Odd Fellows of Denver.

H. B. No. 62, an act to repeal An act granting the exclusive right to Joseph M. Jaynes and Joseph V. Garcia, to maintain a Ferry across the Rio Grande, at Paso-del-Puerto.

H. B. No. 69, an act to amend an act entitled An act to incorporate St. John's Church in the Wilderness, approved November 6th, 1861.

H. B. No. 65, an act to amend An act concerning Ejectments.

H. B. No. 66, an act to incorporate the Fremont Ditch and Irrigating Company.

H. B. No. 67, an act to incorporate the Frankstown and Giles Station Wagon Road Company.

H. B. No. 70, an act to incorporate the National Gold and Silver Mining and Prospecting Company.

Respectfully submitted.

D. J. BALL, *Chairman.*

Committee on Counties and County Lines submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 63, have examined said bill and beg leave to report the same back to the House with the recommendation that it do pass with the accompanying addition to section three, of said bill.

D. J. BALL, *Chairman.*

Report adopted.

On motion,

The rules were suspended and the General File was taken up and considered.

H. B. No. 73,

An act to incorporate the Prospecting, Mining and Exchange Company of Colorado,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Barela, Ehrhart, Graham, Gregory, Henry, Johnson, Keys, Locke, Norris, Riddlebarger and Speaker—14.

Nays, Messrs. Dodge, Fosher, Grimes, Martine, Mandragen and Nuckolls—6.

So the bill passed and title agreed to.

C. B. No. 51, an act providing for an extra compensation of the Gilpin County Assessor for the year A. D. 1865,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Mandragen, Norris, Nuckolls and Speaker—19.

Nays, Messrs. Barela and Martine.

So the bill passed and title agreed to.

Speaker called Mr. Graham to the Chair.

On motion,

Mr. Stearns was excused until evening.

Message from the Council.

### COUNCIL CHAMBER, February 7th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

✓ C. B. No. 57, an act to amend An act to Establish the Common School System.

C. B. No. 59, an act to provide for a Census of Colorado Territory.

C. B. No. 60, an act to change the time of the meeting of the Legislature of Colorado Territory.

They are herewith transmitted.

CHARLES G. COX,

Secretary of the Council.

C. B. No. 27, an act to provide for the registration of voters, was taken up and read a third time.

Mr. Hall moved to indefinitely postpone.

Mr. Gregory moved to lay the bill on the table.

Carried.

Council substitute for H. B. No. 38, an act concerning practice in the District and Probate Courts, and to provide for a term of the Supreme Court, and other purposes, was taken up and read a third time.

Amendments proposed by Judiciary Committee were adopted, and bill considered, engrossed, and being on its final passage, it was passed unanimously.

H. B. No. 63, an act to create the county of Los Animas and locate the boundaries thereof, was read a third time and passed unanimously.

C. J. R. No. 4, a resolution to provide for the payment of Freights and Charges upon Weights and Measures, was read a third time and passed unanimously.

H. B. No. 74, an act to amend an act entitled An act to establish the Common School Law was read a third time, and the question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Barela, Colvin, Dodge, Ehrhart, Fosher, Gardner, Graham, Gregory, Henry, Locke, Martine, Mandragen and Norris—16.

Nays, Messrs. Ball, Grimes, Hall, Johnson and Nuckolls—5.

So the bill passed and title agreed to.

H. B. No. 83, an act to amend an act entitled An act relative to Notaries Public, approved October 24th, 1861.

On motion,

The bill was laid on the table.

By permission of the House,

Mr. Graham introduced

H. B. No. 85, an act to Repeal certain acts therein named.

On motion,

The bill was indefinitely postponed.

On motion,

The House adjourned until 7 o'clock this evening.

#### EVENING SESSION.

House met at 7 o'clock p. m., pursuant to adjournment.

Speaker in the chair.

C. B. No. 38, Criminal Jurisprudence, was taken up and referred to a committee of three, with instructions to report at 9 o'clock, to-morrow—Messrs. Graham, Henry and Norris.

Mr. Mandragen moved to adjourn.

Motion lost.

Mr. Riddlebarger, from committee on Incorporations, submitted the following report:

*Mr. Speaker:* Your committee on Incorporations have considered H. B. No. 80, also, H. B. No. 82, and recommend their passage without amendment.

MATT RIDDLEBARGER, *Chairman.*

Report adopted, and bills ordered on third reading.

Mr. Ehrhart, the Special committee of one, to whom was referred C. B. No. 17, submitted the following report:

*Mr. Speaker:* The Select committee to whom was referred C. B. No. 17, entitled an act to amend an act entitled An act to define the County Boundaries and locate County Seats in Colorado Territory, approved November 1st, 1861, have examined the same, and recommend its passage with the following amendments:

In section one strike out all after the word "point," in the fourth line, and insert "due south of a point three miles east of the mouth of the South Arkansas river, thence north through said point to the southern boundary of Park County;" and that section ten, of the same act, be amended by striking out all between the words "to," in the fourth line, and "thence," in the fifth line, and inserting in lieu thereof "the north-east corner of Lake County;" and between the words "south" and "to," in the sixth line, "along the eastern boundary of said county."

J. G. EHRHART.

Report adopted, and bill ordered engrossed for third reading.

Mr. Hall, from committee on Federal Relations, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred H. J. R. No. 4, have had the same under consideration, and respectfully report the same back to the House with the recommendation that it do not pass.

FRANK HALL, *Chairman.*

Report adopted.

Mr. Keys, from committee on Education, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 52, an act concerning the Territorial Library, have had the

same under consideration, and beg leave to report a substitute therefor, and recommend its passage.

THOMAS KEYS, *Chairman*.

Report adopted.

C. B. No. 60, an act for changing the time of meeting of the Legislature,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Barela, Colvin, Ehrhart, Gardner, Graham, Gregory, Johnson, Keys, Martine, Mandragen, Nuckolls, Riddlebarger and Speaker—15.

Nays, Messrs. Ball, Dodge, Fosher, Grimes, Hall, Henry and Norris—7.

So the bill passed and title agreed to.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Denver, February 8th, 1866.

Hon. E. N. Stearns, Speaker of the House of Representatives:

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, certified to have originated in that Body:

An act to amend an act entitled An act to Incorporate St. John's Church in the Wilderness, approved Nov. 6th, 1861.

An act to Incorporate Union Lodge No. 1, of the Independent Order of Odd Fellows of Denver.

Joint Memorial asking the President of the United States to appoint a citizen of this Territory as Chief Justice.

An act to amend an act entitled An act concerning Lode Claims, approved Nov. 7th, 1861.

An act to repeal An act granting the exclusive right to Joseph M. Jaynes and Joseph V. Garcia to maintain a Ferry across the Rio Grande, at Paso-del-Puerto, approved Nov. 6th, 1861.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Ter.

C. B. No. 59, an act to provide for a census of Colorado Territory,

Was read a third time, and

The question being on its final passage,

It was passed unanimously.

On motion,

Mr. Hall and Ball were excused for the evening.

C. B. No. 17, an act to amend an act entitled An act to define County Boundaries and locate County Seats in Colorado Territory, approved Nov. 1st, 1861,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bartells, Breath, Ehrhart, Graham, Norris and Speaker—6.

Nays, Messrs. Bergen, Barela, Colvin, Dodge, Grimes, Gregory, Johnson, Locke, Martine and Mandragen—10.

Excused, Fosher, Gardner and Nuckolls.

So the bill was lost.

C. B. No. 37 was taken up, and

On motion,

Was referred to a Special committee, consisting of Messrs. Fosher, Grimes and Bartells, with instructions to report at 12 o'clock to-morrow.

C. B. No. 22,

An act relating to the Drainage of Mines, Was read a third time, and referred to Special committee, consisting of Messrs. Dodge, Norris and Nuckolls.

C. B. No. 54,

An act to incorporate the Rocky Mountain Pioneer Friction Engine and Endless Chain Railway Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Colvin, Dodge, Fosher, Gardner, Graham, Grimes, Johnson, Locke, Nuckolls and Speaker—12.

Nays, Messrs. Bartells, Barela, Ehrhart, Gregory, Martine, Mandragen and Norris—7.

So the bill passed and title agreed to.

H. B. No. 84,

An act to submit the Herd Law of Weld County to a vote of the people,

Was read a third time and passed unanimously.

H. B. No. 81,

An act amendatory to an act entitled An act concerning Lost Goods and Estrays,

Was read a third time and passed unanimously.

H. B. No. 52,

An act concerning the Territorial Library,

Was read a third time, and

The question being on its final passage,

The ayes and nays were :

Ayes, Messrs. Bergen, Bartells, Breath, Barela, Colvin, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Johnson, Locke, Martine, Mandragen, Norris, Nuckolls and Speaker—18.

Nays, Mr. Dodge.

On motion,

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

FRIDAY, FEBRUARY 9th, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Prayer by the Chaplain.

On motion,

The reading of the Journal was dispensed with.

Special committee submitted the following report :

*Mr. Speaker:* The Special committee to whom was referred C. B. No. 38, an act relating to Criminal Jurisprudence, beg leave to report the same back to the House, and recommend its passage with the following amendments, by adding to section 227: *Provided*, That nothing in this section shall be so construed as to effect any indictment or suit now pending and undetermined in any court of this Territory, and which was found or instituted under the provisions of the act hereby repealed; but all such indictments or suits shall be prosecuted to final judgment under the provisions of the act hereby repealed.

H. J. GRAHAM,

GEO. H. NORRIS.

*Committee.*

Report adopted.

Mr. Colvin, by permission, introduced

H. J. M. No. 5,

A Joint Memorial to the Congress of the United States concerning the Pacific Railway.

Mr. Henry, by permission, introduced

H. J. R. No. 7,

A resolution in regard to the printing of the laws.

On motion,

The rules were suspended, and

H. J. M. No. 5,

Was read second and third time and put on its final passage.

The ayes and nays were :

Ayes, Messrs. Bergen, Breath, Ball, Bartells, Barela, Colvin,

Dodge, Ehrhart, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Nuckolls and Riddlebarger—22.

Nays, Messrs. Norris and Speaker—2.

So the Memorial passed and title agreed to.

On motion,

The rules were suspended, and

C. B. No. 38,

An act concerning Criminal Jurisprudence,

Was read a third time by its title.

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Ehrhart, Gardner, Graham, Gregory, Hall, Keys, Mandragen, Norris and Speaker—13.

Nays, Messrs. Barela, Colvin, Dodge, Grimes, Henry, Locke, Martine, Nuckolls and Riddlebarger—9.

So the bill passed and title agreed to.

On motion,

The rules were suspended, and

H. J. R. No. 7,

A resolution relative to the Printing of the Laws,

Was put on its final passage.

The ayes and nays were:

Ayes, Messrs. Ball, Barela, Colvin, Ehrhart, Gardner, Graham, Grimes, Hall, Henry, Johnson, Locke, Martine, Mandragen, Nuckolls and Riddlebarger—15.

Nays, Messrs. Bergen, Breath, Gregory, Keys and Norris—5.

Speaker excused.

So the resolution was adopted.

On motion,

The rules were suspended, and

The General File taken up.

H. B. No. 82,

An act to incorporate the Bear River Wagon Road and Ferry Company,

Was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Barela, Dodge, Fosher, Gardner, Graham, Grimes, Gregory, Hall, Henry, Johnson, Keys, Locke, Martine, Mandragen, Norris, Nuckolls, Riddlebarger and Speaker—19.

Nays, Messrs. Bartells, Breath, Ball, Colvin and Ehrhart—5.

So the bill passed and title agreed to.

C. B. No. 50,

An act creating a lien in favor of Mechanics, in certain cases,

Was read the third time and passed unanimously.

H. B. No. 80,

An act to incorporate the Platte Canon and South Park  
Wagon Road Company,

Was read a third time, and

Passed unanimously and title agreed to.

C. B. No. 45,

An act to amend An act prescribing rules and regulations  
for executing the trust arising under the act of Congress in re-  
gard to Town Lots on United States Land, approved March 11th,  
1864,

Was read a third time, and

Passed unanimously.

On motion,

The House adjourned until 3 o'clock, p. m.

#### AFTERNOON SESSION.

House met at 3 o'clock, pursuant to adjournment.

Speaker in the chair.

Message from the Council.

#### COUNCIL CHAMBER, February 8th, 1866.

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

SIR: I am directed to inform the House that the Council has  
passed

H. J. M. No. 4,

A Joint Memorial to the Congress of the United States, for  
the admission of Colorado, with amendments as thereto attached.

H. B. No. 72,

An act to incorporate the St. Vrain, Left-Hand, and Colum-  
bia Hill Ditch Company, without amendment.

C. B. No. 61,

An act authorizing the publication of the laws of the Terri-  
tory, in the Spanish language.

C. B. No. 58,

An act to incorporate the National Exploring and Mining  
Company of Colorado.

Also, C. J. R. No. 6;

A resolution to print 500 copies of the Governor's Message.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

COUNCIL CHAMBER, February 9th, 1866.

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

SIR: I am directed to inform your Honorable Body, that the Council has refused to concur in House amendments to Council Substitute for

H. B. No. 28,

And appointed a committee of Conference.

And has passed

H. B. No. 73,

An act to incorporate the Prospecting, Mining, and Exchange Company of Colorado, amended in section 3, and amendments thereto attached.

It is herewith transmitted.

Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

COUNCIL CHAMBER, February 9th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has receded from its amendments to

H. B. No. 22,

An act to reduce the law incorporating the city of Denver, etc., and to amend the same by striking out section 5.

And has passed House Substitute to

C. B. No. 49,

An act to apportion the Territory of Colorado into Council and Representative districts, amended, and the amendments attached thereto.

They are herewith transmitted.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

COUNCIL CHAMBER, February 9th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 62,

An act to amend an act entitled, An act to provide for the collection of the Revenue, approved Nov. 7th, 1861.

C. B. No. 63,

An act to provide for holding a term of the Supreme Court

of Colorado Territory—to assign districts to the Judge of the Territory.

And has concurred in House amendments to

C. B. No. 50,

An act creating a lien in favor of Mechanics in certain cases.

Very Respectfully,

CHARLES G. COX,

*Secretary of the Council.*

Speaker appointed Messrs. Norris, Nuckolls and Hall as a Special committee of Conference on

H. B. No. 28.

On motion,

The House went into committee of the Whole, for the consideration of

C. B. No. 63.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole have had C. B. No. 63 under consideration, and would report the same back to the House with the recommendation that it do pass.

C. NUCKOLLS, *Chairman.*

On motion,

The Enrolling Clerk was instructed to employ as many Clerks as he deemed necessary to complete the business.

C. B. No. 63,

Was read a third time, and

Being on its final passage, it was passed unanimously.

H. B. No. 75,

An act amendatory of an act providing for the collection of tax from non-resident stock owners, approved March 11th, 1864, was taken up for consideration.

Mr. Ball moved,

That it be indefinitely postponed.

Motion lost.

Mr. Johnson moved,

That it be laid on the table.

Carried.

On motion,

Council amendments to

H. B. No. 73,

Were concurred in.

Special committee to whom was referred

C. B. No. 57,

Submitted the following:

*Mr. Speaker:* Your Special committee, to whom was referred C. B. No. 57, have had the same under consideration, and recommend the following substitute for section 1st: "Strike out section 6th, and insert the following sections, respectively, 6th, 7th, 8th; also change section 7th of said bill, to section 9th. With the above amendments, your committee recommend that the bill do pass.

Respectfully submitted.

JOHN FOSHER, *Chairman.*

Report received and adopted,

And bill ordered on third reading and final passage.

The ayes and nays were:

Ayes, Messrs. Bergen, Bartells, Breath, Ball, Barela, Colvin, Dodge, Ehrhart, Foshier, Gardner, Graham, Grimes, Gregory, Hall, Henry, Keys, Locke and Mandrager—18.

Nays, Messrs. Johnson, Martine, Norris, Nuckolls, Riddlebarger and Speaker—6.

So the bill passed and title agreed to.

*Mr. Barela moved,*

That the rules be suspended, and House Substitute to

C. B. No. 49

Be taken up and considered.

*Mr. Bartells moved,*

That the motion be laid on the table.

Motion lost.

The question now being on the suspension of the rules,

Motion lost.

*Mr. Bartells moved that the rules be suspended, and*

C. B. No. 62 be taken up.

Motion lost.

*Mr. Colvin moved that the rules be suspended, and*

C. B. No. 62, taken up.

Motion lost.

*Mr. Johnson moved,*

That the bar be closed, and members not allowed to go outside of the bar.

Call of the House ordered and had.

Absent, *Mr. Keys.*

Sergeant-at-Arms sent after *Mr. Keys.*

Message from the Governor.

EXECUTIVE DEPARTMENT, Colorado Territory,  
Denver, February 9th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*  
SIR: I have the honor to inform the House of Representa-

tives that I have approved and signed the following bills, certified to have originated in that body:

An act to amend An act concerning Ejectments.

An act to incorporate the Fremont Ditch and Irrigating Company.

An act to incorporate the Frankstown and Giles Station Wagon Road Company.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor Colorado Ter.

On motion,

The House adjourned until 7 o'clock, p. m.

#### EVENING SESSION.

House met at 7 o'clock, p. m., pursuant to adjournment.

Speaker in the chair.

Mr. Ball moved,

That the rules be suspended, and C. B. No. 58 be put on its final passage.

Carried.

The question being on its final passage,

The ayes and nays were:

Ayes, Messrs. Bergen, Breath, Ball, Colvin, Dodge, Ehrhart, Foshier, Graham, Grimes, Henry, Johnson, Keys, Norris, Riddlebarger and Speaker—15.

Nays, none.

So the bill was passed and title agreed to.

On motion,

C. J. R. No. 6,

Was put on its final passage.

Call of the House ordered, and had.

There were absent, Messrs. Martine and Bartells.

Sergeant-at-Arms despatched after absentees.

In a short time, returned and announced all present.

On motion,

Further proceedings under the call were dispensed with.

Mr. Riddlebarger moved,

That the Clerk be instructed to procure from the Council a certified copy of

C. B. No. 49:

Motion lost.

Mr. Graham moved,

That the rules be suspended, and C. B. No. 62 be taken up.

Motion lost.

On motion,

The Journal of yesterday was read and approved.

Mr. Ball, from committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills, have presented to His Excellency the following correctly enrolled bill, for his approval, to-wit:

H. B. No. 73, An act to incorporate the Prospecting, Mining, and Exchange Company, of Colorado.

Respectfully submitted,

DAVID J. BALL, *Chairman.*

On motion,

The House took a recess of 20 minutes.

Time of recess having expired.

The Speaker resumed the chair.

Mr. Nuckolls moved,

That the Clerk be instructed to procure a certified copy of the substitute for C. B. No. 29.

Carried.

And Clerk sent a message to the Council to that effect.

On motion,

The rules were suspended, and

H. B. No. 77

Was taken up and Council amendments were concurred in.

On motion,

H. J. M. No. 4, was taken up.

Call of the House ordered and had.

There were absent, none.

Mr. Ball, from committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly enrolled bill, for his approval, to-wit:

H. B. No. 72, An act to incorporate the St. Vrain, Left Hand and Columbia Hill Ditch Company.

Respectfully submitted,

DAVID J. BALL, *Chairman.*

Question now being on the suspension of the rules for the passage of H. J. M. No. 4,

A Joint Memorial to the Congress of the United States, in regard to the admission of Colorado as a State,

The motion was lost.

Mr. Nuckolls moved,  
That the Clerk proceed to the Council, and procure a certified copy of House Substitute for C. B. No. 49.  
Motion lost.

Mr. Colvin moved,  
That a committee of three be appointed to procure a certified copy of C. B. No. 49.  
Carried.

And Speaker appointed as such committee, Messrs. Grimes, Barela and Johnson.

By permission, Mr. Graham introduced the following resolution:

*Resolved*, By the House of Representatives of the Territory of Colorado, that the thanks of this Body be tendered His Excellency, Alexander Cummings, Governor of the Territory, for the uniform courtesy and kindly bearing on his part toward the Legislative Assembly, and for the earnestness with which he has labored for the welfare of our young community, in the wise suggestions as to needed legislation.

*Resolved further*, That the Secretary of the House furnish His Excellency with a copy of this resolution.

Adopted.

And a copy of the resolution was sent to His Excellency, the Governor.

On motion,  
The House took a recess until 10 o'clock.

Time of recess having expired,

The Speaker resumed the chair.

Report of Enrolling Committee:

*Mr. Speaker*: Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to-wit:

H. B. No. 84, and H. B. No. 77.

Respectfully submitted.

D. J. BALL, Chairman.

By permission, Mr. Graham introduced the following resolution:

*Resolved*, That there be a committee of three appointed to inform the Council that the House has finished its labors, and wish to know at what hour it is the pleasure of the Council to adjourn, *sine die*.

Adopted.

And Speaker appointed Messrs. Graham, Ehrhart and Breath as such committee.

Mr Graham offered the following resolution:

*Resolved*, That there be a committee of two appointed to wait upon His Excellency, the Governor, and ask if he has any further communications to make to the Legislative Assembly, in view that the time draws near for adjournment, *sine die*.

Adopted.

And Speaker appointed as such committee, Messrs. Norris and Grimes.

Mr. Hall introduced the following resolution:

*Resolved*, That in the person of our Honorable Speaker, Dr. E. N. Stearns, we recognize the perfect embodiment of all those principles which elevate the mind and ennoble the character: and believing that his uniform kindness and affability has contributed largely to the harmony which has prevailed throughout the present session, we, the members of the Legislative Assembly of Colorado Territory, return to him our sincere thanks and heartfelt wishes for his future prosperity.

Unanimously adopted.

Mr. Hall offered the following resolutions:

*Resolved*, That our worthy Chief Clerk, C. J. McDevitt, Esq., is entitled to the highest consideration for the very able manner in which he has discharged the arduous labors of his office.

*Resolved, further*, That to the Assistant Clerk, Joseph T. Boyd, our earnest thanks are hereby tendered, together with our esteem, individually and collectively.

Resolutions unanimously adopted.

The committee appointed to wait on the Council, relative to adjourning, reported that they had discharged the duties imposed upon them, and that the Council would adjourn at 12 o'clock, p. m.

Report received, and committee discharged.

Mr. Hall offered the following resolutions:

*Resolved*, That to our special artist and Sergeant-at-Arms, we give admiration for his talents, and esteem for his many good qualities.

*Resolved, further*, That to our Fireman and Messenger we feel indebted for more than we have time at this late hour to enumerate.

*Resolved*, That these resolutions be spread upon the Journal of this House.

Adopted.

Mr Ball, from committee on Enrollment, submitted the following report:

*Mr. Speaker*: Your committee on Enrolled Bills, have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to-wit:

H. J. M. No. 5, H. B. No. 52, H. B. No. 74.

Respectfully submitted.

D. J. BALL, *Chairman*.

Messages from the Council.

COUNCIL CHAMBER, February 9th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has passed

H. B. No. 77,

An act relating to appropriations for the fiscal year ending January 1st, A. D. 1867, amended by striking out sections 2 and 3.

The bill is herewith transmitted.

CHARLES G. COX,

*Secretary of the Council.*

COUNCIL CHAMBER, February 9th, 1866.

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

SIR: I am directed to inform your Honorable Body that the Council has indefinitely postponed

H. B. No. 81,

An act amendatory to an act concerning Lost Goods and Estrays.

And has passed House Bills Nos. 52, 63, 74, 84, and H. J. M. No. 5.

I also transmit herewith, H. J. M. No. 4,

A Joint Memorial to the Congress of the United States, for the admission of Colorado.

Very Respectfully,

Your Obedient Servant,

CHARLES G. COX,

*Secretary of the Council.*

On motion, the House took a recess of half an hour.

The time of recess having expired

The Speaker resumed the chair.

Mr. Ball, from committee on Enrollment, submitted the following:

*Mr. Speaker:* Your committee on Enrolled Bills, have presented to His Excellency, the Governor, the following correctly enrolled bills for his approval, to-wit:

H. B. No. 63, and also H. B. No. 22, an act to reduce the law incorporating the City of Denver, and the several acts, amendatory thereof, into one act, and to amend the same.

Respectfully submitted.

D. J. BALL, *Chairman.*

Mr. Norris, from Special committee, submitted the following report:

*Mr. Speaker:* Your Special Committee of Conference on H. B. No. 38, beg leave to report that we recommend that the House recede from its amendments, proposed by the House.

GEO. H. NORRIS, *Chairman.*

Report received.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY.

Denver, February 9th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bills, certified to have originated in that body:

An act to incorporate the St. Vrain, Left-Hand and Columbia Hill Ditch Company.

An act to incorporate the Prospecting, Mining, and Exchange Company of Colorado.

An act to submit to the legal voters of Weld county, an act entitled, An act for the protection of farmers against the depredations of stock, in the counties of Douglass and Weld, approved March 11th, 1864.

An act relating to Appropriations for the fiscal year ending January 1st, A. D. 1867.

Joint Memorial to the Congress of the United States.

An act to establish the County of Los Animas, and locate the boundaries thereof.

An act to amend an act entitled, An act to establish a Territorial Library, and Cabinet, approved Nov. 6th, 1861.

Also, an act to amend an act to repeal the above act.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Ter.

Mr. Henry submitted the following resolution:

*Resolved*, By the House of Representatives of the Territory of Colorado, that the thanks of the House are hereby tendered to the citizens of Golden and Denver Cities, for their kindness and courtesy, extended to the members thereof, during the present session.

*Resolved*, further, That a copy of this resolution be spread upon the Journal of this House.

Adopted.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Denver, February 9th, 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bill:

An act to reduce the law incorporating the City of Denver, and the several acts amendatory thereof into one act and to amend the same.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Ter.

Mr. Hall submitted the following resolution:

A resolution of thanks to the Honorable Wm. H. Gale, Associate Justice of the United States, for the Territory of Colorado. That in behalf of the people we represent, we, the members of the House of Representatives of Colorado Territory, hereby tender to the Hon. W. H. Gale, our cordial and unqualified approbation of his acts, performed during the brief term of his Judicial Administration, upon the Supreme Bench of this Territory.

*Resolved*, 2nd. That this resolution be spread upon the records, and a copy presented to the Hon. W. H. Gale.

Adopted.

Mr. Henry submitted the following resolution:

*Resolved*, That a vote of thanks be extended to Kellogg's Band for their kindness in furnishing music for our entertainment this evening.

Adopted.

Mr Foshier submitted the following resolution:

*Resolved*, That the thanks of this House are hereby tendered to the Hon. Sam. H. Elbert, Secretary of this Territory, and Hon. E. M. Ashley, Assistant Secretary, for their uniform kindness and gentlemanly deportment to members of this House, during the present session.

Adopted.

Message from the Council.

COUNCIL CHAMBER, February 9th, 1866.

To the Honorable the Speaker of the House of Representatives:

SIR: I am directed to inform the House that the Council has adopted C. J. R. No. 7.

It is herewith transmitted.

Very Respectfully,

CHARLES G. COX,

Secretary of the Council.

Message from the Governor.

EXECUTIVE DEPARTMENT, Colorado Territory,

Denver, February 9th, 1866.

Hon. E. N. Stearns, Speaker of the House of Representatives:

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following Joint Resolution, certified to have originated in that body:

Joint Resolution authorizing the Governor to have all laws, etc., passed by the Legislative Assembly, for the year 1866, published.

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor of Colorado Ter.

Report from committee on Enrolled Bills:

*Mr. Speaker:* Your committee on Enrolled Bills have presented to His Excellency, the Governor, the following bill for his approval, to-wit:

H. B. No. 70, an act to incorporate the National Gold and Silver Mining Company.

Respectfully submitted.

DAVID J. BALL, *Chairman.*

Message from the Governor.

EXECUTIVE DEPARTMENT, Colorado Territory,

Denver, February 9th 1866.

*Hon. E. N. Stearns, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following bill, certified to have originated in that body:

An act to incorporate the National Gold and Silver Mining Company of Colorado.

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Ter.*

Mr. Norris, from Special committee appointed to wait upon the Governor, submitted the following report:

*Mr. Speaker:* Your committee, appointed to call upon His Excellency, the Governor, asking if he desires to make any further communications to this House, beg leave to report that they are informed by His Excellency, the Governor, that he has no further communications to make to this House.

He returns his congratulations to the House, for the manner they have performed their duties—as he thinks, for the welfare of the people, and he wishes them a prosperous journey to their homes.

GEO. H. NORRIS, *Chairman.*

The Committee appointed to wait on the Council, reported that the Council had already adjourned.

On motion of Mr. Henry, The House adjourned, *sine die.*

C. J. McDEVITT,

*Chief Clerk of the House.*

Report from committee on Enrolled Bills:

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