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# HOUSE JOURNAL

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## LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

SIXTH SESSION.

HELD AT GOLDEN CITY, DECEMBER 3d, 1866.

PUBLISHED BY AUTHORITY.

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1867.

TUESDAY, DECEMBER 4TH, 1866.

## HOUSE JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY OF COLORADO.

## SIXTH SESSION.

MONDAY, DECEMBER 3D, 1866.

At the sixth 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 3d day of December, A. D. 1866, pursuant to law.

The House was called to order by C. J. McDevitt, Clerk of the House of Representatives of the fifth session.

On motion of Mr. Nuckolls, Mr. Scudder was elected Speaker, *pro tem.*

On motion of Mr. McLaughlin, C. J. McDevitt was elected Chief Clerk, *pro tem.*

On motion of Mr. Nuckolls, Mr. Head was elected Interpreter, *pro tem.*, for the Mexican members.

On motion of Mr. Wells, the following named gentlemen were elected a committee on credentials, viz:

Messrs. Winne, Glendinen and Nuckolls.

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



TUESDAY, DECEMBER 4TH, 1866.

House met pursuant to adjournment.

Journal read and approved.

The committee on Credentials submitted the following report :

*Mr. Speaker:* Your committee on Credentials beg leave to report the following named gentlemen present entitled to seats in the House of Representatives of Colorado Territory, now convened, viz.:

Peter Winne, of the 1st district.

Edwin Scudder, J. E. Force, C. J. Goss, and C. H. McLaughlin, of the 2d district.

Jas. S. Dogget, of the 3d district.

E. L. Berthoud, of the 4th district.

J. E. Parkman, of the 5th district.

C. Nuckolls, J. Y. Glendinen, and E. T. Wells, of the 6th district.

C. B. Patterson, of the 7th district.

Ziba Surles, and W. W. Webster, of the 8th district.

C. L. Hall, and F. C. Morse, of the 9th district.

J. C. Hughes, and J. E. Ehrhart, of the 10th district.

Juan B. Lobato, Solodonio Valdez, and Juan Miguel Vijiell, of the 11th district.

M. M. Craig, of the 13th district.

W. H. Young, of the 14th district.

Your committee would further report that they find D. J. Ball and R. W. Davis claiming seats from the 7th district, Mr. D. J. Ball having a certificate of election from the Clerk of Clear Creek County, and Mr. R. W. Davis having a certificate from the Governor of the Territory.

They also find Mr. Matt. Riddlebarger and Mr. John B. Rice, claiming seats from the 12th district.

All of which is respectfully submitted.

PETER WINNE,

C. NUCKOLLS,

JOHN Y. GLENDINEN.

On motion of Mr. Hall, the report was received and the committee discharged.

Mr. McLaughlin moved that the Secretary of the Territory be invited to come within the bar of the House and administer the oath of office to the members present.

Motion carried.

And Mr. McLaughlin was appointed a committee of one to perform that duty; who returned in a short time, accompanied

by the Secretary of the Territory, the Hon. Frank Hall, who administered the oath of office to the members present.

Mr. Wells offered the following resolution:

*Resolved*, That with a view to the permanent organization of the House, the Clerk, *pro tem.*, enter upon his roll the names of all members reported by our committee on Credentials as entitled to seats, omitting therefrom the names of the contesting members of the 7th and 12th districts.

Adopted.

Mr. Winne moved that the House do now proceed to a permanent organization.

Motion carried.

Mr. McLaughlin moved that the first ballot be informal.

Motion carried.

Messrs. Goss, Patterson, and Ehrhart were appointed tellers. The first informal ballot resulted as follows:

Mr. Berthoud received nine votes,

E. T. Wells received ten votes, and

C. B. Patterson received one vote.

Mr. Young moved that the House do now adjourn until this afternoon at 2 o'clock.

Motion carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Parkman offered the following resolution:

*Whereas*, The committee on Credentials having reported R. W. Davis, of the 7th district, and John B. Rice, of the 12th district, as holding certificates of election from the Governor of Colorado Territory, and

*Whereas*, The said 7th and 12th Representative Districts are entitled to their lawful representation in this House; therefore, be it

*Resolved*, That the said R. W. Davis, from the 7th, and John B. Rice, from the 12th, be admitted to take seats and participate in the organization of the House.

Speaker ruled the resolution out of order.

Mr. McLaughlin moved that the House do now proceed to a permanent organization.

Motion carried.

First ballot resulted as follows:

Mr. Berthoud received twelve votes.



Mr. Wells received nine votes.

Mr. Scudder one vote.

Blank one vote.

Mr. Berthoud having received a majority of all the votes cast, was declared elected Speaker.

Mr. Nuckolls moved that his election be made unanimous.

Carried.

Mr. Nuckolls moved that we do now take an informal ballot for Chief Clerk, and nominated C. J. McDevitt.

Mr. McLaughlin moved that C. J. McDevitt be elected by acclamation.

Carried.

And C. J. McDevitt was so elected.

On motion, Mr. Wells was appointed a committee of one to request the Secretary of the Territory to administer the oath of office to the Speaker and Chief Clerk. He soon thereafter appeared and administered the required oath.

On motion, the House proceeded to ballot for Assistant Clerk.

First ballot resulted as follows:

Mr. Kram received eleven votes, Mr. Edwards received nine votes, and Mr. Boyd three votes.

Whole number of votes cast, twenty-three.

Necessary to a choice, twelve. No choice.

Second ballot.

Kram, eleven votes, Edwards, ten votes, and Boyd, two votes. No choice.

Third ballot.

Kram, fourteen votes, Edwards, nine votes.

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

On motion, his election was made unanimous.

Mr. McLaughlin submitted the following resolution:

*Resolved*, That seats be prepared within the body of this House, for the use of the reporters of the Press.

Adopted.

Mr. Nuckolls moved to adjourn.

Motion lost.

Mr. Hall moved that we do now proceed to elect an Engrossing Clerk.

Motion carried.

Messrs. Root, Houghton, and Hewitt were put in nomination.

The first ballot resulted as follows:

Mr. Root received fifteen votes, Mr. Houghton received seven votes, and Mr. Hewitt one vote.

Whole number of votes cast, twenty-three.

Necessary to a choice, twelve.

Mr. Root having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

Mr. Scudder moved that the House do now proceed to elect an Enrolling Clerk.

Motion carried.

Messrs. Hopkins, Grey, Hewitt, and Rines, were put in nomination.

First ballot.

Mr. Grey received nine votes, Mr. Hopkins, seven votes, Hewitt, five votes, and Rines, two votes.

Second ballot.

Hewitt, nine votes, Grey, seven votes, Hopkins, five votes, and Rines, two votes. No choice.

On motion, all but the two highest were dropped.

Third ballot.

Mr. Grey received thirteen votes. Mr. Hewitt received ten votes.

Mr. Grey having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

Mr. Nuckolls moved that the House do now proceed to elect an Interpreter for the Mexican members.

Motion carried.

Mr. McLaughlin moved that the House do now proceed to ballot for an Interpreter.

Motion carried.

First ballot.

Mr. Head received thirteen votes, and Mr. Archibald received ten votes.

On motion, the vote was reconsidered.

Mr. McLaughlin offered the following resolution:

*Resolved*, That the members of this House who speak the Spanish language, be authorized to employ an Interpreter at the expense of the Territory.

Adopted.

On motion of Mr. Hall, the House proceeded to the election of Sergeant-at-Arms.

Messrs. Halsey, Semen, and Brown were put in nomination.

First ballot resulted as follows:

Mr. Halsey received eight votes, Semen, three votes, Brown, seven votes; and Bartholomew, four votes. No choice.

On motion, all the names were dropped but Halsey and Brown.

Second ballot.

Mr. Brown received fourteen votes, Halsey, eight votes, and blank, one vote.



Whole number of votes cast, twenty-three.

Necessary to a choice, twelve.

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

Mr. Glendinen moved that the Sergeant-at-Arms be instructed to appoint Janitor and Pages.

Motion carried.

The oath of office was then administered by the Speaker, to the Assistant, Engrossing, and Enrolling Clerks, and the Sergeant-at-Arms.

On motion, the House adjourned until 10 o'clock to-morrow.

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WEDNESDAY, DECEMBER 5TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Mr. McLaughlin offered the following resolution:

*Resolved*, That the Rev. Mr. Potter be invited to open the morning session of the House with prayer.

Adopted.

Whereupon Mr. Potter appeared, and the House was so opened.

Mr. Patterson presented the credentials of R. W. Davis, of the 7th district, and, by order of the Speaker, his name was placed upon the roll.

Mr. Parkman presented the credentials of John B. Rice, of the 12th district, and, by order of the Speaker, his name was placed on the roll of the House.

The roll of the House was then called.

Absent—Mr. Goss.

Journal read and approved.

Mr. Wells submitted the following resolution:

*Resolved*, That the Chair appoint a special committee to examine and report to the House, as to who is entitled to the seat in the House, from the 7th district, for which R. W. Davis, Esq., and D. J. Ball, Esq., are contestants; and, also, as to who is entitled to the seat in the House, for which Matt. Riddlebarger, Esq., and John B. Rice, Esq., from the 12th district, are contestants; that the committee hear evidence in each case, and report the same to the House, with their opinion thereon, on Monday forenoon next.

Adopted.

And the Chair appointed as said special committee, Messrs. Wells, Nuckolls, and Craig.

On motion of Mr. Patterson, the Secretary of the Territory administered the oath of office to Messrs. Davis and Rice.

Mr. McLaughlin submitted the following resolution:

*Resolved*, That the Rules of the last House, and Joint Rules of the last Council and House, be adopted as the Rules of this House, until new ones are prepared and adopted.

Mr. Wells offered to amend Rule 8 of said laws, by striking out the word "correct," and inserting in lieu thereof the word "commit."

Amendment accepted, and the resolution, as amended, was Adopted.

Mr. Hall moved that the House do now proceed to elect a Chaplain.

Motion carried.

Mr. Nuckolls moved that the Rev. Mr. Potter be declared Chaplain, unanimously.

Motion carried.

And he was so elected.

Mr. Patterson moved that a committee of three be appointed to wait on Mr. Potter and notify him of his election, and nominated Messrs. Doggett, Scudder, and McLaughlin as such committee.

Motion carried.

And they were so elected.

Mr. Scudder moved that the House do now adjourn until Friday morning at 10 o'clock.

Mr. Nuckolls moved to amend by saying 2 o'clock this afternoon.

Mr. Hall moved that the House do now adjourn.

Which latter motion prevailed, and the House adjourned until 10 o'clock to-morrow morning.

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THURSDAY, DECEMBER 6TH, 1866.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Scudder, Wells, Goss, and Glendinen.

Journal read and approved.

Mr. Glendinen appeared and took his seat.

Mr. Force moved to adjourn until Monday morning.



Motion withdrawn.

Mr. Parkman moved that a committee of three be appointed, to examine the credentials of Mr. Grimes.

Motion carried.

And the Chair appointed Messrs. Parkman, Glendinen, and Patterson, as such committee.

Mr. Force renewed his motion to adjourn until Monday, at 2 o'clock P. M.

Motion lost.

Mr. Davis moved that the special committee on the credentials of Mr. Grimes, be requested to report immediately.

Motion carried.

Mr. Glendinen moved that the House take a recess of half an hour.

Motion carried.

The time of recess having expired, the Speaker resumed the chair, and called the House to order.

The committee on Credentials submitted the following report:

We, the committee appointed to examine into the credentials of Mr. Grimes, respectfully report the following:

By a report from the Board of Canvassers of Gilpin County, we find that Mr. Grimes has a majority over Baxter of 301 votes; also a certificate of election from the County Clerk of Gilpin County, and we further recommend that Mr. Grimes be admitted to his seat in the House.

J. E. PARKMAN,  
C. B. PATTERSON.  
J. Y. GLENDINEN.

On motion of Mr. Hall, the report was received and committee discharged.

Mr. McLaughlin moved that the report be adopted.

Motion lost.

Mr. Force moved that the House do now adjourn until 2 o'clock P. M., Monday.

Motion carried.

And the House adjourned.

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MONDAY, DECEMBER 10TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Davis, Goss, Parkman, Rice, Webster, and Young.

Quorum present.

Journal read and approved.

The Speaker announced the following standing committees:

*Ways and Means.*—Messrs. Scudder, Wells, Dogget, Valdez, and Craig.

*Judiciary.*—Messrs. Wells, Davis, Valdez, Hall, and Goss.

*Territorial Affairs.*—Messrs. Young, Force, Lobato, Grimes, and Webster.

*Mines and Minerals.*—Messrs. Nuckolls, Morse, Patterson, Valdez, and Scudder.

*Agriculture.*—Messrs. Rice, Winne, Dogget, Young, and Hughes.

*Education.*—Messrs. Glendinen, Vijiel, Ehrhart, Morse, and Force.

*Indian Affairs.*—Messrs. Craig, Parkman, Webster, Goss, and Davis.

*Federal Relations.*—Messrs. Young, Patterson, Ehrhart, Glendinen, and Craig.

*Rules and Joint Rules.*—Messrs. Hall, McLaughlin, Davis, Surles, and Scudder.

*Counties and County Lines.*—Messrs. Hughes, Ehrhart, Morse, Craig, and Patterson.

*Incorporations.*—Messrs. McLaughlin, Nuckolls, Glendinen, Dogget, and Craig.

*Roads and Bridges.*—Messrs. Surles, Davis, Morse, Rice, and Glendinen.

*Printing.*—Messrs. Nuckolls, McLaughlin, Winne, Hughes, and Grimes.

*Military Affairs.*—Messrs. Wells, Young, Hughes, Hall, and Winne.

*Elections and Apportionments.*—Messrs. Patterson, Force, Dogget, Wells, and Parkman.

*Enrolling.*—Messrs. Davis, Glendinen, and Hall.

*Engrossing.*—Messrs. Webster, Parkman, and Force.

Mr. Nuckolls presented the credentials of Mr. Grimes, and, by order of the Speaker, his name was placed on the roll of the House.

He came forward, and the oath of office was administered to him by the Clerk of the House.

Mr. Wells, from the committee on Contested Seats, asked further time.

On motion, further time was granted them.

Mr. Webster appeared and took his seat.



Mr. McLaughlin moved that the Clerk of the House be instructed to inform the Council that the House is now fully organized, and ready to proceed to business.

Motion carried.

And such message was dispatched by the hands of the Assistant Clerk, who returned, stating that the Council was not in session.

Mr. Wells submitted the following resolution:

*Resolved*, That the committee on Rules procure from the Secretary of the Territory, fifty printed copies of the Rules of this House, as the same now stand, unless the committee see occasion for change or correction in such Rules, and that in such cases they report the modifications which are desirable, at the earliest day practicable.

Mr. Nuckolls submitted the following resolution:

*Resolved*, That the Clerk be instructed to order from the publishers of the *News*, *Gazette*, *Register*, and *Journal*, one copy each for the members of this House.

Ayes and nays called for.

Those voting in the affirmative were:

Messrs. Dogget, Grimes, Glendinen, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Surles, Vijiell, Valdez, and Speaker—15.

Those voting in the negative were:

Messrs. Craig, Ehrhart, Scudder, Wells, Winne, Webster—6.

So the resolution was adopted.

Mr. Nuckolls submitted the following resolution:

*Resolved*, That the committee on Ways and Means be instructed to report at as early a day as possible, a bill providing for the payment of money expended in equipping the First Regiment Colorado Mounted Militia.

Mr. Scudder moved to amend, by saying a bill showing the expense of every county in equipping the First Regiment Colorado Mounted Militia.

Mr. Hall moved that the resolution and amendment be laid on the table.

Ayes and nays called for.

Those voting in the affirmative were:

Messrs. Craig, Dogget, Ehrhart, Hall, Lobato, Morse, Surles, Vijiell, Valdez, Wells, Winne, Webster, and Young—13.

Those voting in the negative were:

Messrs. Grimes, Glendinen, Goss, Force, Hughes, McLaughlin, Nuckolls, Patterson, Scudder, and Speaker—10.

On motion, the House adjourned until 10 o'clock to-morrow.

## TUESDAY, DECEMBER 11TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Davis, Force, Morse, Parkman, and Webster.

Quorum present.

Journal read and approved.

Mr. Webster appeared and took his seat.

Mr. Hall, from the committee on Rules, submitted the following report:

Your committee on Rules and Regulations, beg leave to report that they have examined the Rules of the last House, and recommend their adoption as the Rules of this House, with the following amendment, to-wit: that "commit" be inserted in section 8, in place of "correct."

Respectfully submitted.

CHARLES L. HALL,

C. H. McLAUGHLIN,

Z. SURLS,

EDWIN SCUDDER.

On motion, the resolution was adopted.

Mr. Hall moved that the House do now adjourn until Friday morning, at 10 o'clock.

Mr. Craig moved to amend, by saying 10 o'clock to-morrow morning.

Ayes and nays called for on the amendment.

Those voting in the affirmative were:

Messrs. Craig, Dogget, Ehrhart, Grimes, Hall, Hughes, Lobato, McLaughlin, Patterson, Rice, Webster, and Young—12.

Those voting in the negative were:

Messrs. Glendinen, Goss, Nuckolls, Scudder, Surles, Vijiell, Valdez, Wells, Winne, and Speaker—10.

So the amendment was carried.

The question now being on the motion to adjourn, as amended, there were:

Ayes—Messrs. Craig, Dogget, Grimes, Hughes, Lobato, McLaughlin, Patterson, Rice, Webster, and Young—10.



Nays—Messrs. Ehrhart, Glendinen, Goss, Hall, Nuckolls, Scudder, Surles, Vijiell, Valdez, Wells, Winne, and Speaker—12.

So the motion was lost.

Mr. Hall submitted the following resolution:

*Resolved*, That a committee of three be appointed, to wait upon the Governor and inform him that the House is now permanently organized, and ready to receive any communication he may have to communicate.

The ayes and nays being demanded, they were:

Ayes—Messrs. Hall, Nuckolls, Rice, Vijiell, Valdez, Young, and Speaker—7.

Nays—Messrs. Craig, Dogget, Ehrhart, Grimes, Glendinen, Goss, Hughes, Lobato, McLaughlin, Patterson, Scudder, Surles, Wells, Winne, and Webster—15.

So the resolution was lost.

Mr. Hall moved to adjourn until Friday, at 2 P. M.

Mr. Nuckolls moved to amend, by saying 2 P. M. to-day.

Amendment carried.

Mr. Wells moved to amend the amendment, by saying Monday, at 10 A. M.

Amendment lost.

Mr. Hall moved to amend, by saying Friday, at 2 P. M.

Mr. McLaughlin moved to adjourn.

Ayes and nays called for.

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, McLaughlin, Nuckolls, Patterson, Rice, and Young—9.

Nays—Messrs. Glendinen, Goss, Hall, Hughes, Lobato, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, and Speaker—13.

So the motion was lost.

A vote was now taken on Mr. Hall's amendment, to adjourn until Friday, at 2 P. M.

Ayes and nays were called for, and there were:

Ayes—Messrs. Ehrhart, Glendinen, Goss, Hall, Scudder, Surles, Winne, and Webster—8.

Nays—Messrs. Craig, Dogget, Grimes, Hughes, Lobato, McLaughlin, Nuckolls, Patterson, Rice, Vijiell, Valdez, Wells, Young, and Speaker—14.

So the amendment was lost.

Mr. Force appeared and took his seat.

Mr. Hall moved to adjourn.

Motion carried.

WEDNESDAY, DECEMBER 12TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Davis, Glendinen, Goss, Labato, Morse, Parkman, Scudder, Vijiell, Valdez, and Webster.

Quorum present.

Journal read and approved.

Mr. Wells submitted the following report:

*Mr. Speaker:* The undersigned, your committee appointed to make investigation and report in the matter of the claim of Mr. D. J. Ball, to the seat of the Hon. R. W. Davis, from the 7th district, and the claim of the Hon. Matt. Riddlebarger to the seat occupied by the Hon. J. B. Rice, in this House, from the 12th district, respectfully report, that at the election held on the 7th day of August last, in the 7th district, Hon. R. W. Davis received a majority of all the votes cast for Representative, and is therefore entitled to claim his seat in this House as the Representative from that district. That at the same election, in the 12th district, the Hon. Matt. Riddlebarger received 302 votes, and the Hon. J. B. Rice received 232 votes for Representative. Your committee recommend that the Hon. Matt. Riddlebarger be admitted to the seat in this House, from the 12th Representative district.

All of which is respectfully submitted.

E. T. WELLS,  
M. MILLS CRAIG,  
C. NUCKOLLS,

*Committee.*

On motion of Mr. Winne, the report was received and adopted, and committee discharged.

On motion of Mr. Wells, Mr. Riddlebarger came forward, and the oath of office was administered to him by the Clerk of the House.

On motion of Mr. Hall, the House adjourned.

THURSDAY, DECEMBER 13TH, 1866.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Glendinen, Goss, Hall, Patterson, Parkman, Scudder and Wells.



Quorum present.

Journal read and approved.

Mr. McLaughlin submitted the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Council, to wait upon His Excellency, the Governor, and inform him that both Houses are now organized, and ready to receive any communication he may have to communicate.

Adopted.

And the Speaker appointed as such committee, Messrs. McLaughlin and Nuckolls.

Mr. Riddlebarger, without previous notice, asked leave to introduce a bill for an act to incorporate the Denver City Gas-light Company.

Leave granted by the House, and the bill was read first time by its title.

Mr. Nuckolls announced the appointment by Mr. Brown, the Sergeant-at-Arms, of Jos. A. Valasquez, as Foreman, and Masters Charles Bell and W. M. Sarell, as Pages of the House of Representatives.

Mr. Nuckolls gave notice that he will, on to-morrow or some subsequent day, introduce a bill for the relief of John Sutt.

On motion, the House took a recess until 10½ A. M.

Time of recess having expired, the Speaker resumed the chair, and called the House to order.

A verbal communication was received, by a committee from the Council, that that body had effected a permanent organization, and were now ready to proceed to business.

Mr. Parkman appeared and took his seat.

The Foreman and Pages were brought forward, and the oath of office was administered to them by the Clerk of the House.

The Sergeant-at-Arms announced the following communication from the Council:

COUNCIL CHAMBER, December 13th, 1866.

*Hon. E. L. Berthoud, Speaker of the House of Representatives:*

I am directed to inform the House that a committee of two has been appointed by the Council, to act in conjunction with a like committee on the part of the House, to prepare Joint Rules for the government of both Houses.

Respectfully,  
R. BERRY,  
*Secretary of the Council.*

Mr. McLaughlin, from committee appointed to wait on the Governor, reports that the committee has performed that duty, and that His Excellency, the Governor, would be present to deliver his message to the joint assembly, at 2½ P. M.

On motion the House adjourned until 2½ P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Patterson moved that the Chair appoint a committee of two, to act in conjunction with a like committee from the Council, on Joint Rules.

Motion carried.

And the Speaker appointed Messrs. Patterson, and Hall, as such committee.

Mr. Nuckolls moved that the Clerk be instructed to notify the Council that the House would be ready to receive them in joint convention this afternoon at 2½ o'clock.

Motion carried.

And a message to that effect was dispatched by the Assistant Clerk.

Mr. Nuckolls moved that a committee of two be appointed, to notify the Council that the House was ready to receive them.

Motion carried.

And the Speaker appointed as such committee, Messrs. Nuckolls, and Scudder.

Committee returned in a short time, and the 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. Judge Douglas, 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, the Governor of Colorado Territory, who was conducted to the Speaker's chair, and delivered to the joint assembly his message.

After hearing which, Mr. Leach moved that the joint assembly do now dissolve.

Carried.

The Speaker called the House to order.

Mr. Nuckolls moved that the Chair appoint a committee of two, 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 for the use of the two Houses respectively.



Carried.

And Speaker appointed as such committee, Messrs. Nuckolls, and McLaughlin.

On motion of Mr. Young, notice was sent to the Council of their appointment, and asking their concurrence:

Sergeant-at-Arms announced the following message from the Secretary of the Territory:

OFFICE OF SECRETARY OF COLORADO TERRITORY,  
Golden City, December 4th, 1866.

*To the Honorable Speaker, House of Representatives:*

SIR: Permit me to direct your attention to the subjoined instructions from the Treasury Department now on file in my office.

"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."

Capt. Geo. West, proprietor of the *Colorado Transcript*, has been employed by me to do the incidental printing of this session, and will execute all work which your committee on Printing (with due regard to the enclosed 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 of your House will do me the favor to hand their names to the Chief Clerk, together with the name of the newspaper published in our territory, they desire to subscribe for. I am further instructed to pay all postage of members during the session. Letters and papers should be franked, and placed in charge of the Sergeant-at-Arms, who will see them properly mailed.

Very Respectfully, Your Obedient Servant,  
FRANK HALL,  
*Secretary of Territory.*

Mr. Nuckolls offered the following resolution:

*Resolved*, That the several portions of the Governor's message recommending subjects of legislation, be referred to a special committee of three, to be by them referred to appropriate committees, under the Standing Rules.

Adopted.

And Speaker appointed as such special committee, Messrs. Nuckolls, Hughes, and Surles.

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

FRIDAY, DECEMBER 14TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Glendinen, and Wells.

Quorum present.

Journal read and approved.

Mr. McLaughlin, from committee on Incorporations, submitted the following:

*Mr. Speaker:* The committee on Incorporations, to whom was referred H. B. No. 1, An act to incorporate the Denver City Gaslight Company, would respectfully report that they have had the same under consideration, and report the same back to the House with the following amendments: strike out the words "four dollars," where they occur in the fifth line of section 11, and insert in lieu thereof the words "two dollars and fifty cents." Also, strike out the word "five," where it occurs in the fourth line of section 2. With these amendments, your committee recommend that the bill do pass.

All of which is respectfully submitted.

C. H. McLAUGHLIN, *Chairman.*

Report received.

Mr. Craig gave notice that he will, on to-morrow or some future day, introduce a bill for the relief of the Arkansas Ditch and Irrigating Company.

Mr. Scudder, without having given previous notice, introduced H. B. No. 2, a bill for An act to provide for the payment of the First Regiment Mounted Militia.

On motion, it was read the second time, and referred to the committee of the Whole.

Mr. McLaughlin, without having given previous notice, introduced

H. B. No. 3, a bill for An act to incorporate the Fulton Irrigating Ditch Company.

Read first time by its title.

Mr. Winne gave notice that he would introduce a bill to



legalize the records of the county commissioners of Weld county.

Also, to detach Weld county from Arapahoe for judicial purposes.

Also, a bill legalizing the records of Larimer county, and the act of the County Clerk of said county, in canvassing the vote of 1864.

Mr. Nuckolls gave notice that he would introduce a bill to amend An act to incorporate the City of Central.

Mr. Craig gave notice that he would introduce a joint memorial to Congress asking for the establishment of military posts on the southern boundary of this territory, for the protection of the inhabitants against the depredations of Indians.

Mr. Force introduced the following resolution:

*Resolved*, That the Territorial Treasurer, Auditor, and Superintendent of Public Instruction, be requested to make their annual reports to the Legislative Assembly, as soon as practicable.

Adopted.

Mr. McLaughlin gave notice that he will, on to-morrow or some future day, introduce a bill to legalize the action of the Board of Canvassers of Arapahoe county.

Mr. Young gave notice that he will at some subsequent time, introduce a bill to incorporate a Bridge Company over the Arkansas river.

Mr. Force gave notice that he will at some future time, introduce a bill to re-locate the seat of government of Colorado Territory, and for other purposes.

Mr. Nuckolls moved that each member, in addition to the papers already furnished, receive one copy of the *Colorado Transcript*.

Motion carried.

Mr. Craig submitted the following resolution:

*Resolved*, That the committee on Printing be requested to have three thousand copies of the Governor's message printed in the English language, and one thousand in Spanish, for the use of this House.

The resolution being put before the House, the Speaker decided the vote in the affirmative.

Mr. McLaughlin appealed from decision of the Chair, in the matter.

Ayes and nays demanded on the appeal; being called, there were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Hughes, Lobato, Nuckolls, Parkman, Vijiel, Valdez, and Young—11.

Nays—Messrs. Goss, Force, Hall, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Winne, and Webster—11.

So the Chair was sustained.

Mr. Patterson moved to reconsider the vote by which the resolution was carried.

Motion carried.

And the vote was reconsidered.

Mr. McLaughlin moved that the whole matter be referred to the standing committee of the House on Printing.

Mr. Riddlebarger moved that the whole matter be laid on the table.

Motion lost.

Mr. Hall moved to amend, by saying two thousand in English, and five hundred in Spanish.

Call of House being ordered and had, there were:

Absent—Messrs. Wells, and Glendinen.

Mr. Glendinen appeared and took his seat.

On motion, all proceedings under the call were dispensed with.

The ayes and nays being demanded on Mr. Hall's amendment, there were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Hall, Lobato, Nuckolls, Patterson, Parkman, Vijiel, Valdez, Young, and Speaker—13.

Nays—Messrs. Glendinen, Goss, Force, Hughes, McLaughlin, Morse, Riddlebarger, Scudder, Surles, Winne, and Webster—11.

So the amendment prevailed.

Original motion, as amended, now passed.

Mr. Force moved that the House do now adjourn until Monday morning at 10 o'clock.

Motion carried.

And the House adjourned.

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### MONDAY, DECEMBER 17TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Craig, Grimes, Goss, Force, Hall, Riddlebarger, Scudder, and Wells.

Quorum present.

Journal read and approved.

Mr. Nuckolls submitted the following report:



Your joint committee, to confer with like committee of the Council, in regard to the number of copies of the Governor's message to be printed, would report that they have agreed upon two thousand copies for public use, five hundred of said number to be printed in Spanish.

All of which is respectfully submitted.

C. NUCKOLLS, *Chairman.*

Report received and adopted.

Message from Secretary of Territory.

OFFICE OF THE SECRETARY OF COLORADO TERRITORY,

Golden City, December 16th, 1866.

*Hon. E. L. Berthoud, Speaker House of Representatives:*

SIR: I feel it to be my duty, in view of the fact that your honorable body have passed a resolution authorizing the committee on Printing to order five hundred copies of the Governor's message printed in the Spanish language, to direct your attention to the following information relative to this subject, taken from the correspondence of my predecessor, Hon. Sam'l H. Elbert, August 2d, 1862, with the authorities at Washington.

"In a letter addressed to the Hon. H. P. Bennet (the Delegate to Congress from Colorado), on the subject of printing the territorial laws in Spanish, the Department decided to the effect that they could not allow any expenditure for that purpose, except authorized by a special act of Congress."

You will therefore instruct the committee on Printing to restrict the printing of the present session to such needful documents in the English language, to be paid for by the United States, as may be necessary, and in accordance with instructions previously given.

I have the honor to be Your Obedient Servant,

FRANK HALL,

*Secretary of Colorado.*

Mr. Glendinen moved to adjourn.

Motion lost.

Mr. Glendinen moved a call of the House, which being seconded by two others, was had, there being found

Absent—Messrs. Craig, Goss, Force, Hall, Riddlebarger, Scudder, and Wells.

Sergeant-at-Arms dispatched after the absentees.

Mr. Winne moved that further proceedings under the call be dispensed with.

Motion carried.

On motion, the report of Mr. Nuckolls, from committee on printing the Governor's message, was

Adopted.

Mr. Parkman presented the following resolution from the City Council of Central City:

*Be it resolved by the City Council of the City of Central, That the Territorial Legislature be respectfully invited to hold their present session in this city, and that the use of suitable and comfortable halls be offered for their acceptance, free of charge, and that the members of the Council and House of Representatives from Gilpin county, be respectfully requested to tender the Legislature the hospitalities of the city, and the use of suitable halls during their present session.*

W. M. SLAUGHTER, *Mayor of Central.*

Attest: HENRY GRANNIS, *City Clerk.*

On motion, resolution received and placed on the journal.

Mr. Nuckolls submitted the following resolution:

*Resolved, That the Governor be respectfully requested to furnish the House with the amount of money expended by the different counties in equipping the First Regiment of Colorado Mounted Militia, and what portion has already been assumed by this territory.*

Mr. Hughes moved to amend, as follows:

And in addition the amount expended by Captains Tyler and Brown, and also, each individual of the different counties.

Adopted with amendments.

Mr. Patterson submitted the following resolution:

*Resolved, That any bill for re-locating the capital of Colorado Territory, shall not be considered during this session of the Legislature, by the House of Representatives.*

Lost.

Mr. Surles gave notice that he will, at some future time, introduce a bill requiring ditch owners to bridge their ditches where the same cross public roads.

Mr. Hughes offered the following resolution:

*Resolved, That the resolution instructing the Clerk to order five papers, consisting of the Register, Journal, News, Gazette, and Transcript, is hereby rescinded, to order four papers, not including the paper paid for by the General Government, as ordered by the different members of this House.*

Lost.



Mr. Young gave notice that at some future time he would introduce a bill to change the name of the Hydraulic Ditch Company.

Mr. Valdez gave notice that he will, at some future time, introduce a bill for An act to change the boundaries of Conejos county.

Mr. Winne gave notice that he will, at some future time, introduce a bill to detach Larimer county from Boulder, for judicial purposes.

Also, a bill to repeal an act of the fifth session of the Territorial Legislature, entitled An act to amend an act providing for the collection of taxes from non-resident stock owners.

Mr. McLaughlin, without having given previous notice, introduced

H. B. No. 4, a bill for An act prohibiting the introduction of Texas cattle into Colorado Territory.

Previous notice having been given, Mr. Winne introduced

H. B. No. 5, a bill for An act to legalize the proceedings of the County Clerk of Larimer county, in canvassing the vote of 1864, and to provide when the terms of the county officers shall expire in said county.

Also, H. B. No. 6, An act to legalize the records of the commissioners of Weld county, and to provide when the terms of the county officers of said county shall expire.

H. B. No. 3 was read second time, and referred to committee of the Whole.

House having arrived at the general orders of the day, went into committee of the Whole.

Mr. Surles in the chair.

After some time spent therein, the committee rose, reported that they had made no progress, and asked leave to sit again.

Report received.

On motion, the House adjourned until 2 o'clock P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Scudder moved that the House do now proceed to the general orders of the day.

Motion carried.

Mr. McLaughlin moved that the House do now go into committee of the Whole, on the General File.

Carried.

And House went into committee of the Whole,

Mr. Nuckolls in the chair.

After some time spent therein, the committee rose and reported as follows:

*Mr. Speaker*: Your committee of the Whole House have had House Bill No. 1 under consideration, and would recommend that it be made the special order of the day for Wednesday, at 2 P. M.

Also, H. B. No. 3, and would refer it back to the House with the recommendation that it do pass.

C. NUCKOLLS, *Chairman*.

On motion, report was received and adopted.

Message from the Council.

COUNCIL CHAMBER, December 13th, 1866.

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

SIR: I am instructed by the Council to inform your honorable body that a committee of two has been appointed by the Council, to confer with a like committee on the part of the House, in reference to printing the Governor's message.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

Previous notice having been given, Mr. Nuckolls introduced H. B. No. 7, a bill for the relief of John Sutton.

And by request it was referred to a special committee of three, consisting of Messrs. Davis, Webster, and Glendinen.

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

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TUESDAY, DECEMBER 18TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Grimes.

Quorum present.

Journal read, corrected, and approved.

A petition from citizens of Costilla county, asking for a new county,

Read, and referred to committee on Counties and County Lines.



Committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment have examined H. B. No. 3, and beg leave to report it correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Davis submitted the following, from special committee on H. B. No. 7:

*Mr. Speaker:* Your special committee, to whom was referred H. B. No. 7, have examined the same, and recommend that it do pass, with the following amendments: in the fourth line of section 3, after the word "interest," insert "for ten years, being seventy-two dollars," and in the seventh line of said section, after the words "per annum," insert "provided said interest has not already been paid."

R. W. DAVIS, *Chairman.*

On motion, report was received and adopted.

Mr. Hall gave notice that he will, on Thursday or some subsequent day, introduce a bill to charter the Twin Lake and Red Mountain Wagon Road Company.

Mr. Wells gave notice that he will, on to-morrow or some early day thereafter, introduce the following bills:

For An act to amend the several laws in regard to the acknowledgment of deeds.

Also, a bill for An act to amend the act creating a lien in favor of mechanics and others, in certain cases, approved March 16th, 1864.

Also, a bill for An act requiring foreign corporations doing business in this territory, to furnish evidence of their incorporation.

Mr. Force gave notice that he will, on to-morrow or some future day, introduce a bill for An act to amend an act entitled an act to prohibit persons holding offices under municipal corporations, from entering into contracts with such corporations, and for other purposes.

Mr. Nuckolls gave notice that he will, on to-morrow or some future day, introduce a joint resolution, asking for the establishment of an additional Land Office at Central City.

Also, a bill for submitting to the voters of Central City and Black Hawk, the consolidation of the two cities.

Mr. Young gave notice that he will introduce a bill for An act to amend an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of the courts, and for other purposes.

Mr. Hughes gave notice that he will introduce a bill to incorporate the Tarryall and Arkansas River Road Company.

Previous notice having been given, Mr. Force introduced H. B. No. 9, a bill for An act to re-locate the seat of government of Colorado Territory.

Previous notice having been given, Mr. Young introduced H. B. No. 8, An act to incorporate the Arkansas River Bridge Company.

Previous notice having been given, Mr. Davis introduced H. B. No. 10, a bill for An act to incorporate the Denver Gas-light Company.

Previous notice having been given, Mr. Winne introduced H. B. No. 11, a bill for the repeal of An act entitled an act to amend an act to provide for the collection of taxes from non-resident stock owners.

Without previous notice having been given, Mr. McLaughlin introduced

H. B. No. 12, a bill for An act to legalize the acts of the Board of County Commissioners of Arapahoe county, in relation to certain roads.

On motion of Mr. Nuckolls, H. B. No. 7, was ordered engrossed for third reading.

H. B. No. 4, a bill to prohibit the introduction of Texas cattle into Colorado Territory, was

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

H. B. No. 5, a bill for An act to legalize the proceedings of the County Clerk of Larimer county, in canvassing the vote of 1864, and to provide when the terms of the county officers shall expire in said county, was

Read second time, and referred to committee on Judiciary Affairs.

H. B. No. 6, a bill for An act to legalize the records of the Commissioners of Weld county, and to provide when the terms of the officers of said county shall expire,

Read second time, and referred to committee on Judiciary Affairs.

H. B. No. 3, a bill for An act to incorporate the Fulton Irrigating Ditch Company,

Being on its third reading, was read at length, and

On motion, was recommitted to committee of the Whole.

The House having arrived at the general order of the day, went into committee of the Whole.

Mr. Riddlebarger in the chair.

After some time spent therein, the committee arose.

Mr. McLaughlin asked to be excused until to-morrow at 2 o'clock P. M.



Leave granted by the House.

On motion of Mr. Glendinen, the Adjutant General's Report was referred to committee on Military Affairs.

Mr. Nuckolls moved that one thousand copies of the same be printed.

Mr. Glendinen moved to amend, by saying five hundred copies.

Mr. Hall moved to amend, by saying one hundred copies.

Mr. Hall's amendment lost.

The ayes and nays being called for on Mr. Glendinen's amendment, there were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Lobato, McLaughlin, Patterson, Parkman, Scudder, Surles, Vijiel, Valdez, Wells, Winne, Webster, and Young—20.

Nays—Messrs. Davis, Hughes, Morse, Nuckolls, Riddlebarger, and Speaker—6.

So the amendment was carried.

Mr. Dogget asked leave of absence until 10 A. M. Friday.

Leave granted by the House.

Mr. Hall moved to adjourn until 2 o'clock this afternoon.

Motion carried.

And the House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Riddlebarger, from committee of the Whole, submitted the following report:

*Mr. Speaker:* Your committee of the Whole House have had under consideration H. B. No. 2, An act supplemental to an act entitled an act to provide for the payment of the officers and men of the First Regiment Colorado Mounted Militia, passed February 9th, 1866, and refer the same back to the House, with the recommendation that the accompanying substitute be passed.

Also, H. B. No. 3, An act to incorporate the Fulton Irrigating Ditch Company, and recommend its passage, with the accompanying amendments.

MATT. RIDDLEBARGER, *Chairman.*

Report received and adopted.

On motion of Mr. Nuckolls, the House went into committee of the Whole, to consider H. B. No. 2.

Mr. Winne in the chair.

After some time spent therein, the committee rose, and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House beg leave to report that they have made no progress.

PETER WINNE, *Chairman.*

Mr. Glendinen moved that the House do now adjourn.

Motion lost.

Mr. Patterson moved that H. B. No. 2 be referred to a special committee of five.

Message from the Council.

COUNCIL CHAMBER, December 18th, 1866.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 3, a bill for 'An act to repeal an act entitled an act relating to fencing, and the same is herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of Council.*

Mr. Wells offered the following amendment to Mr. Patterson's motion:

That such committee examine the report of the Adjutant General, and the vouchers upon file in his office, in support thereof, and that such committee report the amount of the indebtedness due to the counties of this territory, as set forth in such report of the Adjutant General, and what vouchers therefor are so on file.

Mr. Patterson accepted the amendment, and the original motion, as amended, now

Carried.

Mr. Parkman asked leave of absence until Thursday, at 2 o'clock P. M.

Leave of absence granted by the House.

Mr. Wells moved that the order of the House, of the day referring the report of the Adjutant General to the committee on Military Affairs, be rescinded.

Motion carried.

Speaker appointed as special committee on H. B. No. 2, Messrs. Patterson, Glendinen, Force, Davis, and Ehrhart.

Mr. Glendinen moved that the House adjourn.

Motion lost.

Mr. Hall moved that the House adjourn until 10 o'clock tomorrow.

Motion carried.

And House adjourned.



WEDNESDAY, DECEMBER 19TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Goss.

Journal read and approved.

Mr. Webster, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment have examined H. B's Nos. 3 and 7, and report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Wells submitted the following report:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred H. B's Nos. 5 and 6, have examined the same, and report them back to the House, with the recommendation that the same do pass.

E. T. WELLS, *Chairman.*

Report received.

Mr. Winne gave notice that he will, at some future time, introduce a bill to incorporate the Latham Ditch and Irrigating Company.

Also, a bill to repeal An act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld, approved March 11th, 1864.

Mr. Riddlebarger gave notice that he will, at some future time, introduce a bill to amend An act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company, approved January 26th, 1866.

Also, a bill to amend An act to survey and locate portions of the boundary lines between the counties of Pueblo, Huerfano, and Fremont, approved February 6th, 1866.

Also, An act supplemental to an act establishing the county of Las Animas, approved February 9th, 1866.

Mr. Valdez gave notice that he will, at some future time, introduce a bill entitled An act to repeal certain parts of an act concerning weights and measures.

Mr. Wells gave notice that he will, at some future time, introduce a bill for An act to amend an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of courts in the same, approved February 10th, 1865, and for other purposes.

Council Bill No. 3, read a second time, and

Referred to committee on Agriculture.

Mr. Surles, having given previous notice, introduced

H. B. No. 13, An act to compel ditch owners to bridge ditches, where the same cross public highways.

Previous notice having been given, Mr. Wells introduced

H. B. No. 14, a bill for An act to amend an act creating a lien in favor of mechanics and others, in certain cases, approved March 11th, 1864.

Mr. Wells moved that the rules be suspended, and H. B. No. 14 be read a second time.

Motion carried.

And the bill was so read.

Message from the Council.

COUNCIL CHAMBER, December 18th, 1866.

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

Sir: I am instructed by the Council, to inform your honorable body that the Council has passed C. B. No. 5, An act regulating the compensation of the members of the Legislative Assembly of Colorado Territory, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Wells introduced

H. B. No. 15, a bill for An act to amend the several laws in regard to the acknowledgment of deeds.

C. B. No. 5 was read a second time, and

Referred to committee on Territorial Affairs.

H. B. No. 8 was read a second time, and

Referred to committee on Roads and Bridges.

H. B. No. 9 was read a second time, and

Referred to committee on Territorial Affairs.

H. B. No. 10 was read a second time, and

Referred to committee on Incorporations.

H. B's Nos. 11 and 14 read a second time, and

Referred to committee on Judiciary.

H. B's Nos. 12, 13, and 15, were read a second time, and

Referred to committee of the Whole House.

H. B. No. 16 was read a second time, and

Referred to committee on Mines and Minerals.

On motion, H. B's Nos. 5 and 6 were ordered engrossed for third reading.

H. B. No. 3, a bill for An act to incorporate the Fulton Irrigating Ditch Company, was read at length, and the question being on its final passage, the ayes and nays were taken:



Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Winne, Webster, Young, and Speaker—23.

Nays—Mr. Wells—1.

So the bill passed and title agreed to.

On motion, H. B. No. 7 was recommitted.

Mr. McLaughlin moved to adjourn until 2 P. M.

Motion carried.

And House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

H. B. No. 1, a bill to incorporate the Denver Gaslight Company, having been made the special order of the day, was now taken up.

Mr. Scudder moved that the House do now go into committee of the Whole, for its consideration.

Motion carried.

And the House went into committee of the Whole.

Mr. Scudder in the chair.

After some time spent therein, the committee rose, and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House have had the following bills under consideration, and report them back to the House, as follows:

H. B. No. 1, An act to incorporate the Denver Gaslight Company, and recommend that it be referred to a special committee of five from the House, and three from the Council.

H. B. No. 12, An act to legalize the action of the Board of County Commissioners, in relation to a certain road; and H. B. No. 15, An act to amend the several laws in regard to the acknowledgment of deeds, and report them to the House, with the recommendation that they pass without amendment.

H. B. No. 13, An act to compel ditch owners to bridge ditches, where the same cross public highways, and recommend that it pass with the accompanying amendments.

H. B. No. 7, An act for the relief of John Sutton, and have amended the same, and recommend its passage with the accompanying amendments.

EDWIN SCUDDER, *Chairman.*

Report received.

Mr. Wells submitted the following report:

*Mr. Speaker:* Your committee on Judiciary Affairs, to whom was referred H. B. No. 14, entitled An act to amend an act creating a lien in favor of mechanics and others, in certain cases, approved March 11th, 1862, report that they have examined said bill, and return the same to the House, with the recommendation that the same do pass.

E. T. WELLS, *Chairman.*

Report received.

On motion of Mr. Wells, it was ordered engrossed for third reading.

Message from the Council.

COUNCIL CHAMBER, December 19th, 1866.

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

SIR: I am instructed by the Council, to inform your honorable body that the Council has passed Council Substitute to C. B. No. 4, a bill for An act to establish the county of Saguache, Colorado Territory, and to define the boundary lines thereof, herewith transmitted, and ask the concurrence of your honorable body.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Webster submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B's Nos. 5, 6, and 14, as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

On motion, H. B. No. 5, a bill for An act to legalize the proceedings of the County Clerk of Larimer county, in canvassing the vote of Larimer county in 1864, and to provide when the terms of the county officers shall expire in said county, was

Read a third time, and the question being upon its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Winne, Wells, Webster, Young, and Speaker—25.

Nays—None.

So the bill passed and title agreed to.

On motion of Mr. Wells, the rules were suspended, and H. B. No. 14, a bill for An act to amend an act creating a lien in favor of mechanics and others, in certain cases, approved March 11th, 1864, was



Read at length and put upon its final passage.

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—25.

Nays—None.

So the bill passed and title agreed to.

H. B. No. 6, An act to legalize the records of the Commissioners of Weld county, and to provide when the terms of the county officers of said county shall expire, was

Read at length, and the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—24.

Nays—Mr. Scudder—1.

So the bill passed and title agreed to.

The Speaker appointed as joint committee on H. B. No. 1, on the part of the House,

Messrs. Riddlebarger, McLaughlin, Young, Wells, and Hall.

Mr. Patterson submitted the following report, from special committee on H. B. No. 2:

*Mr. Speaker:* Your special committee, to whom was referred substitute for H. B. No. 2, entitled An act supplemental to an act to provide for the payment of the officers and men of the First Regiment of Colorado Volunteer Mounted Militia, passed February 9th, 1866, have had the same under consideration, and have examined the vouchers in the Adjutant General's office, and have found the same correct, with the exception of that from Larimer county, and beg leave to report back the bill, and recommend its passage, with the following amendments:

In the eighth line of the preamble, strike out \$10245.00, and insert \$5000, and in the fourteenth line of said preamble, strike out the figures \$6009.98, and insert \$9850.98; and after the figures \$6009.98, in the fourteenth line of said preamble, insert "and whereas, the Territory of Colorado, under an act to provide for the payment of the officers and men of the First Regiment of Colorado Volunteer Mounted Militia, passed February 9th, 1866, and assume and issue warrants for the purposes expressed in said act, for the sum of \$42000.00;" and in the fourth line of section 1, strike out "\$36429.12," and insert "\$40270.12;" and in the fifth line of said section, after the word "payable," insert "ten years after date without interest on;" that section 3 be stricken out; and in the first line of section 4, after the word

"that," strike out "said commissioners," and insert "the territorial authorities;" and in the third line of the second section 4, after the word "expenditure," strike out the words "with interest thereon;" and after the word "indebtedness," in the eighth line of the second section 4, strike out the remainder of the section, and insert in lieu thereof, "any moneys remaining in the hands of the County Treasurer, shall be and remain subject to appropriation by the Board of County Commissioners of said counties;" and in the first line of section 5, strike out "such commissioners," and insert "said territorial authorities;" and in the second line of said section, strike out "as mentioned in section 3," and insert "hereinbefore mentioned;" and in the first line of section 6, strike out "section 3," and insert "section 4;" and after the word "of," in the third line of said section, insert "this act and;" and in the third line of said section, strike out "and the interest that may be due thereon."

All of which is respectfully submitted.

C. B. PATTERSON, *Chairman of Committee.*

On motion, the House refused to receive the report.

On motion of Mr. Hall, the House adjourned until 9 o'clock to-morrow.

THURSDAY, DECEMBER 20TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Mr. Goss.

Journal read and approved.

Petition from certain citizens of Jefferson county, in relation to a certain road, read, and

Referred to committee on Roads and Bridges.

Petition from certain citizens of Clear Creek, in relation to a certain road, read and

On motion of Mr. Scudder, it was laid on the table.

Mr. Wells submitted the following report:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred H. B. No. 11, for the repeal of an act entitled an act to amend an act to provide for the collection of taxes from non-resident stock owners, report that they have had the same under consideration, pursuant to orders, and respectfully return said bill to the House, with the recommendation that it do pass.

E. T. WELLS, *Chairman.*



Report received.

And on motion, H. B. No. 11 was

Referred to committee of the Whole House.

Mr. Riddlebarger submitted the following report:

*Mr. Speaker:* Your committee on Agriculture have examined C. B. No. 3, An act to repeal an act entitled an act relating to fencing, approved August 8th, 1862, and refer the same back, with the recommendation that it be indefinitely postponed.

MATT. RIDDLEBARGER, *Chairman.*

Report received and adopted.

Mr. Nuckolls submitted the following report:

*Mr. Speaker:* Your committee, to whom was referred H. B. No. 16, beg leave to report that they have had the same under consideration, and would recommend that sections 2 and 3 be stricken out, and in place thereof insert section 2, as follows: "That all pre-emptions made, property taken, and acts done, or pretended to have been done under or by virtue of said act, be and the same are hereby declared void and of no effect, and the property pretended to have been taken by virtue thereof, revert in and remain the property of the original pre-emptor, or owner thereof, or their heirs or assigns, as shown by the record of the district in which said property is located, or in the county records," and would recommend that with these amendments the bill do pass.

All of which is respectfully submitted.

C. NUCKOLLS, *Chairman.*

Report received.

And bill referred to committee of the Whole House.

Mr. Young submitted the following:

*Mr. Speaker:* Your committee have considered H. B. No. 4, prohibiting the introduction of Texas cattle into Colorado Territory, and beg leave to submit the accompanying substitute, and recommend its passage.

W. H. YOUNG, *Chairman.*

Report received.

And bill referred to committee of the Whole House.

Mr. Nuckolls submitted the following from select committee:

*Mr. Speaker:* Your committee to whom was referred the Governor's message, for reference, beg leave to report that they have had the same under consideration, and recommend that

All that portion relating to mines and minerals, be referred to committee on Mines and Minerals.

That portion referring to agriculture, to the committee on Agriculture.

That portion referring to the Adjutant General's report, to the committee on Military Affairs.

That portion referring to the admission of Colorado as a State, to the committee on Federal Relations.

That portion referring to the colored population, to the committee on Territorial Affairs.

That portion referring to the codification of the laws, to the committee on Judiciary.

All of which is respectfully submitted.

C. NUCKOLLS,  
J. C. HUGHES,  
Z. SURLES.

On motion, report was received and adopted.

Mr. Winne gave notice that he will, at some future time, introduce a bill to repeal section 19, of An act to define county boundaries, and to locate county seats in Colorado Territory, approved March 11th, 1861.

Mr. Young gave notice that he will, at some future time, introduce a bill to amend An act concerning mines and minerals.

Mr. Wells gave notice that, on to-morrow or some early day, he will introduce a bill to increase the salaries of the Chief Justice and Associate Justices of the Supreme Court.

Mr. Patterson gave notice that at some future time he will introduce a bill for An act to amend an act in relation to school funds.

Also, a bill in relation to the office of County Collector and County Treasurer.

Also, a bill in relation to the roads in Clear Creek county.

Mr. Grimes gave notice that he will, at some future time, introduce a bill for An act granting to Wm. Buford the right to erect and maintain a toll bridge across Boulder Creek.

C. B. No. 4 was read a second time, and

Referred to committee of the Whole House.

Previous notice having been given, the following bills were introduced:

H. B. No. 17, a bill for An act to amend an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of the courts in the same, approved February 10th, 1865, and for other purposes.

Mr. Winne introduced

H. B. No. 18, a bill for An act to incorporate the Latham Ditch Company.



Also, H. B. No. 19, a bill for An act to provide for the repeal of an act for the protection of farmers against the depredations of stock, in the counties of Douglas and Weld.

Mr. Valdez introduced

H. B. No. 20, a bill for An act to repeal certain parts of an act concerning weights and measures.

Mr. Hughes introduced

H. B. No. 21, a bill for An act to incorporate the Fairplay and Arkansas River Road Company.

Mr. Hall introduced

H. B. No. 22, a bill for An act to incorporate the Twin Lake and Red Mountain Wagon Road Company.

Mr. Nuckolls introduced

H. B. No. 23, a bill for An act to repeal an act entitled an act amendatory to an act entitled an act regulating elections.

Also, H. B. No. 24, a bill for An act to repeal an act to change the time of the meeting of the Legislature of Colorado Territory.

Also, H. B. No. 25, a bill for An act to provide for the payment of the clerks and other officers of the Legislative Assembly.

H. B's Nos. 17, 18, 19, 20, 21, 22, 23, 24, and 25, were

Read the second time; and

Referred to the committee of the Whole House.

The committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B's Nos. 17, 12, 13, and 15, as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. B. No. 7, a bill for the relief of John Sutton, was

Read at length, and the question being upon its final passage, It passed unanimously, and title agreed to.

H. B. No. 12, An act to legalize the action of the Board of County Commissioners of Arapahoe county in relation to a certain road, was

Read a third time, and

Passed unanimously, and title agreed to.

Mr. Wells moved that the House do agree to and approve of the engrossment of H. B. No. 13, as reported by the committee on Engrossment, and that the bill be read a third time and put upon its final passage.

Motion carried,

And H. B. No. 13, a bill to compel ditch owners to bridge ditches where the same cross public highways, was

Read a third time, and  
Passed unanimously, and title agreed to.

On motion of Mr. Hall,

H. B. No. 15, An act to amend the several laws in regard to the acknowledgment of deeds, was

Read a third time,

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Grimes, Glendinen, Hall, Hughes, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—20.

Nays—Mr. Davis—1.

So the bill passed and title agreed to.

Mr. Young submitted the following resolution:

*Resolved*, That the committee on Military affairs be instructed to report a joint memorial to the Congress of the United States, asking for additional protection from Indians hovering within the limits of our Territory, and upon our direct lines of communication with the States both east and west.

Resolution adopted.

Mr. Nuckolls submitted the following resolution:

*Resolved*, That the committee on Territorial Affairs be instructed to report a joint resolution, asking the Congress of the United States that the same mail accommodations be extended to this Territory, that are accorded to the States and Territories east of us.

Resolution adopted.

Mr. McLaughlin submitted the following:

*Resolved*, That the standing committee of the House, on Elections and Apportionments, be requested to report a general bill for a registry law, at as early a day as practicable.

Resolution adopted.

On motion of Mr. Scudder,

The House adjourned until 2 o'clock P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.



Mr. Patterson, from special committee on H. B. No. 2, submitted an additional report, as follows :

*Mr. Speaker :* Your special committee to whom was referred the substitute for H. B. No. 2, entitled 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 Volunteer Mounted Militia, passed February 9th, 1866, would, in addition to the report heretofore made, beg leave to recommend that in addition to the amendments already recommended, that the preamble of said bill be amended, by inserting after the figures "\$3470.00," the words "Boulder county, \$9309.00."

All of which is respectfully submitted.

C. B. PATTERSON, *Chairman of Committee.*

Mr. Scudder moved that the report be received, with amendments, and the committee discharged.

Motion carried.

Mr. Wells moved that the bill with amendments, be referred to the committee of the Whole.

Motion carried.

Mr. Hall moved that the House do now go into committee of the Whole, and make H. B. No. 2 the special order of the day.

Motion carried.

And the House went into committee of the Whole.

Mr. Wells in the chair.

After some time spent therein, the committee rose, and reported as follows :

*Mr. Speaker :* Your committee of the Whole House, having had under consideration H. B. No. 2, with the substitute therefor, and the report of the special committee of five, to whom the same was heretofore referred, return the same to the House with the recommendation that the same do pass, with the amendments proposed by such special committee, except the first amendment proposed to section 6, and other amendments herewith enclosed and noted, to-wit: to strike out in the eighth line of preamble, the figures "10245," and insert "4250" instead thereof.

E. T. WELLS, *Chairman.*

Report received.

Mr. Scudder moved that H. B. No. 2, with amendments, be ordered engrossed.

Motion carried.

And it was so ordered.

On motion, the House went into committee of the Whole.

Mr. Hall in the chair.

After some time spent therein, the committee rose, and reported as follows:

*Mr. Speaker:* Your committee of the Whole having had C. B. No. 4 under consideration, report the same back to the House, and recommend that it pass without amendment.

Also, H. B. No. 17, a bill for An act to amend 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, have amended the same by striking out the word "first," in the third line of section 4, and inserting the word "second" in lieu thereof, and with these amendments, report it back to the House, with the recommendation that it pass as amended.

C. L. HALL, *Chairman.*

Report received.

On motion, the House adjourned.

FRIDAY, DECEMBER 21ST, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Goss.

Quorum present.

Journal read and approved.

Mr. Glendinen moved that the House go into committee of the Whole.

Motion withdrawn.

Mr. Webster, from committee on Engrossment, submitted the following:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 17, and find the same correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Young submitted the following report:

*Mr. Speaker:* Your committee to whom was referred C. B. No. 5, have had the same under consideration, and respectfully report the same back to the House, with the recommendation that it do not pass.

W. H. YOUNG, *Chairman.*



Report received.  
Mr. Hughes presented the following resolution:

*Resolved*, That an act entitled an act to amend an act to enable road, ditch, manufacturing, and other companies to become bodies corporate, be and the same is hereby referred to the committee on Incorporations, to recommend such amendments as they may deem necessary, and report at the earliest day possible.

Read, and on motion, referred to committee on Incorporations.

Mr. Vijiell gave notice that he will, on to-morrow or some future day, introduce a bill for An act concerning the County Commissioners of Conejos and Costilla.

Mr. Webster gave notice that he will, on to-morrow or some future time, introduce a bill for An act to incorporate the Golden City Water Power Company.

Mr. Wells gave notice that he will, at some future time, introduce a bill for An act to authorize towns and villages to become incorporate.

Mr. Riddlebarger gave notice that he will, at some future time, introduce a bill for An act to incorporate the Vasquez Gas Company of Golden City.

Mr. Young gave notice that he will, at some future time, introduce a bill to consolidate the counties of El Paso, Pueblo, Huerfano, Fremont, and Las Animas.

Mr. Nuckolls gave notice that he will introduce a bill for An act to incorporate the Denver Consolidated Gas Company.

Previous notice having been given, the following bills were introduced:

Mr. Grimes introduced

H. B. No. 26, a bill for An act granting to William Buford the right to erect and maintain a toll bridge over Boulder Creek.

Mr. Riddlebarger introduced

H. B. No. 27, a bill for An act entitled an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

Mr. Young introduced

H. B. No. 28, a bill for An act to amend an act concerning mines and minerals, approved February 9th, 1866.

Also, H. B. No. 29, a bill for An act to change the name of the Capitol Hydraulic Company.

Mr. Patterson introduced

H. B. No. 30, An act entitled an act to amend an act to create a fund for the benefit of schools, approved January 26th, 1866.

Also, H. B. No. 31, An act in relation to the office of County Treasurer and County Collector.

Mr. Wells introduced

H. B. No. 32, a bill for An act to reduce the several acts concerning jurors into one act, and to amend the same.

Also, H. B. No. 33, An act in relation to an adopted child of C. H. McLaughlin.

H. B's Nos. 26, 27, 28, 29, 30, 31, and 32, were

Read the second time, and

Referred to the committee of the Whole.

On motion, H. B. No. 33 was considered engrossed,

Read a third time, and

Passed unanimously.

Mr. Craig stated that Mr. Ehrhart was unwell, and unable to attend, and asked that he might be excused.

Excused by the House.

On motion, H. B. No. 2 was placed on file for third reading.

H. B. No. 17 was taken up and considered.

Mr. Wells offered the following amendment:

Strike out the words "in each year," at the end of section 6, and insert the words "and on the first Tuesday in December in each year." Strike out the words "a term," at the beginning of said section, and insert the word "term." Also, add the following section:

"VIII. Terms of the district court shall hereafter be held at Idaho, in the county of Clear Creek, commencing on the first Monday of October, in each year, instead of the third Tuesday of November, as heretofore provided. Terms of the district court shall hereafter be held at Boulder City, in the county of Boulder, commencing on the third Tuesday of March, and on the third Tuesday of November, in each and every year."

Amendment adopted.

Mr. Craig offered the following amendment:

"Strike out the words 'Pueblo and Pueblo county,' in section 4, and insert in lieu thereof the words 'Canon City, Fremont county.'"

Amendment adopted.

On motion of Mr. Wells, the bill was ordered engrossed with the amendments, for third reading.

Mr. Hall moved that the vote of the House by which H. B. No. 2 was placed on file for third reading, be reconsidered.

Motion lost.

On motion of Mr. Scudder, H. B. No. 2, a bill for An act to provide for the payment of the officers and men of the First Regiment of Colorado Volunteer Mounted Militia, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Davis, Dogget, Grimes, Glendinen, Goss, Force,



Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Scudder, Valdez, Wells, Winne, and Speaker—16.

Nays—Messrs. Craig, Hall, Hughes, Morse, Riddlebarger, Surles, Vijiel, Webster, and Young—9.

So the bill passed and title agreed to.

C. B. No. 4, a bill for An act to create the county of Saguache, and define the boundaries thereof, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Grimes, Glendinen, Goss, Force, Hall, Hughes, McLaughlin, Morse, Nuckolls, Parkman, Riddlebarger, Scudder, Surles, Valdez, Winne, Young, and Speaker—19.

Nays—Messrs. Lobato, Vijiel, Wells, Patterson, and Webster—5.

So the bill passed and title agreed to.

Message from the Council.

COUNCIL CHAMBER, December 21st, 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. 9, a bill for An act entitled an act to amend an act entitled an act to transcribe the records of the First Regiment of Colorado Volunteers, approved February 7th, 1866.

Also, C. J. M. No. 1, a Memorial to Congress.

Also, H. B's Nos. 3, 7, and 12, all of which are herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Wells moved that the rules be suspended, and C. J. M. No. 1, a Memorial to Congress, be read first, second, and third time, and put upon its final passage.

Motion carried.

It was so read, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Davis, Dogget, Grimes, Glendinen, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Scudder, Surles, Vijiel, Valdez, Wells, Winne, Webster, Young, and Speaker—22.

Nays—Mr. Hall—1.

So the memorial passed.

On motion, H. B's Nos. 3, 7, and 12, were ordered enrolled.

On motion of Mr. Patterson, the House went into committee of the Whole, on the General File.

Mr. Patterson in the chair.

After some time spent therein, the committee rose, and

Speaker resumed the chair.

On motion, the House adjourned until 1½ P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Force introduced the following resolution:

*Resolved*, That, the Council concurring, when this House do adjourn this afternoon, it stand adjourned until two o'clock, Thursday, December 27th, 1866.

Call of the House ordered, and had.

Absent—Messrs. Grimes, Hughes, Surles, and Craig.

Sergeant-at-Arms sent after absent members.

Returned, and reported all present.

On motion, all further proceedings under the call were dispensed with.

The question being on Mr. Force's resolution,

The ayes and nays were:

Ayes—Messrs. Craig, Grimes, Davis, Dogget, Glendinen, Goss, Force, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Surles, Valdez, Wells, Webster, and Speaker—18.

Nays—Messrs. Hall, Hughes, Lobato, Morse, Vijiell, Winne, and Young—7.

So the resolution was adopted.

Mr. Hall moved to adjourn.

Ayes and nays called for.

Ayes—Messrs. Hall, Hughes, Morse, Scudder, and Vijiell—5.

Nays—Messrs. Craig, Davis, Dogget, Grimes, Glendinen, Goss, Force, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Valdez, Wells, Winne, Webster, Young, and Speaker—20.

So the motion was lost.

Mr. Patterson, from committee of the Whole, submitted the following report:

*Mr. Speaker:* The committee of the Whole beg leave to report that they have considered H. B. No. 18, a bill for An act to incorporate the Latham Irrigating Ditch Company, and report it back to the House, with the recommendation that it do pass as amended.



Also, H. B. No. 19, An act to provide for the repeal of 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, with the recommendation that it do pass as amended.

C. B. PATTERSON, *Chairman*.

Report received.

Mr. Hall moved that the House go into committee of the Whole.

Motion carried.

And House went into committee of the Whole.

Mr. Hall in the chair.

After some time spent therein, the committee rose, and reported as follows:

*Mr. Speaker:* The committee of the Whole beg leave to report that they have considered H. B. No. 25, a bill in relation to the pay of clerks and other officers of the Legislature, and report it back to the House, with the recommendation that it do pass as amended.

Also, H. B. No. 4, a bill for An act to prohibit the introduction of Texas cattle into Colorado Territory, and report it back to the House, with the recommendation that it be referred to a special committee of five.

All of which is respectfully submitted.

C. L. HALL, *Chairman*.

Report received.

On motion, the Clerk was instructed to make the necessary amendments to H. B. No. 25.

On motion, it was considered engrossed, and put upon its final passage.

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Grimes, Glendinen, Goss, Force, Hall, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Vijiel, Valdez, Wells, Winne, Webster, Young, and Speaker—22.

Nays—Messrs. Hughes, Scudder, and Surles—3.

So the bill passed and title agreed to.

Message from the Council.

COUNCIL CHAMBER, December 21st, 1866.

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

SIR: I am instructed by the Council to inform the House that the Council has concurred, and passed H. J. R. in relation to adjourning, and the same is herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

By leave of the House, Mr. Craig introduced H. B. No. 34, a bill for An act to amend an act entitled an act for the relief of the Arkansas Ditch and Irrigating Company, approved January 21st, 1866.

Also, H. B. No. 35, a bill for An act to amend an act entitled an act regulating elections, approved March 11th, 1864.

On motion, H. B. No. 17, a bill for An act to amend an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of the courts in the same, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, and Webster—23.

Nays—Messrs. Young, and Speaker—2.

So the bill passed and title agreed to.

Speaker appointed as such special committee of five, on H. B. No. 4,

Messrs. Riddlebarger, Young, McLaughlin, Nuckolls, and Craig.

On motion, H. B. No. 11, a bill for the repeal of An act entitled an act to amend an act to provide for the collection of taxes from non-resident stock owners, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Davis, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Parkman, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, and Young—20.

Nays—Mr. Craig—1.

So the bill passed and title agreed to.

Mr. Hall moved that the House do now adjourn.

Motion lost.

Mr. Winne moved that H. B. No. 19 be placed on its final passage.

Motion lost.

Mr. Wells moved a call of the House, which being had, there were:

Absent—Messrs. Davis, Grimes, Nuckolls, and Young.

Sergeant-at-Arms dispatched after absentees.

On motion of Mr. Hall, all further proceedings under the call were dispensed with.

And House went into committee of the Whole.



Mr. McLaughlin in the chair.

Message from the Council.

COUNCIL CHAMBER, December 21st, 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 H. B. No. 25, with the following amendment: add to section 2 the following: "And the Chaplain of the Council the sum of four per day," which is attached to the bill, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

On motion, the committee rose.

Speaker resumed the chair.

On motion, the ayes and nays were had on Council amendment to H. B. No. 25.

Ayes—Messrs. Davis, Dogget, Grimes, Glendinen, Goss, Force, Hall, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—21.

Nays—Messrs. Hughes, and Surles—2.

So the amendment was concurred in.

On motion, H. B. No. 25 was ordered enrolled.

On motion of Mr. Hall, the House went into committee of the Whole.

Mr. Hall in the chair.

After some time spent therein, the committee rose.

Speaker resumed the chair.

On motion, the House took a recess until 7 P. M.

Time of recess having expired,

The Speaker resumed the chair, and

Called the House to order.

Mr. Hall, from committee of the Whole, submitted the following report:

*Mr. Speaker:* The committee of the Whole have considered H. B. No. 23, An act to repeal an act entitled an act amendatory to an act entitled an act regulating elections, and report it back, and recommend that it be referred to the committee on Elections and Apportionments.

Also, H. B. No. 20, An act to repeal certain parts of an act entitled an act concerning weights and measures, and report it back to the House, with the recommendation that it pass without amendment.

C. L. HALL, *Chairman.*

Report received.

On motion of Mr. Scudder, the House went into committee of the Whole, on territorial affairs, and other matters.

Mr. Nuckolls in the chair.

After some time, the committee rose, reported that they had made some progress, and asked leave to sit again.

Report received.

Mr. Hall moved that the House take a recess of fifteen minutes.

Motion carried.

Time of recess having expired,

Speaker resumed the chair, and called the House to order.

Mr. Davis, from committee on Enrollment, submitted the following:

*Mr. Speaker:* Your committee on Enrolled Bills, beg leave to report H. B. No. 25 as correctly enrolled.

R. W. DAVIS, *Chairman.*

Report received.

Mr. Nuckolls submitted the following resolution:

*Resolved,* That the Clerk and Speaker of the House of Representatives be instructed to issue to S. Valdez a certificate, certifying the number of days the Interpreter employed by the Mexican members, has been in attendance, and thereupon the Auditor be authorized to draw upon the Treasurer.

Adopted.

Mr. Webster submitted the following resolution:

*Resolved,* That the report of the committee of the Whole, upon H. B. No. 20 be adopted, and said bill be ordered engrossed.

Adopted.

Mr. Glendinen moved the report of the committee of the Whole on H. B. No. 4 be adopted, and the bill be given to the special committee.

Motion carried.

On motion, House adjourned.



THURSDAY, DECEMBER 27TH, 1866.

House met pursuant to adjournment, at 2 P. M.  
Speaker in the chair.

Roll called.

Absent—Messrs. Davis, Grimes, Glendinen, Patterson, Parkman, and Webster.

Journal read and approved.

Quorum present.

Mr. Hughes presented a memorial, asking Congress to establish a land office at either Pueblo, Sawatch, or Canon City.

Memorial read.

Mr. Hall moved that the following be added :

That a land office for the purpose of entering mineral claims, be established at Fairplay, Park county, C. T.

Motion carried.

The memorial was then voted on and lost.

Mr. McLaughlin gave notice that he will introduce a bill in relation to territorial roads.

Also, a bill to change the name of Theron Johnson.

Mr. Scudder moved a call of the House, which being had, there were:

Absent—Messrs. Grimes, Davis, Glendinen, Patterson, Parkman, and Webster.

On motion, all further proceedings under the call were dispensed with.

Mr. Young gave notice that he will introduce a bill to amend an act entitled an act regulating titles to water powers and lode claims, approved February 8th, 1866.

Mr. Force gave notice that he will introduce a bill to incorporate the St. Vrain Bridge Company.

Mr. Winne gave notice that he will introduce a bill to incorporate the Eagle Irrigating Ditch Company.

Mr. Wells gave notice of the following bills:

A bill for An act in regard to the pay of County Attorneys.

Also, a bill for An act to incorporate the Black Hawk and Central City Ditch Company.

Also, a bill for An act to repeal an act entitled an act to amend an act concerning licenses, approved February 9th, 1866.

Also, a bill for An act to amend an act entitled an act concerning Justices of the Peace and Constables.

Mr. Nuckolls presented the following resolution:

*Resolved*, That the Enrolling Clerk be and is hereby authorized to employ an Assistant Enrolling Clerk, at not over — dollars per day.

Mr. Scudder moved that in the blank be inserted \$5.00.

Mr. Nuckolls moved to amend by saying \$8.00.

Amendment lost.

Messrs. Webster and Glendinen appeared and took their seats.

The resolution was then tabled.

Mr. Hall introduced the following resolution:

*Resolved*, By the House of Representatives, the Council concurring, that the Enrolling Clerks of the Council and House be empowered to hire one Assistant Enrolling Clerk, at not over eight dollars per day.

Resolution adopted.

Mr. Nuckolls gave notice that he will introduce a bill to incorporate the Denver City Horse Railroad Company.

C. B. No. 9, a bill for An act entitled an act to amend an act entitled an act to transcribe the records of the 1st, 2d, and 3d Regiments of Colorado Volunteers, was

Read a second time, and

Referred to committee of the Whole.

C. B. No. 2, a bill for An act entitled an act creating a lien in favor of mechanics, in certain cases, was

Read a second time, and

Referred to committee of the Whole.

Mr. Vijiell introduced

H. B. No. 36, a bill for An act concerning the County Commissioners of the counties of Conejos and Costilla.

Mr. Nuckolls introduced

H. B. No. 37, a bill for An act to incorporate the Denver City Horse Railroad Company.

H. B. No. 34 was read a second time, and

Referred to committee on Agriculture.

H. B's Nos. 35, 36, and 37,

Read second time, and

Referred to committee of the Whole.

C. B. No. 5, a bill for An act regulating the compensation of members of the Legislative Assembly of Colorado Territory, was taken up and considered.

The question being on indefinitely postponing,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Morse, Nuckolls, Scudder, Surles, Vijiell, Valdez, Young, and Speaker—10.

Nays—Glendinen, Goss, Force, Hall, Hughes, Lobato, Riddlebarger, Wells, Winne, and Webster—10.

So the motion to indefinitely postpone, was lost.

Mr. Wells moved that C. B. No. 5 be now put on its final passage.



Motion carried.

The ayes and nays being called, there were:

Ayes—Messrs. Glendinen, and Riddlebarger—2.

Nays—Messrs. Craig, Dogget, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Scudder, Surles, Vijiel, Valdez, Wells, Winne, Webster, Young, and Speaker—19.

So the bill was lost.

Message from the Council.

COUNCIL CHAMBER, December 27th, 1866.

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

SIR: I am instructed by the Council, to inform your honorable body that the Council has passed C. B. No. 2, a bill for An act entitled an act creating a lien in favor of mechanics, in certain cases, and ask your concurrence.

Respectfully,  
R. BERRY,  
*Secretary of the Council.*

Mr. McLaughlin submitted the following resolution:

*Resolved*, That the Hon. John B. Weller be invited to deliver a lecture before this House on to-morrow evening, or such other time as may suit his convenience, and that the use of the Representative hall be granted for that purpose.

Resolution adopted.

C. B. No. 3, a bill for An act entitled an act relating to fencing, approved August 8th, 1866, was taken up and considered.

Mr. Hall moved that the bill be put upon its final passage.

Motion carried.

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Wells, and Webster—2.

Nays—Messrs. Craig, Dogget, Glendinen, Goss, Force, Hall, Hughes, Lobato, Morse, Nuckolls, Riddlebarger, Surles, Vijiel, Valdez, Winne, Young, and Speaker—18.

So the bill was lost.

H. B. No. 19, An act to provide for the repeal of an act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld, was taken up for consideration.

Mr. Nuckolls moved that the House do now adjourn.

Motion carried.

FRIDAY, DECEMBER 28TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Davis, Grimes, Goss, McLaughlin, Nuckolls, Patterson, Parkman, and Scudder.

Quorum present.

Journal read and approved.

Mr. Webster submitted the following report from the committee on Engrossment:

*Mr. Speaker:* Your committee on Engrossment have examined H. B. No. 20, and beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Young, from committee on Territorial Affairs, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 9, a bill for An act to re-locate the capital of Colorado Territory, have examined the same, and report the same back, with the recommendation that it be referred to the committee of the Whole.

W. H. YOUNG, *Chairman.*

Report adopted.

And the bill was so ordered.

Mr. Surles reports H. B. No. 8:

*Mr. Speaker:* Your committee on Roads and Bridges, to whom was referred H. B. No. 8, beg leave to report that they have agreed to submit a substitute, which is respectfully submitted.

Z. SURLS, *Chairman.*

Report received.

Mr. Hall introduced

H. J. M. No. 3, a joint memorial to the Congress of the United States, asking for the establishment of a land office at Fairplay, Park county:

Memorial read, and

Adopted.

Mr. Hall introduced the following resolution:

*Resolved,* By the House of Representatives of Colorado Territory, the Council concurring, that when the Legislature ad-



journals on Saturday, January 5th, 1867, that it do adjourn *sine die*.

On motion of Mr. Wells, the resolution was laid on the table.

Mr. Winne gave notice that he will introduce a bill to amend the laws relating to estrays.

Mr. Valdez gave notice that he will introduce a bill at some future day, to provide for the printing of the laws in the Spanish language.

The following bills were introduced:

Mr. Force introduced the following:

H. B. No. 38, a bill for An act to incorporate the Burlington Bridge Company.

Mr. Wells introduced

H. B. No. 39, a bill for An act to incorporate the Black Hawk and Central City Ditch Company.

Also, H. B. No. 40, a bill for An act to incorporate the Golden City Water Power Company.

Also, H. B. No. 41, a bill for An act to require foreign corporations doing business in this territory, to furnish evidence of their incorporation.

Also, H. B. No. 42, a bill for An act to repeal an act entitled an act to amend an act concerning licenses, approved February 9th, 1866.

Also, H. B. No. 43, a bill for An act in regard to the pay of County Attorneys.

Also, H. B. No. 44, a bill for An act to amend an act entitled an act concerning Justices and Constables, approved October 31st, 1861.

Mr. Young introduced

H. B. No. 45, a bill for An act to amend an act entitled an act regulating titles to water power and lode claims, approved February 8th, 1866.

Mr. McLaughlin introduced

H. B. No. 46, a bill for An act to change the name of Theron Johnson.

Also, H. B. No. 47, a bill for An act in relation to territorial roads.

Message from the Council:

COUNCIL CHAMBER, December 28th, 1866

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 13, An act to amend an act concerning criminal jurisprudence, approved November 5th, 1861.

Also, C. B. No. 15, An act to incorporate the South Boulder and Coal Creek Irrigating Ditch Company.

Also, H. B's Nos. 5, 6, and 33. The same are herewith transmitted.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

H. B's Nos. 38, 40, 41, 44, 45, 46, and 47, were

Read the second time, and

Referred to the committee of the Whole.

H. B. No. 39 was

Read the second time, and

On motion of Mr. McLaughlin, was

Referred to a special committee of five, consisting of

Messrs. Nuckolls, Glendinen, Parkman, Wells, and Grimes.

H. B. No. 43 was

Read a second time.

Mr. Wells moved that the rules be suspended, and the bill be ordered engrossed for third reading.

Motion withdrawn.

And bill was referred to the committee of the Whole.

H. B. No. 42 was

Read a second time, and

On motion, was

Referred to the committee on Ways and Means.

H. B's Nos. 5, 6, and 33, were ordered enrolled.

Mr. Winne moved that H. B's Nos. 18 and 19 be ordered engrossed, as amended by the committee of the Whole.

Motion carried.

And the bills were so ordered.

Message from the Council.

COUNCIL CHAMBER, December 28th, 1866.

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

SIR: I am instructed by the Council to return message received from House, and ask what action was taken in regard to C. B. No. 5, by the House.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

H. B. No. 16 was taken up for consideration, and

On motion, the bill, together with the report of the standing committee to whom it was referred, was referred to the committee of the Whole.

H. B. No. 8, was taken up for consideration, and

On motion, was referred to the committee of the Whole, to-



gether with the report of the standing committee to whom it was referred.

H. B. No. 20, An act to repeal certain parts of an act entitled an act concerning weights and measures, was

Read a third time, and

The question being on its final passage,

It passed unanimously.

Mr. Craig moved that the House do now adjourn until 2 P. M.

Motion lost.

Mr. Hall moved that the House go into committee of the Whole.

Motion carried.

And the House 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:* Your committee of the Whole House have had under consideration H. B. No. 28, and refer it back to the House with the recommendation that it pass.

Also, H. B. No. 21, and refer it back to the House with the recommendation that Mr. Hughes be allowed to withdraw the same.

Also, H. B. No. 22, and refer it back to the House with the recommendation that it pass.

All of which is respectfully submitted.

C. NUCKOLLS, *Chairman.*

Report received.

On motion, the House adjourned until 2 P. M.

#### AFTERNOON SESSION:

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. McLaughlin, the House went into committee of the Whole.

Mr. Hall in the chair.

Message from the Council.

COUNCIL CHAMBER, December 28th, 1866.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has indefinitely postponed House Concurrent Resolution No. 2, and the same is herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

COUNCIL CHAMBER, December 28th, 1866.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 8, a bill for An act to provide for revising and codifying the laws of Colorado Territory, and respectfully ask your concurrence therein.

Respectfully,

R. BERRY,

*Secretary of the Council.*

After some time spent in the committee of the Whole, the committee rose, and submitted the following report:

*Mr. Speaker:* Your committee of the Whole have considered H. B's Nos. 26, 27, 29, and 30, and report them back to the House with the recommendation that they pass without amendment.

Also, H. B's Nos. 2, 4, and 32, have amended the same, and report them back to the House, with the recommendation that they pass as amended.

Also, have considered H. B. No. 31, and report the same to the House, with the recommendation that it be indefinitely postponed.

All of which is respectfully submitted.

C. L. HALL, *Chairman.*

Mr. Webster, from committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B's Nos. 18 and 19 as correctly engrossed.

W. W. WEBSTER, *Chairman.*

On motion, H. B. No. 18, a bill for an act to incorporate the Latham Irrigating Ditch Company, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Glendinen, Force, Hall, Hughes, Lobato, Morse, Nuckolls, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—19.

Nays—None.

So the bill passed and title agreed to.

H. B. No. 19, a bill for An act to provide for the repeal of an act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld, was

Read a third time, and



The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Glendinen, Force, Hall, Hughes, Lobato, Morse, Parkman, Riddlebarger, Surles, Vijiel, Valdez, Wells, Winne, Webster, and Young—17.

Nays—Messrs. Nuckolls, and Speaker—2.

So the bill passed and title agreed to.

On motion, H. B's Nos. 22, 24, 28, 26, 27, 29, 30, and 32, were ordered engrossed with the amendments.

Mr. Winne moved that Mr. Hughes be allowed to withdraw H. B. No. 21.

Motion carried.

And the bill was withdrawn.

By permission, Mr. Young introduced

H. B. No. 48; a bill for An act to establish the county of Granero, and for other purposes.

On motion, read first and second times, and

Referred to Judiciary Committee.

By permission, Mr. Hall introduced

H. B. No. 49, a bill for An act to incorporate the Girard Gold Mining Company, of Philadelphia.

Read second time; and

Referred to committee of the Whole.

Mr. Valdez introduced

H. B. No. 50, a bill for An act to provide for printing the laws in the Spanish language.

Read second time; and

Referred to the committee of the Whole.

On motion, H. B. No. 31 was referred to a special committee of three, consisting of

Messrs. Young, Wells, and Hall.

On motion of Mr. Nuckolls, H. B. No. 30, a bill for An act entitled an act to amend an act supplemental to an act to create a fund for the benefit of schools, approved January 26, 1866; was

Ordered printed.

On motion, the House adjourned until 10 o'clock to-morrow.

## SATURDAY, DECEMBER 29TH, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Grimes, Goss, Riddlebarger, and Young.

Quorum present.

Journal read and approved.

Mr. Riddlebarger submitted the following:

*Mr. Speaker:* Your committee on Agriculture have considered H. B. No. 34, An act to amend an act entitled an act for the relief of the Arkansas Ditch and Irrigating Company, approved January 27th, 1866, and refer it to the House with the recommendation that it pass.

**MATT. RIDDLEBARGER, Chairman.**

Report received.

Mr. Nuckolls submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 39, have had the same under consideration, pursuant to the order of the House, and respectfully return the same to the House, with the recommendation that the same do pass, with the following additional section:

"This act shall not be construed to impair or interfere with any rights heretofore acquired by, and remaining in, the Nevada Ditch Company, or any other corporation or persons."

**C. NUCKOLLS, Chairman.**

Report received.

Mr. Patterson submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 23, have had the same under consideration, and beg leave to report back the bill, and recommend its passage with the following amendments, herewith enclosed.

**C. B. PATTERSON, Chairman.**

Report received.

Mr. Riddlebarger, from special committee on H. B. No. 4, submitted the following:

*Mr. Speaker:* Your special committee, to whom was referred H. B. No. 4, together with the substitute, an act relating to the introduction of Texas cattle into this territory, have considered the same, and recommend the passage of the substitute, with the following amendments, to-wit:

In section 1, lines one and two, strike out the words "from and after the passage of this act."

After the word "whatsoever," in the ninth line, strike out the remainder of section 1.

Strike out the words "except oxen for the purpose heretofore expressed," in fourth and fifth lines of section 2.

After the word "hours," in the seventeenth line of section 2, strike out the balance of the section, and insert "he or they shall unnecessarily delay or herd said cattle within the limits of this territory."



Add section 5: "This act shall take effect and be in force from and after the first day of May, 1867.

M. RIDDLEBARGER,  
W. H. YOUNG,  
M. MILLS CRAIG,  
C. H. McLAUGHLIN,  
C. NUCKOLLS,

Committee.

Report received.

Mr. Glendinen gave notice that he will introduce a bill to incorporate the Miners' and Mechanics' Institute of Gilpin county.

Also, a bill to amend An act concerning common schools.

Also, a bill to amend An act to suppress gambling and gambling houses.

Mr. Winne gave notice that he will introduce a bill for An act to incorporate the London Prospecting and Mining Company of Colorado.

Mr. Morse gave notice that he will introduce a bill for An act to amend an act entitled an act concerning Justices of the Peace and Constables, approved October 31st, 1861.

Also, An act concerning costs in appeal cases.

Mr. Nuckolls gave notice that on Monday, or some subsequent day, he will introduce a resolution, asking the Secretary of the Treasury of the United States, the removal of the Mint from Denver City to Central City.

Mr. Davis gave notice that he will, at some future time, introduce a bill for An act to incorporate the Vasquez Canon Ditch and Irrigating Company.

Mr. Hughes gave notice that he will introduce a bill for An act to extend the Tarryall and Arkansas Wagon Road Company.

Mr. Wells introduced the following resolution:

*Resolved*, That the Hon. Matt. Riddlebarger, Representative from the 12th district, is entitled to draw his per diem as a member of this House, from the first day of the present session, and the Clerk of the House is hereby authorized to issue him a certificate of such attendance, according to law, and the Speaker shall approve such certificate.

Resolution adopted.

Mr. Hughes introduced

H. J. M. No. 1, a memorial to the Congress of the United States, asking for a land office.

On motion of Mr. Nuckolls, it was

Read the second time, and

Referred to the committee of the Whole.

Message from the Council.

COUNCIL CHAMBER, December 29th, 1866.

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

SIR: I am instructed by the Council to inform the House that the Council has passed Council Joint Memorial and Resolution No. 2, relative to the removal of the Ute Indians.

Also, C. B. No. 19, a bill for An act for the collection of debts in certain cases, and for the benefit of debtors.

Also, that the Council has rejected H. B. No. 15, a bill for An act to amend the several laws in regard to the acknowledgment of deeds.

Also, passed C. B. No. 17, a bill for An act to authorize the commissioners of Summit county to appropriate to other purposes, the Militia Fund raised by virtue of an act approved February 10th, 1865.

Also, C. B. No. 18, a bill for An act to incorporate the Pioneer Gold and Silver Mining Company of Colorado.

Also, C. B. No. 20, a bill for An act to locate the county seat of Conejos county, Colorado Territory.

And ask your concurrence in the same.

All of which is respectfully submitted.

R. BERRY,

*Secretary of the Council.*

C. B's Nos. 8, 13, 14, 15, 16, 17, 18, 19, 20, and C. J. M. No. 2, were

Read the second time, and

Referred to the committee of the Whole.

Mr. Wells introduced the following resolution:

*Resolved,* That the House will not hereafter, during this session, receive or consider any bill to incorporate any private incorporation, save such as may have been heretofore introduced in this House, or may have originated in the Council.

Mr. Nuckolls moved that there be inserted, "on and after the 20th day of January, 1867."

Ayes and nays on the amendment.

Ayes—Messrs. Craig, Davis, Dogget, Force, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Vijieli, Valdez, Winne, Young, and Speaker—16.

Nays—Messrs. Glendinen, Goss, Hall, Hughes, Scudder, Surles, Wells, and Webster—8.

So the amendment was

Adopted.



The original resolution, as amended, was then  
Lost.

Mr. McLaughlin submitted the following resolution:

*Resolved*, That the Speaker be instructed to enquire of the Governor, why H. B. No. 25 has not been returned to this House, three days having expired.

Resolution adopted.

The following bills were then introduced:

Mr. Patterson introduced

H. B. No. 51, a bill for An act to incorporate the Consolidated Gas Company.

Mr. Winne introduced

H. B. No. 52, a bill for An act relating to the county seat of Weld county.

Mr. Scudder introduced

H. B. No. 53, a bill for An act to exempt Firemen from jury duty and paying poll tax.

H. B's Nos. 51, 52, and 53 were

Read a second time, and

Referred to committee of the Whole.

H. B. No. 23 was taken up, and on motion, was ordered engrossed with amendments, for third reading.

On motion, H. B. No. 39 was ordered engrossed with amendments, for third reading.

Substitute for H. B. No. 4 was ordered engrossed with the amendments, for third reading.

On motion, H. B. No. 42 was taken up and read at length.

Mr. Scudder moved that the same be indefinitely postponed.

And the question being on indefinitely postponing H. B. No. 42, a bill for An act to repeal an act entitled an act to amend an act concerning licenses, approved February 9th, 1866,

The ayes and nays were:

Ayes—Messrs. Davis, Dogget, Goss, Force, Hall, Hughes, McLaughlin, Morse, Nuckolls, Parkman, Scudder, Vijiell, and Speaker—13.

Nays—Messrs. Craig, Glendinen, Lobato, Riddlebarger, Valdez, Wells, Webster, and Young—8.

So the bill was indefinitely postponed.

On motion, the House adjourned until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Message from the Governor.

EXECUTIVE DEPARTMENT,  
Golden City, December 29th, 1866.

*Hon. E. L. Berthoud, Speaker House of Representatives:*

SIR: I have the honor to acknowledge the receipt of your communication dated December 27th, 1866, asking "what disposition had been made of House Bill 25, the same not having been returned to the House, and three days having expired."

An act entitled an act to provide for the payment of the clerks and other officers of the Legislative Assembly, was brought to me by the committee, after the adjournment of the Legislative Assembly for the holidays.

Following the precedent of the National Administration, which has always been maintained in the Territory, I suggested to the committee that the bill could not be signed during the recess, and before the Assembly would meet, the three days would have elapsed, during which period it must be signed, or fail on account of the adjournment.

I am, Very Respectfully, Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor Colorado Territory.*

H. B. No. 34, a bill for An act to amend an act for the relief of the Arkansas Ditch and Irrigating Company, approved January 27th, 1866, was taken up for consideration.

On motion of Mr. Craig, the bill was considered engrossed,

Read a third time, and

Passed unanimously.

On motion, the House went into committee of the Whole.

Mr. Surles in the chair.

After some time spent therein, the committee rose, and reported as follows:

*Mr. Speaker:* Your committee of the Whole House have considered H. B's Nos. 9 and 35, and report the same to the House with the recommendation that they be indefinitely postponed.

Also, have considered H. B's Nos. 36, 41, 47, and 43, and report them to the House with the recommendation that the same do pass.

Also, have considered C. B. No. 9, and report the same back to the House with the recommendation that it pass.

Also, have considered H. B. No. 44, and report the same to the House with the recommendation that it be referred to the committee on Judiciary.

Also, have considered H. B. No. 50, and amend the same by striking out "300 copies," and inserting "500 copies," and re-



port the same back to the House with the recommendation that it be referred to the committee on Printing.

All of which is respectfully submitted.

Z. SURLLES, *Chairman.*

Report received.

Mr. Webster submitted the following:

*Mr. Speaker:* Your committee on Engrossment, to whom was referred H. B's Nos. 22, 24, 26, 27, 28, and 30, beg leave to report Nos. 22, 24, 26, 27, and 28 as correctly engrossed.

Also, report that H. B. No. 30 was taken from the hands of the Engrossing Clerk by the Speaker of the House, for the purpose of having the same printed.

Respectfully,

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Hall moved that H. B. No. 22, a bill to incorporate the Twin Lake and Red Mountain Wagon Road Company, be put upon its final passage.

Motion carried.

And the bill was

Read a third time, and

Passed unanimously.

On motion of Mr. Wells, the resolution of Mr. Hall, relative to adjourning, was taken from the table.

The ayes and nays being called on its adoption, there were:

Ayes—Messrs. Hall, Riddlebarger, Scudder, Wells, and Webster—5.

Nays—Messrs. Craig, Davis, Dogget, Glendinen, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiel, Valdez, Young, and Speaker—17.

So the Resolution was lost.

On motion, the House adjourned until 10 o'clock Monday morning, December 31st, 1866.

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MONDAY, DECEMBER 31st, 1866.

House met pursuant to adjournment.

Roll called.

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

Quorum present.

Journal read and approved.

Mr. Surles, from committee on Roads and Bridges, submitted the following:

*Mr. Speaker:* Your committee to whom was referred the petition of citizens of Jefferson county, living along the line of the Apex and Gregory wagon road, ask leave to submit the following report:

We have carefully examined the charter granted said road company in the year eighteen hundred and sixty-one, also, the extension granted in eighteen hundred and sixty-four, and find that the said charter extends fifteen years from the eleventh day of October, eighteen hundred and sixty-six; and further, there are no provisions in said charter, by which it can be considered forfeited by the owners thereof; but on the contrary, we find a portion of section 1 of said act, that reads as follows: "That if, by reason of snow or high water, it shall not be possible for any person with reasonable expense, to repair said road, a reasonable time shall be allowed for repairing the same, before any judgment for costs shall be rendered against said corporation.

We, therefore, ask that the petitioners have leave to withdraw their petition, and that no further consideration of the subject be had at this time.

All of which is respectfully submitted.

Z. SURLES,

*Chairman, Committee on Roads and Bridges.*

Report received and adopted.

Mr. Nuckolls presented the following memorial:

H. J. M. No. 4, a memorial to the Congress of the United States, in relation to the United States Mint of Colorado.

On motion, it was read a second time, and

Referred to committee of the Whole House.

The following bills were introduced:

Mr. Glendinen introduced

H. B. No. 54, a bill for An act to incorporate the Miners' and Mechanics' Institute of Gilpin county, C. T.

Also, H. B. No. 55, a bill for An act to amend an act entitled an act to establish the common school system.

Mr. Hughes introduced

H. B. No. 56, a bill for An act to amend an act entitled an act to incorporate the Tarryall and Arkansas Wagon Road Company, approved August 14th, 1862.

Mr. Morse introduced

H. B. No. 57, a bill for An act to amend an act entitled an act concerning Justices of the Peace and Constables, approved October 31st, 1861.

Mr. Patterson introduced



H. B. No. 58, a bill for An act to regulate private corporations in Clear Creek and Jefferson counties.

Mr. Davis introduced

H. B. No. 59, a bill for An act to incorporate the Vasquez Canon Ditch and Irrigating Company.

Mr. Dogget introduced

H. B. No. 60, a bill for An act to incorporate the St. Vrain and James Creek Ditch and Fluming Company.

Also, H. B. No. 61, a bill for An act to preserve the purity of waters.

Mr. Webster submitted the following:

*Mr. Speaker:* Your committee on Engrossed Bills, to whom was referred H. B's Nos. 4, 23, 29, 32, and 39, beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

On motion, H. J. M. No. 4 was

Read a second time.

Mr. McLaughlin moved a call of the House, which being had, there were:

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

Sergeant-at-Arms was dispatched after absentees.

On motion, all further proceedings under the call were dispensed with, and

H. J. M. No. 4 was

Referred to the committee of the Whole.

H. B. No. 54, a bill for An act to incorporate the Miners' and Mechanics' Institute of Gilpin county, was

Read a second time, was considered engrossed, and ordered on third reading.

H. B's Nos. 55, 56, 57, 58, 59, 60, and 61, were

Read the second time, and

Referred to the committee of the Whole.

On motion of Mr. Hall,

H. B. No. 50 was

Referred to committee on Printing.

On motion of Mr. McLaughlin,

H. B. No. 9 was

Referred to a select committee of five.

Mr. Nuckolls moved that Mr. Patterson be made chairman of that committee.

Mr. Webster moved that Mr. McLaughlin be inserted instead. Amendment lost.

Mr. Craig moved that the Chair appoint the committee.

The motion was withdrawn, with the amendments.

Mr. Wells moved that H. B. No. 44 be referred to the committee on Judiciary. Motion carried.

Mr. Wells moved that H. B's Nos. 41 and 43 be ordered engrossed. Carried, and the bills were so ordered.

Mr. Hall moved that H. B's Nos. 36 and 47 be ordered engrossed.

Motion carried, and the bills were so ordered.

On motion, H. B. No. 35 was considered engrossed for third reading.

On motion of Mr. Hall,

H. B. No. 9, a bill for An act entitled an act to amend an act entitled an act to transcribe the records of the 1st, 2d, and 3d Regiments of Colorado Volunteers, was

Read a third time, and

Passed unanimously.

On motion,

H. B. No. 35, a bill for An act to amend an act entitled an act regulating elections, approved March 11th, 1864, was

Read a third time, and

The question being on its final passage,

The ayes and nays were :

Ayes—Messrs. Craig, Davis, Dogget, Grimes, Hughes, Lobato, Nuckolls, Patterson, Parkman, Vijiell, Valdez, and Speaker—12.

Nays—Messrs. Glendinen, Hall, McLaughlin, Morse, Surles, Wells, and Webster—7.

So the bill passed and title agreed to.

H. B. No. 39, a bill for An act to incorporate the Black Hawk and Central City Ditch Company, was read a third time, and

Passed unanimously and title agreed to.

H. B. No. 29, a bill for An act to change the name of the Capital Hydraulic Company, was read a third time,

And passed unanimously and title agreed to.

H. B. No. 4, a bill for An act to prohibit the introduction of Texas cattle into Colorado Territory, was read at length.

Mr. Hall moved that the rules be suspended, and the bill be recommitted to the committee on Judiciary.

Motion carried.

And the bill was so referred.

The Speaker appointed as special committee on H. B. No. 9, Messrs. Davis, McLaughlin, Parkman, Force, and Nuckolls.

Mr. Glendinen moved that the House adjourn until 2 P. M.

Motion carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.



Mr. Wells submitted a report on H. B. No. 4, as follows:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred substitute for H. B. No. 4, had the same under consideration, and return the same to the House, and respectfully recommend that the same do pass, with the amendments which are herewith enclosed. E. T. WELLS, *Chairman.*

Report received.

Mr. McLaughlin asked to be excused from serving on special committee on H. B. No. 9.

Motion withdrawn.

Mr. Nuckolls moved that he be excused.

Mr. Davis asked leave to report H. B. No. 9.

Mr. Hall moved a call of the House, which being had, there were:

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

Sergeant-at-Arms dispatched after absentees.

The Sergeant-at-Arms reported that the absentees could not be found.

On motion, all further proceedings under the call were dispensed with.

Mr. Nuckolls moved that the report of the select committee on H. B. No. 9 be received.

Call of the House ordered and had.

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

On motion of Mr. Nuckolls, all further proceedings under the call were dispensed with.

Mr. Glendinen moved that the House do adjourn.

Motion lost.

Mr. Webster moved that a call of the House be had.

Motion carried.

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

Sergeant-at-Arms dispatched after absentees.

Reported, after a long while, that they could not be found.

On motion, all further proceedings under the call were dispensed with.

Mr. Nuckolls moved that the report be received.

Mr. Glendinen moved to adjourn.

Chair ruled the motion of Mr. Glendinen out of order.

Mr. Wells appealed from the decision of the Chair.

Ayes and nays on sustaining the Chair's decision.

Ayes—Messrs. Davis, Dogget, Grimes, Lobato, Nuckolls, Parkman, Vijiel, and Valdez—8.

Nays—Messrs. Craig, Glendinen, Hall, Hughes, McLaughlin, Morse, Patterson, Surles, Wells, and Webster—10.

So the decision of the Chair was not sustained.

Mr. Nuckolls introduced the following resolution:

*Resolved*, That no bill, resolution, or motion, for the removal of the capital, shall be entertained by this House after this date.

On motion of Mr. Glendinen, a call of the House was had.

Absent—Messrs. Goss, Force, Riddlebarger, Scudder, Winne, and Young.

Sergeant-at-Arms dispatched after absentees.

Returned, in a short time, and reported that the absentees could not be found.

Mr. Glendinen moved that all further proceedings under the call be dispensed with.

Motion lost.

Mr. Patterson moved that all further proceedings under the call be dispensed.

Motion carried.

Mr. Webster submitted the following:

*Mr. Speaker*: Your committee on Engrossed Bills, beg leave to report H. B. No. 43 as correctly engrossed.

W. W. WEBSTER, *Chairman*.

Mr. Davis moved that the resolution of Mr. Nuckolls be considered.

Mr. Morse moved to adjourn until 2 o'clock on Wednesday.

Mr. Glendinen moved to amend by saying 2 o'clock tomorrow.

Amendment carried.

Mr. McLaughlin moved that the vote be reconsidered.

Motion carried.

And the vote was reconsidered.

Mr. Nuckolls moved that the House adjourn until 10 o'clock Wednesday morning.

Mr. Glendinen moved to amend by saying 10 o'clock tomorrow.

Ayes and nays on the amendment:

Ayes—Messrs. Glendinen, Hall, Hughes, Lobato, McLaughlin, Parkman, and Speaker—7.

Nays—Messrs. Craig, Davis, Dogget, Grimes, Morse, Nuckolls, Patterson, Surles, Vijiell, Valdez, Wells, and Webster—12.

So the amendment was lost.

The original motion to adjourn was then put before the House, and



Carried.

And House adjourned until 10 o'clock Wednesday morning.

### WEDNESDAY, JANUARY 2D, 1866.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Goss, Riddlebarger, and Craig.

Quorum present.

Journal read and approved.

Mr. Force presented a petition from citizens of the country, asking for the passage of a law whereby Texas cattle would not be allowed to be brought into the country.

Mr. Riddlebarger presented a petition for the same purpose.

On motion, both petitions were received and placed on file.

Mr. Nuckolls moved that the petition from the citizens of Clear Creek, in relation to a certain road, be taken from the table.

Motion carried.

Mr. Davis, from committee on Enrollment, submitted the following report:

*Mr. Speaker:* Your committee on Enrollment would respectfully report that they find the following bills properly enrolled, viz.: H. B. No. 6, H. B. No. 33, H. B. No. 3, H. B. No. 5, also, H. B. No. 7, and H. B. No. 12.

R. W. DAVIS, *Chairman.*

Report received.

Mr. Webster, from committee on Engrossment, submitted the following:

*Mr. Speaker:* Your committee on Engrossment, to whom was referred House Bills Nos. 36, 41, and 47, beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Wells submitted a report, from committee on Judiciary, as follows:

*Mr. Speaker:* Your committee having had under consideration H. B. No. 44, a bill for an act to amend the act entitled An

act concerning Justices of the Peace and Constables, approved October 31st, 1861, pursuant to the order of the House, return the same herewith, and respectfully recommend that it pass.

E. T. WELLS, *Chairman.*

Report received.

And on motion, the bill was ordered engrossed for third reading.

Mr. Valdez presented a resolution in regard to the State question.

Resolution read.

Mr. Patterson moved that the resolution be laid on the table.

Ayes and nays called for and had, there were :

Ayes—Messrs. Glendinen, Force, Hall, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Wells, Winne, and Webster—12.

Nays—Messrs. Davis, Dogget, Grimes, Hughes, Lobato, Nuckolls, Parkman, Vijiell, Valdez, Young, and Speaker—11.

So the resolution was tabled.

Mr. Davis gave notice that he will, at some future time, introduce a bill to incorporate the village of Georgetown, in the county of Clear Creek.

Mr. Force gave notice of a bill for An act to legalize the ordinances of the city of Denver, passed July 5th, 1866, and for other purposes.

Mr. McLaughlin gave notice of a bill to locate the capital at Central City.

Also, a bill for An act in relation to an adopted child of Elisha N. Harvey.

The following bills were introduced :

Mr. Morse introduced

H. B. No. 62, a bill for an act entitled An act concerning costs in appeal cases.

Mr. Davis introduced

H. B. No. 63, a bill for An act to incorporate the Georgetown and Breckinridge Wagon Road Company.

Mr. Winne introduced

H. B. No. 64, a bill for An act to incorporate the London Prospecting and Mining Company of Colorado.

Mr. Wells introduced

H. B. No. 65, a bill for An act to authorize the Board of County Commissioners of Jefferson county to audit and allow a certain account therein named.

Also, H. B. No. 66, a bill for An act to incorporate the Colorado Gas Company of Denver.

Mr. McLaughlin introduced

H. B. No. 67, a bill for An act in relation to an adopted child of Elisha N. Harvey.



H. B. No. 62 was read a second time, and

Referred to committee of the Whole.

H. B. No. 63 was read a second time.

Mr. Davis moved that it be considered engrossed, and placed on file for third reading.

Mr. Webster moved to amend by saying to committee of the Whole.

Amendment lost.

Original motion was then lost.

Mr. Glendinen moved that it be referred to committee of the Whole.

Mr. Nuckolls moved to amend by saying committee on Incorporations.

Amendment carried.

And the bill was so referred.

H. B's Nos. 64 and 65 were read a second time, and

Referred to committee of the Whole.

Mr. Nuckolls moved that the vote of the House by which H. B. No. 63 was referred to committee on Incorporations, be reconsidered.

Motion carried.

On motion, H. B. No. 63 was then referred to the committee of the Whole.

Message from the Governor.

EXECUTIVE DEPARTMENT,  
Golden City, January 2d, 1867.

*Hon. E. L. Berthoud, Speaker House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved and signed the following act, certified to have originated in that body: An act to provide for the payment of clerks and other officers of the Legislative Assembly.

I am, Very Respectfully, Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor Colorado Territory.*

H. B. No. 66 was read the second time.

Mr. Nuckolls moved that it be referred to committee on Incorporations.

Mr. Davis moved to amend by saying it be referred to the special committee on Gas.

Mr. Wells moved to amend further by saying committee of the Whole.

Mr. Wells' amendment lost.

Mr. Davis' amendment lost.

The original motion was then put and lost.

Mr. Scudder moved that it be indefinitely postponed.

Mr. Glendinen moved to amend so as to read committee of the Whole.

Amendment lost.

And the bill was so referred.

Mr. Davis moved that all the special committees on Gas be discharged, and all bills referred to them be returned to the House.

Motion lost.

Mr. Glendinen moved that the House do now adjourn until 2 P. M.

Motion carried.

And House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Davis moved that the House do now adjourn until tomorrow at 10 o'clock A. M.

Motion carried.

And House adjourned.

#### THURSDAY, JANUARY 3D, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Parkman and Riddlebarger.

Journal read and approved.

Mr. Wells moved that the House work under the 15th order of business, viz.: consideration of bills on third reading.

Motion carried.

H. B. No. 23, a bill for an act to repeal an act entitled An act regulating elections, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Surles, Vijiel, Valdez, Wells, Winne, Webster, Young, and Speaker—24.

Nays—None.

So the bill passed and title agreed to.



H. B. No. 24, an act to repeal an act entitled An act to change the time of the meeting of the Legislative Assembly of Colorado Territory, was

Read the third time, and

The ayes and nays being called for, there were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—23.

Nays—Messrs. Force and Surles—2.

So the bill passed and title agreed to.

H. B. No. 26, a bill for An act granting to William Buford the right to erect and maintain a bridge over Boulder Creek, was taken up.

On motion, the reading of the bill was dispensed with.

The question being on the final passage of the bill,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—25.

Nays—None.

So the bill passed and title agreed to.

H. B. No. 27, a bill for an act to amend an act entitled An act to incorporate the Arkansas and St. Charles Ditch and Irrigating Company, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—24.

Nays—Mr. Nuckolls—1.

So the bill passed and title agreed to.

H. B. No. 28, a bill for an act to amend An act concerning mines and minerals, approved February 9th, 1866, was

Read a third time, and

The question being on the final passage of the bill,

The ayes and nays were:

Ayes—Messrs. Craig, Glendinen, Goss, Hall, Lobato, Morse, McLaughlin, Nuckolls, Riddlebarger, Scudder, Vijiell, Wells, Young, and Speaker—14.

Nays—Messrs. Davis, Dogget, Ehrhart, Grimes, Force, Hughes, Patterson, Surles, Valdez, Winne, and Webster—11.

So the bill passed and title agreed to.

H. B. No. 32, a bill for An act to reduce the several acts concerning jurors into one act, and to amend the same, was

Read a third time, and

The question being on its final passage,

The ayes and Nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Patterson, Riddlebarger, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—22.

Nays—Messrs. Scudder, and Surles—2.

So the bill passed and title agreed to.

H. B. No. 36, a bill for An act concerning the County Commissioners of the counties of Conejos and Costilla, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—21.

Nays—Messrs. Glendinen, Goss, and Scudder—3.

So the bill passed and title agreed to.

H. B. No. 41, a bill for An act to require foreign corporations doing business in this Territory, to furnish evidence of their incorporation, was

Read a third time,

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—24.

Nays—Mr. Nuckolls—1.

So the bill passed and title agreed to.

H. B. No. 43, a bill for An act in regard to the pay of county officers, was

Read a third time.

Mr. Scudder moved that it be indefinitely postponed.

Motion lost.

The question being on the final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Glendinen, Goss, Hall, McLaughlin, Morse, Nuckolls, Patterson, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—20.

Nays—Messrs. Grimes, Force, Hughes, Lobato, and Scudder—5.



So the bill passed and title agreed to.  
Message from the Council.

COUNCIL CHAMBER, January 2d, 1867.

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

SIR: I am instructed by the Council, to inform your honorable body that the Council has passed C. J. R. No. 4, in relation to Indian affairs.

Also, C. B. No. 11, a bill for An act to incorporate Ford's Park Association.

Also, has passed H. B. No. 13, with the following amendments: Strike out all after the word "ditch," in the second line, and the word "constructed," in the third line of section 1, and all after the word "road," in the ninth line of section 1, all of which is herewith transmitted.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

H. B. No. 47, a bill for An act in relation to Territorial roads, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hall, Hughes, Lobato, McLaughlin, Morse, Patterson, Scudder, Surles, Vijiell, Wells, Winne, Webster, Young, and Speaker—22.

Nays—Messrs. Riddlebarger, and Valdez—2.

Message from the Council.

COUNCIL CHAMBER, January 2d, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 10, An act to preserve the game of Colorado Territory.

Also, has passed H. B. No. 19, with the following amendment: Strike out the figures "1866," in the fourth line of section 1, and insert the figures "1864" instead.

Also, has passed H. B. No. 20, an act to repeal certain parts of an act entitled An act concerning weights and measures.

Also, that the Council has rejected H. B. No. 11, a bill for the repeal of an act entitled an act to amend An act to provide for the collection of taxes from non-resident stock owners.

Also, that the Council has appointed Messrs. Leach, Charles,

and Marshall, on joint committee on H. B. No. 1. And the said bills are herewith transmitted.

Respectfully, R. BERRY,  
*Secretary of the Council.*

On motion, H. B. No. 20 was ordered enrolled, and given to the committee on Enrollment.

Mr. Hall moved that the House do now proceed to consider C. B. No. 11, An act to incorporate Ford's Park Association.

Motion carried.

Mr. McLaughlin moved that the rules be suspended, and the House consider bills from Council.

Motion carried.

And bill read.

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

Mr. Hall moved the previous question.

Ayes and nays called for, there were:

Ayes—Messrs. Dogget, Ehrhart, Grimes, Goss, Force, Hall, Lobato, McLaughlin, Nuckolls, Patterson, Riddlebarger, Scudder, Vijiell, Valdez, Wells, Young, and Speaker—17.

Nays—Messrs. Craig, Davis, Glendinen, Hughes, Morse, Surles, Winne, and Webster—8.

So the previous question prevailed.

Mr. Glendinen moved a call of the House.

Chair ruled it out of order.

Vote on sustaining the Chair.

Ayes—Messrs. Davis, Dogget, Ehrhart, Grimes, Goss, Force, Hall, Lobato, McLaughlin, Nuckolls, Riddlebarger, Surles, Vijiell, Valdez, Wells, and Young—16.

Nays—Messrs. Craig, Glendinen, Hughes, Morse, Patterson, Scudder, Winne, and Webster—8.

So the Chair was sustained.

Mr. Webster moved that the House do now adjourn.

Ayes and nays called for and had, there were:

Ayes—Messrs. Craig, Dogget, Glendinen, Hughes, Morse, Surles, Winne, and Webster—8.

Nays—Messrs. Davis, Ehrhart, Grimes, Goss, Force, Hall, Lobato, McLaughlin, Nuckolls, Patterson, Riddlebarger, Scudder, Vijiell, Valdez, Wells, Young, and Speaker—17.

So the motion was lost.

Mr. Glendinen moved to adjourn.

Motion lost.

Mr. Scudder moved the previous question.

Mr. Craig moved to adjourn.

Speaker ruled the motion out of order.



The Ayes and nays being now ordered, on the final passage of the bill, there were:

Ayes—Messrs. Dogget, Ehrhart, Grimes, Goss, Force, Hall, Lobato, McLaughlin, Nuckolls, Patterson, Riddlebarger, Scudder, Vijiel, Valdez, Wells, Young, and Speaker—17.

Nays—Messrs. Craig, Davis, Glendinen, Hughes, Morse, Surles, Winne, and Webster—8.

So the bill passed and title agreed to.

Mr. Webster moved that the bill just passed be read the third time.

Mr. Surles introduced the following resolution:

*Resolved*, That Mr. J. B. Wolff be invited to deliver a lecture, and the use of the Hall of the House of Representatives be tendered him on the evening of January 4th, for that purpose.

Resolution withdrawn.

Mr. McLaughlin moved that the use of this hall be tendered Mr. J. B. Wolff for the purpose of delivering a lecture when he sees fit. Motion carried.

Mr. C. L. Hall asked to be excused for the remainder of the session, on account of sickness in his family.

Excused by the House.

On motion, the House adjourned until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

By permission of the House, the following notices of bills were given:

Mr. Craig gave notice of a bill for the benefit of insane persons.

Mr. McLaughlin gave notice of a bill to incorporate the Consolidated Wagon Road and Bridge Company of Colorado Territory.

Mr. Morse gave notice of a bill to incorporate the Monnier Metallurgical company of Colorado.

Also, a bill to amend An act to incorporate the American Exploring Company of Philadelphia, approved February 5th, 1866.

Mr. Riddlebarger gave notice of a bill to change the name of William Irving.

Mr. Davis gave notice of a bill to incorporate the village of Georgetown, in the county of Clear Creek.

Also, a bill for An act to legalize bawdy houses, in Colorado Territory.

Mr. Valdez gave notice of a bill to re-apportion the Territory of Colorado into Council and Representative Districts.

Message from the Council.

COUNCIL CHAMBER, January 3d, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 35, a bill for An act concerning criminal jurisprudence.

Also, has passed H. B. No. 2, 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 Regiment of Colorado Volunteer Mounted Militia, passed February 9th, A. D. 1866, and ask your concurrence in the same. All of which is respectfully transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Nuckolls submitted the following report, from the committee on Printing:

*Mr. Speaker:* Your committee on Printing, to whom was referred H. B. No. 50, beg leave to report that they have had the same under consideration, and recommend that section 4 be stricken out, and in place insert: "That the Secretary of the Territory be and is hereby authorized and directed to secure the services of a competent person to translate the laws as aforesaid, on such terms as he may deem expedient, and for the best interest of the Territory."

Also, add an additional section, as follows: "That to secure the printing and binding of three hundred copies of the laws as aforesaid, the Secretary of the Territory is hereby authorized and directed to advertize in at least two of the newspapers published in this Territory, for at least thirty days, for proposals for the execution of said work, and shall award the contract for the execution thereof, to the lowest responsible bidder."

And the first blank in section 3, be filled with "five hundred dollars," and the second blank in same section, with "fifteen hundred dollars."

With these amendments, we recommend that the bill do pass: All of which is respectfully submitted.

C. NUCKOLLS, *Chairman.*

Report received.

On motion of Mr. Wells,

The House went into committee of the Whole.



Mr. Nuckolls in the chair.

After some time spent therein, the committee rose, and reported as follows:

*Mr. Speaker:* The committee of the Whole have had under consideration the following bills:

C. B. No. 2, and refer it back to the House with the recommendation that the amendments thereto attached be ordered engrossed.

Also, H. B. No. 8, with substitute proposed by committee on Roads and Bridges, and refer it back to the House with the recommendation that the substitute do pass.

Also, H. B. No. 16, and refer it back with the recommendation that it pass with the amendments proposed by committee on Mines and Minerals.

Also, H. B. No. 37, and would refer it back to the House with the recommendation that it do not pass.

Also, H. B. No. 38, and refer it back with the recommendation that it be referred to committee on Incorporations.

Also, H. B. No. 40, and refer it back with the recommendation that it do pass.

Also, H. B. No. 63, and refer it back with the recommendation that it pass with the amendments thereto attached.

All of which is respectfully submitted.

C. NUCKOLLS, *Chairman.*

Report received.

On motion of Mr. Wells,  
House Bills Nos. 8, 16, and 63 were ordered engrossed with the amendments, for third reading.

On motion of Mr. Wells,

H. B. No. 40 was considered engrossed, and placed on file for third reading.

On motion of Mr. Webster,

The amendments proposed by the committee of the Whole to C. B. No. 2, were ordered engrossed.

Mr. Valdez asked leave to introduce a bill.

Leave granted by the House.

Mr. Davis moved that the House adjourn until 7 o'clock this P. M.

Mr. Glendinen moved to amend by saying 10 o'clock to-morrow.

Amendment lost.

Original motion was then put and lost.

Mr. Glendinen moved to adjourn.

Motion carried.

And House adjourned.

FRIDAY, JANUARY 4TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Ehrhart, Goss, Force, Patterson, and Parkman.

Quorum present.

Journal read and approved.

Mr. Wells, from committee on Judiciary submitted the following report:

*Mr. Speaker:* The committee on Judiciary, to whom was referred, a bill for an act to establish Grenaro county, and for other purposes, "H. B. No. 48," having had the same under consideration, return the same to the House and respectfully recommend the amendments thereto herewith inclosed.

And as to whether the bill pass, your committee are unable to make any recommendation.

E. T. WELLS, *Chairman.*

Report received.

On motion, House concurred in Council amendments to H. B's Nos. 13 and 19.

On motion, H. B's Nos. 13 and 19 were ordered enrolled.

C. B. No. 10, a bill for an act to preserve the game of Colorado territory was read a third time and referred to the committee of the Whole.

C. J. R. No. 4, a resolution relative to Indian Affairs, was Read a second time.

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

Motion carried.

Mr. Wells gave notice that he will on an early day call up the resolution just tabled.

Mr. Davis from committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Enrollment beg leave to report House Bills Nos. 23 and 2 as correctly engrossed.

R. W. DAVIS, *Chairman.*

Report received.

The following bills were introduced:

Mr. Valdez introduced

H. B. No. 68, a bill for an act to re-apportion the territory of Colorado into Council and Representative districts.

Mr. Morse introduced



H. B. No. 69, a bill for an act to incorporate the Monnier Metallurgical Company of Colorado.

Also, H. B. No. 70, an act to amend An act to incorporate the American Exploring Company of Philadelphia. Approved February 5th, 1866.

Mr. Winne introduced

H. B. No. 71, an act to incorporate the Eagle Irrigating Ditch Company.

Also, H. B. No. 72, an act to repeal the present laws relating to estrays and lost goods, and for other purposes.

Mr. Davis introduced:

H. B. No. 73, an act to incorporate the village of Georgetown, in the county of Clear Creek.

Mr. Craig introduced:

H. B. No. 74, a bill for an act to amend an act providing for the support of paupers. Approved February 10th, 1865.

Mr. Dogget introduced

H. B. No. 75, an act to incorporate the Bonus Ditch Company.

Also, H. B. No. 76, an act to incorporate the Burlington and St. Vrain's Ditch Company.

Mr. Riddlebarger introduced

H. B. No. 77, a bill for an act to change the name of William Irving.

H. B. No. 68 was read a second time, and on motion of Mr. McLaughlin was ordered printed.

H. B's Nos. 69 and 71 were read a second time, and on motion were referred to committee on Incorporation.

H. B's Nos. 70, 73, 74, 75, 76 and 77 were read a second time and referred to committee of the Whole.

H. B. No. 72 was read a second time, and on motion was referred to committee on Judiciary.

On motion of Mr. McLaughlin

H. B. No. 4 was taken up

And amendments proposed by committee on Judiciary were adopted.

And bill with the amendments were ordered engrossed for third reading.

On motion of Mr. Craig

H. B. No. 48, with amendments proposed by committee on Judiciary were made the special order of the day for to-morrow at 2 p. m.

H. B. No. 50 was taken up, and on motion of Mr. Wells was ordered engrossed with amendments for third reading.

H. B. No. 37, a bill for an act to incorporate the Denver Horse R. R. Company was taken up.

Mr. Nuckolls moved that the recommendation of the com-

mittee of the Whole, that the bill do not pass, be not concurred in.

Motion carried.

Mr. Glendinen moved that the bill be indefinitely postponed.

Motion lost.

Mr. Winne moved that it be referred to a special committee.

Mr. Nuckolls moved to amend by saying committee on Incorporation.

Amendment carried.

And bill was so referred.

H. B. No. 40, a bill for an act to incorporate the Golden City Water Company was taken up, and the question being on its final passage, the reading was dispensed with and bill passed unanimously and title agreed to.

Call of the House ordered, and had.

Absent—Messrs. Goss, Force, Davis and Parkman.

Sergeant-at-arms was dispatched after absentees.

After awhile reported that none of the gentlemen but Mr. Davis could be found.

On motion, all further proceedings under the call were dispensed with.

Mr. Webster from committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report the amendment to C. B. No. 2 as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. B. No. 18 being returned from Council without amendments was ordered enrolled.

Mr. Nuckolls introduced the following resolution:

*Resolved,* That all bills referred to the select committee shall be returned to this House within five days.

Adopted.

On motion of Mr. Wells, House went into committee of the Whole.

Mr. Patterson in the chair.

After some time spent therein the committee rose.

Mr. McLaughlin from the committee on Incorporation submitted the following:

*Mr. Speaker:* The committee on Incorporations to whom was referred H. B. No. 37, report the same to the House with the recommendation that it do pass with the following amendments:

In section 2, 4th line, strike out the word "sixty," and insert



"thirty-five." In section 7, in the 1st line, after the word "shall," insert the words "commence the work on said road within one year," and in the 3d line strike out the word "one," and insert in lieu thereof the word "two."

Also, H. B. No. 38, and recommend that it pass with the amendments as follows:

Strike out the word "ten" in the fourth line of section 6, and insert the word "five."

Also, H. B. No. 71, and recommend that it do pass.

Also recommend the passage of H. B. No. 69, with the following additional sections:

SECTION 6. The capital stock of said company shall not exceed two hundred and fifty thousand dollars.

SECTION 7. This act to take effect and be in force from and after its passage.

All of which is respectfully submitted,

C. H. McLAUGHLIN.

Report received.

Message from the Council:

COUNCIL CHAMBER, January 4th, 1867.

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

SIR: I am instructed by the Council 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 establish the common school system."

Also, H. B. No. 18, a bill for an act to incorporate the Latham Irrigating Ditch Company, and ask your concurrence in the same, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Surles moved to adjourn until 2 p. m.

Amended by Winne to 1:30 p. m.

Amendment lost.

Original motion then put and carried,

And House adjourned.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Grimes the House took a recess of half an hour for the purpose of allowing J. B. Wolff to talk awhile.

Time of recess having expired, the Speaker resumed the chair.

Mr. Patterson from the committee of the Whole submitted the following:

*Mr. Speaker:* The committee of the Whole beg leave to report that they have considered the following bills:

H. B. No. 45, and return the same to the House with the recommendation that it be laid on the table.

H. B. No. 46, and recommends that it do pass.

H. B. No. 49, without any recommendation.

C. J. R. No. 2, and recommend that it do pass.

C. B. No. 8, and recommend that it do pass as amended.

All of which is respectfully submitted.

C. B. PATTERSON, *Chairman.*

Report received.

Mr. Glendinen moved that the House go into committee of the Whole on general file.

Mr. Craig presented a resolution asking for the appointment of a committee of three to inquire into the reported abuses in the U. S. Q. M. Department.

Mr. Scudder moved that it be indefinitely postponed.

Mr. Nuckolls moved to amend by saying that it be laid on the table.

Mr. Webster moved the previous question.

Previous question was decided in the affirmative.

The question now being on the adoption of the resolution, the ayes and nays were:

Ayes—Messrs. Ehrhart, Hughes, and Riddlebarger—3.

Nays—Messrs. Craig, Dogget, Grimes, Glendinen, Goss, Force, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—20.

So the resolution was rejected.

Mr. Glendinen moved that the House do now go into committee of the Whole.

Motion lost.

Mr. Morse moved to go into committee of the Whole.

Ayes and nays called for.

Ayes—Messrs. Ehrhart, Grimes, Glendinen, Goss, Hughes, Lobato, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiell, Valdez, Wells, Winne, and Speaker—16.

Nays—Messrs. Craig, Dogget, Force, Riddlebarger, Scudder, and Webster—6.

So the motion prevailed, and

House went into committee of the Whole.

Mr. Patterson in the chair.

After some time spent therein the committee rose.



Speaker resumed the chair.

Mr. Webster submitted the following:

*Mr. Speaker:* Your committee on Engrossment to whom was referred H. B's Nos. 44 and 63, beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Message from Council:

COUNCIL CHAMBER, January 4th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable Body that the Council has refused to pass

H. B. No. 35, a bill for an act to amend an act entitled An act regulating elections. Approved March 11th, 1864.

And herewith return the same.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Davis moved to adjourn until 7 p. m.

Mr. Wells moved to amend by saying 10 o'clock to-morrow.

Mr. Glendinen moved to adjourn.

Motion carried.

And House adjourned.

SATURDAY, JANUARY 5TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Davis, Ehrhart, Grimes, Glendinen, Goss, Morse, Nuckolls, Patterson, and Riddlebarger.

Quorum present.

Journal read and approved.

Mr. Winne presented a petition from the citizens of Boulder, Larimer, and Weld counties, in relation to the Ni-Wot wagon road.

Petition read, and referred to committee on Judiciary.

Mr. Nuckolls moved that the House take up the resolution of Mr. Valdez in relation to the State question, which was tabled a few days ago.

Mr. Glendinen moved a call of the House, which being had, there were:

Absent—Messrs. Patterson and Goss.

Mr. Nuckolls withdrew his motion, and

On motion all further proceedings under the call were dispensed with.

Mr. Wells moved to take up the resolution relative to Indian Affairs, which was tabled a few days ago.

The ayes and nays being called and had, they were:

Ayes—Messrs. Davis, Glendinen, Force, McLaughlin, Morse, Parkman, Wells, Winne, and Webster—9.

Nays—Messrs. Craig, Dogget, Ehrhart, Grimes, Hughes, Lobato, Nuckolls, Patterson, Riddlebarger, Scudder, Vijiel, Valdez, Young, and Speaker—14.

So the motion was lost.

C. B. No. 25 was read a second time, and referred to committee on Education.

C. B. No. 35, a bill for an act in relation to criminal jurisprudence, was read a second time, and referred to committee on Territorial Affairs.

The following bills were introduced:

The committee on Ways and Means introduced

H. B. No. 78, a bill for An act to amend the several acts in regard to the collection of revenue.

Mr. Parkman introduced

H. B. No. 79, a bill for An act to incorporate the Gilpin County Gold, Silver and Copper Mining Company.

Mr. Force introduced

H. B. No. 80, a bill for An act to legalize the ordinance of the city of Denver, passed July 5th, 1866.

Also, H. B. No. 81, a bill for An act amendatory to an act to prohibit persons holding office under municipal corporations, from entering into contract with such corporation, and for other purposes, approved February 10th, 1865.

Mr. Patterson introduced

H. B. No. 82, a bill for An act to incorporate the Colorado and California Wagon Road Company.

H. B. No. 78 was read a second time, and

On motion was ordered printed and referred to committee of the Whole.

H. B's Nos. 79, 80, 81, and 82 were read a second time, and referred to committee of the Whole.

H. B. No. 45 was taken up with the recommendation of the committee of the Whole "that it should be laid on the table."

And on motion the recommendation was adopted.

H. B. No. 46 was taken up, and

On motion of Mr. Hughes was ordered engrossed.

C. J. M. No. 2 was taken up, and

On motion was placed on file for third reading.



C. B. No. 8, a bill to provide for the codifying the laws, was taken up.

Mr. Morse moved to amend by saying that the Supreme Court appoint the commissioners, instead of the Governor.

Ayes and nays called for and had, there were:

Ayes—Messrs. Glendinen, Force, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Winne, and Webster—10.

Nays—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Hughes, Lobato, Nuckolls, Parkman, Vijiel, Valdez, Young, and Speaker—13.

So the amendment was lost.

On motion of Mr. Nuckolls, the amendments were ordered engrossed.

H. B. No. 49 was taken up, and on motion, was referred to committee on Incorporations.

Mr. Wells moved that the order of the House by which H. B. No. 82 was ordered to the committee of the Whole, be rescinded.

Motion carried.

And on motion, the bill was referred to committee on Incorporations.

On motion of Mr. Wells,

H. B. No. 72 was ordered engrossed with the amendments for third reading.

Message from Council:

COUNCIL CHAMBER, January 5th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has indefinitely postponed H. B. No. 24, An act to repeal an act entitled an act to change the time of the meeting of the legislature of Colorado Territory.

Also, have indefinitely postponed H. B's Nos. 28, 22, and 34, herewith transmitted.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

H. B. No. 71 was reported on by committee on Incorporations, and ordered engrossed.

H. B. No. 37 was taken up with the amendments proposed by the committee on Incorporations, and on motion was ordered engrossed with the amendments proposed by the committee on Incorporations.

Amendments adopted.

And both bills ordered engrossed with the amendments.

C. B. No. 16 was taken up, and on motion was ordered placed on file for third reading.

C. B's Nos. 15 and 16 were taken up, and on motion the amendments proposed by the committee of the Whole were adopted, and ordered engrossed for third reading.

C. B's Nos. 14 and 17 were taken up, and on motion were placed on file for third reading.

C. B. No. 18 was taken up, and on motion was referred to the committee on Mines and Minerals.

C. B. No. 19 was taken up, and on motion was referred to committee on Judiciary.

H. B. 52 was taken up, and on motion was ordered engrossed as amended for third reading.

H. B's Nos. 66 and 51 were taken up, and as recommended from committee of the Whole, were referred to the special committee on Gas.

H. J. R. and M. No. 1, recommended by the committee of the Whole to pass, was ordered engrossed for third reading.

Also, H. J. R. No. 4 was considered engrossed, and placed on file for third reading.

Message from the Council.

COUNCIL CHAMBER, January 5th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed C. B. No. 32, a bill for An act to amend an act to incorporate the Colorado Gold Mining Company of Philadelphia, approved March 11th, 1864.

Also, C. B. No. 33, An act to incorporate the Pioneer Mining Company of Colorado.

Also, C. B. No. 34, a bill for An act amendatory to an act to incorporate the Boulder Valley and Central City Wagon Road Company.

Also, C. B. No. 22, a bill for An act to authorize the board of county commissioners of Arapahoe, Gilpin, and Jefferson counties to erect county buildings and borrow money.

Also, C. B. No. 23, a bill for An act to incorporate the Colorado Mining College.

Also, H. B. No. 26, a bill for An act granting to William Buford the right to erect and maintain a bridge over Boulder Creek.

Also, H. B. No. 27, An act to amend an act entitled an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

Also, H. B. No. 29, An act to change the name of the Capital Hydraulic Company.

Also, H. B. No. 36, a bill for An act concerning the county commissioners of the counties of Conejos and Costilla.



Also, H. B. No. 54, a bill for An act to incorporate the Miners' and Mechanics' Institute of Gilpin county, Colorado.

Also, H. B. No. 17, a bill for An act to amend 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, approved February 10th, 1865, and for other purposes, with amendments. The same are attached to the bill. And ask your concurrence in the same, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

C. B. No. 20, as recommended from committee of the Whole, was placed on file for third reading.

On motion of Mr. Wells,

H. B's Nos. 36, 54, 29, 26, and 27 were ordered engrossed.

C. B. No. 13, a bill for An act concerning criminal jurisprudence, was read a third time.

Mr. Craig offered the following amendment, in the form of a rider, as follows: all sums of money arising from the wages of any prisoner, pursuant to the provisions hereof, shall be placed to the credit of the county from which said prisoner comes, and which is liable to pay the expenses of the detention of such prisoner.

Amendment adopted.

Mr. Wells moved that the rider be read second and third times.

On motion of Mr. Winne, the rules were suspended, and the rider was read second and third times.

And the question being on the final passage of the bill, as amended,

It passed unanimously and title agreed to.

C. B. No. 14, a bill for An act to provide for additional compensation for the justices of the supreme court, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Davis, Ehrhart, Glendinen, Goss, Hughes, McLaughlin, Morse, Patterson, Parkman, Riddlebarger, Wells, Winne, Webster and Young—14.

Nays—Messrs. Craig, Dogget, Force, Lobato, Nuckolls, Scudder, Surles, Vijiell, Valdez, and Speaker—10.

So the bill passed and title agreed to.

C. B. No. 17, a bill for An act to authorize the county commissioners of Summit county to appropriate to other purposes the military fund raised by virtue of an act approved February 10th, 1865, was

Read a third time,

Passed unanimously and title agreed to.

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Mr. Webster reported as follows:

*Mr. Speaker:* Your committee on Engrossed Bills, to whom was referred H. B's Nos. 4, 8, and 16, beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

C. B. No. 2, a bill for An act creating a lien in favor of mechanics in certain cases, was

Read a third time, and

Passed unanimously.

On motion, House adjourned until 2 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. McLaughlin asked to submit a report.

Leave granted, and report submitted as follows:

*Mr. Speaker:* Your committee on Incorporations, to whom was referred H. B. No. 82, respectfully report the same back to the House, with the recommendation that it do pass, with the following amendments to section 11: in third line, after the word "than," strike out "fifteen" and insert "twenty-five."

Also, report H. B. No. 49 without any recommendation.

Report received.

Mr. Webster, from committee on Engrossment, submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B's Nos. 38 and 50, beg leave to report the same as correctly engrossed.

Respectfully,

W. W. WEBSTER, *Chairman.*

Mr. McLaughlin presented a petition from Seth Lake, asking a confirmation and legalization of his acts as county attorney.

On motion, the petition and papers accompanying the same were referred to committee on Judiciary.

H. B. No. 48 being the special order of the day, was taken up for consideration.

Mr. Craig moved that it be referred to a special committee of five.

Motion lost.

The bill was then read at length, and the amendments proposed by the committee on Judiciary were adopted.



Mr. Craig introduced an additional section.

Mr. Riddlebarger offered an additional section.

On motion, Mr. Riddlebarger's section was rejected.

Mr. Craig's amendment was adopted, and the bill ordered engrossed as amended, for third reading.

Mr. Nuckolls reports as follows:

*Mr. Speaker:* Your committee to whom was referred C. B. No. 18, have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

C. NUCKOLLS, *Chairman.*

Report received.

H. B. No. 4, a bill for An act to prohibit the introduction of Texas cattle into Colorado Territory, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Glendinen, Force, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—18.

Nays—Messrs. Goss, Hughes, Morse, Riddlebarger, and Scudder—5.

So the bill passed and title agreed to.

H. B. No. 8, a bill for An act to incorporate the Arkansas River Bridge Company, was

Read a third time, and

Passed unanimously and title agreed to.

Message from the Council.

COUNCIL CHAMBER, January 5th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed C. B. No. 41, a bill for An act amendatory of an act providing for the collection of the revenue, approved November 7th, 1861, and ask your concurrence in the same, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

H. B. No. 16, a bill for An act to regulate titles to water powers and lode claims, and other purposes, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Ehrhart, Glendinen, Goss, Force,

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Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Webster, Young, and Speaker—20.

Nays—Messrs. Dogget, Wells, and Winne—3.

So the bill passed and title agreed to.

H. B. No. 50, a bill for An act to provide for printing the laws in the Spanish language, was

Read a third time, and the question being on its final passage, the ayes and nays were :

Ayes—Messrs. Craig, Dogget, Ehrhart, Glendinen, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—22.

Nays—Mr. Scudder—1.

So the bill passed and title agreed to.

H. B. No. 38, a bill for An act to incorporate the Burlington Bridge Company, was

Read a third time, and the question being on its final passage, the ayes and nays were :

Ayes—Messrs. Craig, Dogget, Ehrhart, Glendinen, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Surles, Vijiell, Valdez, Webster, Young, and Speaker—21.

Nays—Messrs. Wells and Winne—2.

So the bill passed and title agreed to.

Message from Council :

COUNCIL CHAMBER, January 8th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed C. B. No. 36, a bill for An act to incorporate the Colorado Exploring Company, and ask your concurrence in the same, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

By leave of the House,

Mr. Surles introduced

H. B. No. 83, a bill for An act to incorporate the Arkansas River Oil and Coal Mining Company.

By permission,

Mr. Nuckolls introduced

H. B. No. 84, a bill for An act supplementary to an act entitled an act concerning mines and minerals.

On motion the rules were suspended, and H. B. No. 83 was read a second time and referred to committee on Incorporations.



H. B. No. 84 was, on motion of Mr. Surles, referred to the committee on Mines and Minerals.

Committee on Education submitted the following report:

*Mr. Speaker:* Your committee on Education, to whom was referred C. B. No. 25, respectfully report that they have had the same under consideration, and return it to the House with the recommendation that it do pass.

J. Y. GLENDINEN, *Chairman.*

Report received.

Mr. Young submitted the following:

*Mr. Speaker:* Your committee on Territorial Affairs, to whom was referred

C. B. No. 35, consisting of one hundred and eight pages of closely written matter, entitled an act concerning "Criminal Jurisprudence," would respectfully report that they have had the title of the same under consideration, and report the same back to the House with the recommendation that it be referred to the committee on Judiciary.

W. H. YOUNG, *Chairman.*

Report received.

Mr. Force moved to adjourn.

Motion lost.

On motion,

C. B. No. 18, a bill for an act to incorporate the Peruvian Gold and Silver Mining Company of Colorado.

The question being on its final passage the ayes and nays were:

Ayes—Messrs. Grimes, Goss, Force, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—19.

Nays—Messrs. Craig, Dogget, Ehrhart, and Hughes—4.

Mr. Glendinen was excused by House from voting on the question.

So the bill passed and title agreed to.

On motion of Mr. Winne,

H. B. No. 17 was taken up and amendments proposed by the Council were concurred in and the bill ordered enrolled.

On motion, the House adjourned until 10 o'clock Monday morning.

MONDAY, JANUARY 7TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Glendinen, Goss, Force, McLaughlin, Riddlebarger, Scudder, and Young.

Quorum present.

Journal read, corrected, and approved.

Mr. Nuckolls presented the following resolution:

*Resolved*, That the Council be requested to permit the House to recall from the Enrolling committee,

H. B. No. 7, for correction, "An act entitled an act for the relief of John Sutton."

Resolution adopted.

The committee on Judiciary submitted the following report:

*Mr. Speaker*: The committee on Judiciary, to whom was referred the petition of Seth Lake, touching certain matters therein contained and set forth, respectfully return herewith the said petition, and a bill for an act to accomplish the prayer of said petition.

Respectfully,

E. T. WELLS, *Chairman*.

Mr. Parkman gave notice of a bill for an act to incorporate the Gore's Pass and White River Wagon Road Company.

The following bills were introduced:

H. B. No. 86, a bill for an act to prevent cruelty to animals in Colorado territory was introduced by Mr. Davis.

Mr. Wells introduced

H. B. No. 85, a bill for an act for the relief of Seth Lake.

Also, H. B. No. 87, a bill for an act to amend an act entitled An act concerning injunctions, approved March 3d, 1864.

Mr. Hughes introduced

H. B. No. 88, a bill for an act to amend An act to divide the territory of Colorado into judicial districts, and to provide for the holding of the courts in the same.

C. B's Nos. 32, 33, 34, and 36, were read a second time and referred to committee on Incorporations.

H. B's Nos. 85, 86, and 88 were read a second time and referred to committee of the Whole.

H. B. No. 88 was read a second time, and on motion was ordered engrossed for third reading.

H. J. M. and R. No. 5 was read a second time, considered, engrossed and placed on file for third reading.



Message from the Governor:

EXECUTIVE DEPARTMENT,  
Golden City, January 4th, 1867.

*To the Hon. E. L. Berthoud, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives, that I have this day signed the following bills, certified to have originated in that Body, viz.:

"An act to incorporate the Fulton Irrigating Ditch Company."

"An act in relation to an adopted child of C. H. McLaughlin."

"An act to repeal certain parts of an act entitled An act concerning weights and measures."

Respectfully,

Your Ob't Servant,

ALEXANDER CUMMINGS,

*Governor of the Territory of Colorado.*

By leave of the House Mr. Force presented a couple of petitions from the citizens of Douglas county, asking to set apart Douglas county from Arapahoe, for judicial purposes, and also as a separate Representative district.

Petition read, and on motion was referred to committee on Judiciary.

H. B. No. 82, was taken up as reported on by committee on Incorporation, and ordered engrossed for third reading.

H. B. No. 49 reported on by committee on Incorporation without any recommendation, was placed on file for third reading.

C. B. No. 25 reported on by committee on Education and recommended to pass, was placed on file for third reading.

C. B. 35 was taken up, and on motion, the House did not concur in the recommendation of the committee on territorial affairs.

Mr. Wells moved that it be made the special order of the day for to-morrow at 2 o'clock P. M.

Amended by Winne by saying 7 this evening.

Amendment adopted and bill was so ordered.

Mr. Wells submitted the following report from the Judiciary committee:

*Mr. Speaker:* The committee on Judiciary to whom was referred the petition of sundry citizens of Boulder county pray

ing the amendment of the charter of the Ni-Wot and Black Hawk Wagon Road Company, return the same herewith to the House, and recommend that inasmuch as it is not within the power of the Legislative Assembly to grant the relief prayed, the petitioners have leave to withdraw the petition.

E. T. WELLS, *Chairman.*

Report received.

Mr. Nuckolls reported as follows:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 84, have had the same under consideration, and beg leave to report the same back to the House without recommendation.

C. NUCKOLLS, *Chairman.*

Report received.

And on motion the bill was considered engrossed and placed on file for third reading.

C. B. No. 20, a bill for An act to locate the county seat of Conejos county, Colorado territory, was

Read a third time.

And the question being on its final passage,

It passed unanimously and title agreed to.

C. B. No. 25, an act to amend an act entitled An act to establish the common school system, was

Read a third time, and

Passed unanimously and title agreed to.

C. J. R. and M. No. 2 was

Read a third time, and

Passed unanimously and title agreed to.

H. B. No. 30, a bill for an act entitled an act to amend an act supplementary to An act to create a fund for the benefit of schools, approved January 26th, 1866, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Goss, Force, Hughes, Lobato, Morse, Nuckolls, Patterson, Parkman, Scudder, Surles, Vijiell, Valdez, Wells, Winne, Webster, and Speaker—22.

Nays—None.

So the bill passed and title agreed to.

H. B. No. 44, a bill for an act to amend an act entitled An act concerning justices and constables, approved October 31st, 1866, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Goss,



Force, Hughes, Lobato, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiell, Valdez, Wells, Webster, and Speaker—20.

Nays—Messrs. Scudder and Winne—2.

So the bill passed and title agreed to.

H. B. No. 67, a bill for An act in relation to an adopted child of Elisha N. Harvey, was

Read a third time, and

Passed unanimously and title agreed to.

On motion the House adjourned until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

The special committee on H. B. No. 31, submitted the following:

*Mr. Speaker:* Your committee to whom was referred H. B. No. 31, have had the same under consideration pursuant to order, and return the same herewith, as also a substitute therefor, and recommend the adoption of the substitute:

E. T. WELLS, *Chairman.*

Report received.

And substitute adopted.

Mr. Webster submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B's Nos. 48, 71, and 82, as correctly engrossed.

Respectfully,

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Morse gave notice of a bill for an act to change and relocate certain streets in Golden City.

By leave of the House,

Mr. Nuckolls introduced

H. B. No. 89, a bill for An act to incorporate the Crawford and Coin Gold Mining Company of Colorado.

On motion the rules were suspended, and bill read first and second times, and referred to committee of the Whole.

Mr. Wells moved that the rules be suspended to enable substitute to H. B. No. 31 to be read.

Motion carried.

And bill was so read.

Mr. Nuckolls moved that it be indefinitely postponed.

Motion withdrawn.

Mr. Nuckolls moved to amend by striking out Arapahoe, Gilpin, and Boulder counties.

Amendment adopted.

Mr. Wells moved to indefinitely postpone.

Motion lost.

On motion it was ordered engrossed as amended.

Message from Council:

COUNCIL CHAMBER, January 7th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has refused to pass H. B. No. 23, an act to repeal an act entitled an act amendatory to an act entitled An act regulating elections, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Wells introduced

H. J. M. and R. No. 6, a joint memorial to Congress, asking for an appropriation for public buildings.

On motion of Mr. Webster, the rules were suspended, and the memorial was read a first and second time, and ordered engrossed for third reading.

H. B. No. 49, a bill for An act to incorporate the Girard Gold Mining Company of Colorado, was

Read a third time.

Mr. McLaughlin moved to indefinitely postpone.

Ayes and nays being called for and had, there were:

Ayes—Messrs. Dogget, Ehrhart, Grimes, Glendinen, Goss, Hughes, McLaughlin, Morse, Scudder, Surles, Winne, Webster, and Speaker—13.

Nays—Messrs. Davis, Force, Lobato, Nuckolls, Patterson, Parkman, Vijiel, Valdez, and Wells—9.

So the bill was indefinitely postponed.

H. B. No. 84, a bill for an act supplemental to an act entitled An act concerning mines and minerals, was

Read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Davis, Grimes, Glendinen, Force, Lobato, McLaughlin, Nuckolls, Parkman, Vijiel, Valdez, Wells, Winne and Speaker—13.

Nays—Messrs. Craig, Dogget, Ehrhart, Goss, Hughes, Morse, Patterson, Scudder, Surles and Webster—10.

So the bill passed and title agreed to.

Committee on Engrossment submitted the following:



*Mr. Speaker:* Your committee to whom was referred H. B's Nos. 37, 69, 46, and 87, also H. J. R. and M. No. 3, beg leave to report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. B. No. 37, a bill for An act to incorporate the Denver Horse Railroad Company, was

Read a third time.

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Davis, Dogget, Ehrhart, Grimes, Glendinen, Force, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Scudder, Surles, Valdez, Winne, and Speaker—17.

Nays—Messrs. Craig, Goss, Hughes, Vijiell, Wells, and Webster—6.

So the bill passed and title agreed to.

H. B. No. 63, a bill for An act to incorporate the Georgetown and Breckenridge Wagon Road Company, was taken up, and

On motion the reading was dispensed with, and

The bill passed unanimously and title agreed to.

H. J. R. and M. No. 5, a memorial to the Congress of the United States in relation to certain roads in this territory, was taken up.

Reading dispensed with.

And the memorial passed unanimously.

H. B. No. 69, a bill for An act to incorporate the Monnier Metallurgical company of Colorado, was

Read a third time.

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Goss, Force, Huges, Lobato, McLaughlin, Morse, Nuckolls, Parkman, Scudder, Surles, Vijiell, Valdez, Webster, and Speaker—19.

Nays—Mr. Glendinen—1.

So the bill passed and title agreed to.

H. B. No. 82, a bill for An act to incorporate the Colorado and California Wagon Road Company, was read a third time

And passed unanimously and title agreed to.

H. B. No. 71 was partly read, and on motion was recommitted to the committee on Engrossment, for correction.

Report of Judiciary committee:

*Mr. Speaker:* The committee on Judiciary having had under consideration the petitions of sundry citizens of Douglas county, asking that the county be set apart from the county of Arapahoe, to which said county of Douglas hath heretofore

been attached for judicial purposes, respectfully return the same to the House, with a bill for an act in compliance with the prayer of said petition, the adoption whereof your committee respectfully recommend.

E. T. WELLS, *Chairman.*

Message from Council:

COUNCIL CHAMBER, January 7th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has concurred in House amendments to Council Bill No. 2, a bill for an act entitled An act creating a lien in favor of mechanics in certain cases.

Also, passed C. B. No. 27, a bill for an act entitled An act concerning copartnerships.

Also, passed C. B. No. 4, a bill for an act to amend an act entitled an act to incorporate the Pennsylvania Gold and Silver Mining Company of Colorado.

Also, passed H. B. No. 41, a bill for An act to require foreign corporations doing business in the territory, to furnish proof of their incorporation.

Also, passed H. B. No. 39, a bill for An act to incorporate the Black Hawk and Central City Ditch Company.

Also, passed H. B. No. 32, a bill for An act to reduce the several acts concerning jurors into one act, and to amend the same.

Also, passed H. B. No. 47, An act in relation to county roads.

And that the Council has concurred in House amendments to C. B. No. 13.

And also, rejected H. B. No. 43, a bill for An act in regard to the pay of county attorneys.

And the Council has granted permission to the House of Representatives to recall H. B. No. 7, a bill for the relief of John Sutton, from the Enrolling committee.

Respectfully,

R. BERRY,

*Secretary of the Council.*

On motion, the House went into committee of the Whole, for the consideration of H. B. No. 78.

Mr. Scudder in the chair.

After some time spent therein the committee rose.

And on motion,

The House adjourned until 7 P. M.



## EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Scudder, from committee of the Whole, submitted the following:

*Mr. Speaker:* Your committee of the Whole House have had under consideration H. B. No. 78, a bill for An act to amend the several acts in regard to the collection of revenue, and refer it back to the House with the recommendation that it pass with the following amendments:

Strike out after the word "inserting," in the first line, the word "the," and insert in lieu thereof the words "the and."

Insert the word "real" before the word "and," at beginning of thirty-fourth line, section 5.

Strike out the word "hereafter," in the first line of section 3.

Also, strike out the words "on the third Monday of August in each and every year, instead of the fourth Monday of July."

Also, strike out all of section 4.

Also, the word "hereafter," in third line of section 3.

Strike out the words "to proceed to," and insert the word "in," in line thirty-three.

Strike out the word "for," and insert the word "in," in the fortieth line.

Also, the following additional section:

SEC. 8. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

On motion of Mr. Morse, the bill was recommitted to the committee of the Whole.

H. B. No. 35 being made the special order of the evening,

Reading of the bill was commenced.

Mr. Wells moved a call of the House.

Absent—Mr. Scudder.

Sergeant-at-Arms sent after Mr. Scudder.

Returned in a short time, and reported Mr. Scudder present.

On motion all further proceedings under the call were dispensed with.

On motion the reading of the bill was proceeded with.

Call of the House ordered and had, there were

Absent—Messrs. McLaughlin and Patterson.

Sergeant-at-Arms dispatched after absentees.

Returned in a short time and reported Mr. McLaughlin present, but could not find Mr. Patterson.

On motion, he was dispatched after Mr. Patterson.

Returned with Mr. Patterson in a short time.

On motion all further proceedings under the call were dispensed with.

On motion, Messrs. Riddlebarger and Young were excused until Wednesday morning.

Mr. Scudder moved to adjourn.

Mr. Nuckolls amended to ten o'clock to-morrow.

Mr. Morse moved the House take a recess of five minutes.

Which latter motion prevailed.

Time of recess having expired,

The Speaker resumed his chair, and called the House to order.

Reading of the bill proceeded with.

Mr. Scudder moved to amend section 84, by inserting six hundred instead of two hundred.

Motion withdrawn.

Mr. Morse moved that no amendments be allowed until the bill was read in full.

Motion carried.

Reading of the bill proceeded with again.

Mr. McLaughlin moved a suspension of the reading.

Motion lost.

Mr. Surles moved to adjourn.

Mr. Nuckolls moved to amend by saying until ten o'clock to-morrow.

Amendment lost.

The final motion was then put and lost.

Mr. Nuckolls moved that the bill be referred to a special committee with Glendinen for Chairman.

Motion withdrawn.

Motion to refer the bill to Judiciary was lost.

On motion of Mr. Glendinen

The House adjourned.

TUESDAY, JANUARY 8TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Craig, Glendinen and Wells.

Quorum present.

Journal read and approved.

Mr. Craig appeared and took his seat.

Mr. Webster submitted the following:

Mr. Speaker: Your committee on Engrossing beg leave to report H. B's Nos. 71 and 72,



Also H. J. M. No. 1 and amendments to C. B. No. 15 as correctly engrossed.

Respectfully,  
W. W. WEBSTER, *Chairman.*

Report received.

On motion the amendments proposed by the Council to H. B. No. 47 were concurred in by the House.

Mr. Davis introduced

H. J. R. No. 7, a resolution relative to the Auditor's books and papers.

On motion the rules were suspended and the memorial was read second and third time,

And the question being on its final passage

The ayes and nays were—

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, McLaughlin, Grimes, Glendinen, Goss, Force, Hughes, Lobato, Nuckolls, Patterson, Parkman, Scudder, Surles, Vijieli, Valdez, Wells, Winne, and Speaker—21.

Nays—Messrs. Morse and Webster—2.

So the resolution was adopted.

And the title agreed to.

Mr. Nuckolls moved that the resolution of Mr. Valdez, which was tabled a few days ago be taken up.

Motion carried.

Mr. Nuckolls moved that the resolution be adopted.

Mr. Wells moved to amend by saying "that the Council concurring therein."

Amendment lost.

Mr. Wells moved that the preamble be amended as follows:

"And whereas, a majority of the Council of this territory at the time when the question of admission under the constitution was before the people, were chosen upon that issue and are in favor of the admission of the territory as a State under the aforesaid constitution, and the majority of the House elected without reference to these questions happen to be opposed to such admission, and desire to keep up the turmoil and controversy arising thereon."

Amendment lost.

Resolution was then carried.

Mr. McLaughlin moved

That the ayes and nays be attached thereto.

The ayes and nays were then taken.

Resulted as follows:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Hughes, Lobato, Nuckolls, Parkman, Vijieli, Valdez, and Speaker—12.

Nays—Messrs. Glendinen, Goss, Force, McLaughlin, Morse, Patterson, Scudder, Surles, Wells, Winne, and Webster—11.

Message from Council:

COUNCIL CHAMBER, January 7th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable Body that the Council has indefinitely postponed

H. B. No. 48, a bill for an act to incorporate the Burlington Bridge Company, herewith transmitted.

Respectfully,

R. BERRY,

Secretary of the Council.

Committee on Enrollment submitted the following:

Mr. Speaker: Your committee on Enrollment beg leave to report

H. B's Nos. 19, 27, 18, 13, 26, and 4, correctly enrolled.

R. W. DAVIS, Chairman.

Report received.

Council bill No. 40 was

Read a second time and

Referred to committee on Incorporations.

C. B. No. 27 was

Read a second time and

On Motion was

Referred to the committee of the Whole.

On motion of Mr. Glendinen

H. B's Nos. 32, 39, 41, and 47 were ordered enrolled.

On motion, the rules were suspended to allow a reconsideration of H. B. No. 7.

On motion, the vote by which it passed was reconsidered.

Mr. Nuckolls offered an amendment.

Amendment adopted

And on motion the bill with amendment was ordered engrossed.

The following bills were introduced:

Judiciary committee introduced

H. B. No. 90, a bill for an act amendatory to an act entitled

An act to divide the territory into judicial districts, and provide for the holding of the courts in the same.

Approved February 10th, 1865.

MR. Surles introduced

H. B. No. 91, an act to regulate the sale, and for the appropriation of the proceeds of sale of the mining school claims.



Mr. Morse introduced

H. B. No. 92, a bill for an act to change and re-locate certain streets in Golden City.

Mr. Parkman introduced

H. B. No. 93, an act to incorporate Gore's Pass and White River Wagon Road Company.

H. B. No. 90 was read a second time and

On motion of Mr. Force was considered engrossed and placed on file for third reading.

H. B's Nos. 91 and 92 were

Read a second time and

Referred to committee of the Whole.

H. B. No. 93 was read a second time and

On motion was

Referred to the committee on Incorporations.

H. B. No. 68 was read a second time and

On motion of Mr. Surles was

Referred to a special committee of five, consisting of Messrs. Surles, Craig, Nuckolls, Force, and Patterson.

On motion

C. B's Nos. 32, 33, 34 and 36 were ordered placed on file for third reading.

H. B. No. 83 was placed on file for third reading.

C. B. No. 15, an act to incorporate the Galena Tunnel Company No. 1,

Was read a third time and the question being on its final passage the ayes and nays were:

Ayes—Messrs. Craig, Davis, Ehrhart, Grimes, Glendinen, Goss, Force, Hughes, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Vijiell and Valdez—16.

Nays—Messrs. Dogget, Scudder, Surles, Winne, and Webster—5.

So the bill passed.

And title agreed to.

C. B. No. 33, an act to incorporate the Pioneer Mining Company of Colorado

Was read a third time

And passed unanimously, and title agreed to.

C. B. No. 34, an act amendatory to an act to incorporate the Boulder Valley and Central City Wagon Road Company

Was read a third time

And passed unanimously.

Title agreed to.

C. B. No. 32, an act to amend an act to incorporate the Colorado Mining Company of Philadelphia, approved March 11th, 1864, was

Read a third time and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Craig, Ehrhart, Grimes, Glendinen, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiel, Valdez, Wells, Winne and Webster—19.

Nays—Messrs. Dogget, and Speaker—2.

So the bill passed and title agreed to.

C. B. No. 36, an act to incorporate the Colorado Exploring Company was

Read a third time.

Those voting in the affirmative were:

Messrs. Davis, Ehrhart, Grimes, Glendinen, Goss, Force, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiel, Valdez, Wells, Webster and Speaker—18.

Negative—Messrs. Dogget, Hughes, Scudder and Winne.—4.

So the bill passed and title agreed to.

Mr. Wells introduced the following resolution:

*Resolved*, That the Enrolling and Engrossing committee be and are hereby authorized to employ such additional clerical force as they may deem necessary during the remainder of this session.

Adopted.

On motion, the reading of

H. J. R. and M. No. 1 was dispensed with

And the question being on its final passage

The ayes and nays were:

Ayes—Messrs. Davis, Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Surles, Vijiel, Valdez, Winne, Webster, and Speaker—19.

Nays—Mr. Wells.

So the memorial was passed

And the title agreed to.

H. J. R. M. No. 3, a joint memorial in relation to a land office

was read a third time,

Passed unanimously and title agreed to.

H. B. No. 48, an act establishing the county of Grenaro, and for other purposes, was considered, read, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Dogget, Goss, Force, Hughes, McLaughlin, Nuckolls, Patterson, Parkman, Valdez, Wells, Winne, and Webster—12.

Nays—Messrs. Craig, Davis, Ehrhart, Grimes, Glendinen,



Lobato, Morse, Surles and Vijiel—9. Excused—Speaker—1.  
So the bill passed and title agreed to.

Mr. Nuckolls moved that

H. R. No. 1 be enrolled in triplicate.

Motion carried.

And it was so ordered.

Mr. Nuckolls introduced

H. J. R. and M. No. 8, a memorial to the Congress of the United States, asking for the establishment of a land district at Central City, Colorado territory.

On motion it was read first, second, and third times, and

Passed unanimously

And title agreed to.

Committee on Engrossing submitted the following report:

*Mr. Speaker:* Your committee on Engrossed Bills beg leave to report

H. B. No. 52, and amendments to

C. B's 6 and 8.

Also, H. J. R. and M. No. 6 correctly engrossed.

Respectfully,

W. W. WEBSTER, *Chairman.*

Report received.

H. J. R. and M. No. 7 ordered engrossed for third reading.

H. B. No. 46, an act to change the name of Theron Johnson was read a third time

And passed unanimously,

And title agreed to.

H. B. No. 87, an act to amend an act entitled An act concerning injunctions, approved March 3d, 1864, was

Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Dogget, Ehrhart, Grimes, Glendinen, Goss, Force, Surles, Hughes, Lobato, Morse, Patterson, Parkman, Vijiel, Valdez, Wells, Winne, Webster and Speaker—19.

Nays—Mr. Scudder—1.

So the bill passed

And title agreed to.

H. J. R. and M. No. 6, a memorial to Congress asking for appropriations for public buildings and for codifying the laws, was

Read a third time and

Passed unanimously and title agreed to.

H. B. No. 71, an act to incorporate the Eagle Irrigating Ditch Company was

Read a third time and

Passed unanimously and title agreed to.

H. B. No. 72, an act to repeal the present laws relating to lost goods and estrays, and for other purposes, was

Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Dogget, Ehrhart, Grimes, Goss, Hughes, Lobato, Patterson, Scudder, Vijiell and Winne—10.

Nays—Glendinen, Force, Morse, Nuckolls, Parkman, Surles, Webster and Speaker—8.

So the bill passed and title agreed to.

H. B. No. 90, an act amendatory of 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, approved February 10th, 1865, was read a third time, and

Passed unanimously, and 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.

Committee on Ways and Means submitted.

H. B. No. 94, an act appropriating money to meet current and contingent expenses.

Mr. Patterson introduced.

H. B. No. 95, an act creating a lien in favor of miners in certain cases.

H. B's Nos. 94 and 95 were

Read a second time and

Referred to the committee of the Whole.

Mr. Nuckolls introduced the following resolution:

*Resolved*, That the Council be requested to return to the House C. B. No. 18, a bill to incorporate the Peruvian Gold Mining Company for amendment.

Adopted.

Message from Council:

COUNCIL CHAMBER, January 8th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable Body that the Council has passed the following bills:

C. B. No. 29, an act respecting partnership property.



Also, C. B. No. 42, a bill for an act to amend an act entitled An act for the relief of the Arkansas Valley Ditch and Irrigating Company, approved January 27th, A. D. 1866.

And H. B's Nos. 4, 67, 30, and 40,

And has indefinitely postponed

H. B. No. 16, an act to repeal an act entitled An act regulating titles to water powers and lode claims.

All of which are herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

On motion H. B's Nos. 4, 67, 30 and 40, were ordered enrolled.

On motion, the House went into committee of the Whole.

Mr. McLaughlin in the chair.

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

*Mr. Speaker:* Your committee of the Whole House have had under consideration

H. B. No. 94, and recommend that the bill be recommitted together with the amendments proposed by the committee on Ways and Means.

Also, have considered H. B. No. 53, amended the same, and recommend that it pass as amended.

Also, have considered

H. B's Nos. 55, 56, 57, 58 and 59, and recommend them back without amendments, and that the same do pass.

Also, have considered

H. B. No. 61 and 60, and amended the same, and refer the same to House and recommend that they pass as amended.

C. H. McLAUGHLIN, *Chairman.*

Report received.

Mr. Craig moved that the order of the House by which H. B. No. 95 was referred to the committee of the Whole be rescinded and the bill be referred to the committee on Judiciary.

Motion carried and bill was so referred.

Mr. Nuckolls moved that the House do not concur in the recommendation of the committee of the Whole in regard to H. B. No. 94, "which was, that it be referred to the committee on Ways and Means," and the bill hereby be referred to a select committee of five.

Motion carried,

And Messrs. Scudder, Nuckolls, Wells, Davis and Ehrhart appointed said committee.

Mr. Winne moved that the order of the House by which H. B. No. 4 was referred to the committee of the Whole, be vacated, and the bill be referred to the committee on Incorporations.

Motion carried.

And bill was so referred.

Mr. Nuckolls moved that the order of the order of the House by which H. B. No. 76 was placed in the committee of the Whole, be rescinded, and the bill be ordered to committee on Incorporations.

Motion carried.

And bill was so ordered.

Mr. Wells moved that H. B. No. 78 be taken from out the committee of the Whole and considered.

Motion carried.

And the bill was considered.

Amendments proposed by Mr. Wells were adopted.

And the bill as amended was ordered engrossed.

On motion, Council Bill No. 35 was referred to the committee on Judiciary.

Message from the Council:

COUNCIL CHAMBER, January 8th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed C. B. No. 7, a bill for An act entitled An act to regulate the fees of officers.

Also, C. B. No. 44, a bill for an act to amend section 28 of An act concerning practice in civil cases, approved November 5th, 1866.

Also, C. B. No. 45, a bill for An act to incorporate the Rocky Mountain University.

Also, H. B. No. 44, a bill for an act to amend An act concerning justices and constables, approved October 31st, 1861.

All of which are herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

On motion, the House adjourned until 10 o'clock to-morrow.

WEDNESDAY, JANUARY 9TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Craig, Goss, Glendinen, and Riddlebarger.

Quorum present.



Journal read and approved.

On motion, Mr. Glendinen was excused, being sick.

Committee on Judiciary submitted a report, as follows :

*Mr. Speaker :* The committee on Judiciary to whom was referred C. B. No. 35, An act concerning criminal jurisprudence, pursuant to order of the House, return the same with the following amendment: at the end of section 196, strike out the words "juries shall in all cases be the judges of the law and the fact," and with the amendment recommend its passage.

Respectfully,

E. T. WELLS, *Chairman.*

Report received.

Committee on Incorporations submitted the following :

*Mr. Speaker :* Your committee on Incorporations, to whom was referred H. B. No. 93, have examined the same, and report it back to the House without amendment, and recommend its passage.

Also, have considered C. B. No. 40, and recommend its passage without amendment.

Have also considered H. B. No. 64, a bill to incorporate the London Prospecting and Mining Company of Colorado, and report the same back to the House with the recommendation that it do not pass. The bill provides for perpetual succession, and allows the company unlimited scope in their operations. The bill may be all right, but your committee cannot see it.

Have also considered H. B. No. 79, An act to incorporate the Gilpin County Gold, Silver and Copper Mining Company, and refer the same back with the following amendments: in section 2, fifth line, strike out the word "five," and insert in lieu thereof the word "fifthly."

Also, in section 10, next to last line, strike out the word "five," and insert the word "fifthly."

Also, strike out all of section 11, and insert in lieu thereof the following substitute :

SECTION 11. The rights acquired in this act of incorporation shall extend for a period of fifteen years: *Provided*, That nothing in this act shall be so construed as to infringe upon the rights acquired by any person or persons by the laws of the United States or of this territory.

C. H. McLAUGHLIN, *Chairman.*

Report received.

Mr. Davis submitted the following report from special committee on H. B. No. 9:

*Mr. Speaker:* Your special committee on H. B. No. 9, beg leave to report the same back, with the recommendation that it be indefinitely postponed.

R. W. DAVIS,  
C. NUCKOLLS,  
J. E. PARKMAN,  
*Committee.*

Report received and adopted.

Mr. Valdez introduced the following resolution:

*Be it resolved by the House,* That the special committee to whom was referred H. B. No. 68, a bill for An act to reapportion the territory of Colorado into Council and Representative districts, be and the same are hereby instructed to report on the said bill forthwith.

Mr. Webster moved that the resolution be laid on the table.

Ayes and nays called for.

Ayes—Messrs. Ehrhart, Force, Hughes, McLaughlin, Morse, Scudder, Surles, Wells, Winne, Webster, Young, and Speaker—12.

Nays—Messrs. Craig, Davis, Dogget, Grimes, Lobato, Nuckolls, Patterson, Parkman, Riddlebarger, Vijiel, and Valdez—11.

So the resolution was tabled.

Mr. Nuckolls moved that the select committee be requested to report at 2 P. M.

Motion carried.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 8th, 1867.

*Hon. E. L. Berthoud, 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 entitled an act to provide for the repeal of an act for the protection of farmers against the depredations of stock in the counties of Douglas and Weld.

An act to amend an act entitled an act to incorporate the Arkansas River and St. Charles Ditch and Irrigating Company.

An act requiring ditch owners to bridge ditches where they cross public traveled roads.

An act to legalize the proceedings of the County Clerk of Larimer county in canvassing the vote of 1864, and to provide when the term of county officers shall expire in said county.



An act to legalize the action of the County Commissioners of Arapahoe county in relation to a certain road.

An act to legalize the records of the Commissioners of Weld county, and to provide when the term of the county officers shall expire.

An act granting to William Buford the right to erect and maintain a toll bridge over Boulder Creek.

I am, Very Respectfully,

Your Ob't Servant,

ALEXANDER CUMMINGS,  
*Governor of the Territory of Colorado.*

Message from the Council.

COUNCIL CHAMBER, January 9th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has complied with the request of the House to withdraw C. B. No. 18, a bill for An act to incorporate the Peruvian Gold and Silver Mining Company of Colorado, from the Enrolling committee, and herewith return it to your honorable body.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

C. B. No. 42 was read a second time, and referred to committee on Incorporations.

C. B's Nos. 29, 7, and 44 were read a second time, and referred to Judiciary committee.

C. B. No. 45 was read a second time, and referred to committee on Education.

Mr. Craig introduced

H. B. No. 96, An act to incorporate the Arkansas Ferry and Bridge Company.

Also, H. B. No. 97, An act to incorporate the Arkansas and Purgatoire Wagon Road Company.

Mr. Webster introduced

H. J. M. No. 9, asking for the establishment of a military post on the Blue river.

H. B's Nos. 96 and 97 were read a second time, and referred to committee on Incorporations.

Mr. Dogget introduced

H. B. No. 98, An act to extend the charter of the Pleasant Valley Irrigating Ditch Company.

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

H. J. M. No. 9 was read second time, and ordered engrossed for third reading.

C. B. No. 35, reported on by committee on Judiciary, with amendments, was considered.

Amendments adopted.

And amendments ordered engrossed for third reading.

The following bills were considered with the recommendation of the committee of the Whole:

H. B. No. 58 was considered engrossed and placed on file for third reading.

On motion the rules were suspended.

Mr. Nuckolls introduced

H. B. No. 99, An act to incorporate the Peruvian Gold Mining Company.

The bill was read a second time, and placed on file for third reading.

H. B. No. 61 was taken up and considered.

Amendment adopted.

And bill ordered engrossed for third reading.

H. B. No. 59 was ordered engrossed, and to be placed on file for third reading.

H. B. No. 57 was considered engrossed, and placed on file for third reading.

H. B. No. 60 was amended, and ordered engrossed, as amended.

H. B. No. 56 was ordered engrossed and placed on file.

H. B. No. 55 was ordered engrossed for third reading.

H. B. No. 53 was ordered engrossed as amended, and to be placed on file for third reading.

H. B. No. 93 was ordered engrossed and placed on file for third reading.

C. B. No. 40 was ordered on file for third reading.

H. B. No. 64 was recommended not to pass by committee on Incorporations, was taken up for consideration.

Mr. Winne moved that it be ordered engrossed and placed on file for third reading.

Mr. Webster moved that it be indefinitely postponed.

Motion lost.

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

Motion lost.

On motion the House adjourned until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.



Mr. McLaughlin, from committee on Incorporations, made the following report:

*Mr. Speaker:* Your committee on Incorporations have had House Bills Nos. 96, 97, and 98, (together with accompanying petition) and beg leave to report the same back to the House, with the recommendation that they do pass without any amendments.

Also, C. B. No. 42 is herewith referred back to the House, with the recommendation that it do pass.

C. H. McLAUGHLIN, *Chairman.*

Report received.

H. B. No. 64 being under consideration,

On motion of Mr. Winne, the name of E. M. Ashley was stricken from the bill.

On motion the bill was placed on file for third reading.

On motion the House went into committee of the Whole, on the general file.

Mr. Wells in the chair.

Message from the Governor.

Speaker resumed the chair to receive the message.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Golden City, January 9th, 1867.

*Hon. E. L. Berthoud, Speaker of the House of Representatives:*

Sir: I respectfully return herewith to the House of Representatives, in which it originated, without my signature, a bill entitled 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 Regiment of Colorado Volunteer Mounted Militia, passed February 9th, A. D. 1866.

The law to which this is a supplement has, by the manner in which it has been administered by the Auditor's department, worked only evil to the territory by the almost entire destruction of its credit, and has produced no advantage to the soldiers for whose benefit it was alleged to have been passed, and has resulted only in a most unwarrantable speculation, the unauthorized issuing of warrants for interest, nearly a year before it was due, and having these warrants marked so that they would draw interest, thus compounding interest on debts not due, has led to the present deplorable financial condition of the territory, depriving the Treasurer of the ability to meet the ordinary expenses of the government, or even to pay the members of the Legislature their per diem. The supplemental bill seems

calculated, if not intended, to consummate that transaction, to which I am not willing to give my assent.

I foresaw some of the consequences of the legislation of last winter on this subject, and declined to sanction it by my signature, though I so far yielded to the earnest appeals of the friends of the bill as to refrain from interposing the executive veto, but with the warning before me of the mischief of that law, I would consider myself inexcusable if I remained silent under this attempt to perpetuate the evils of that legislation. But if there was no radical objection to the bill itself, the manner in which it is proposed to appropriate the labor of the gentlemen who have prepared the papers by which means only the money could be obtained from the United States government, without providing any compensation for their labor of several months, although independent of the demerits of the bill, might be a sufficient reason for withholding my signature.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor Colorado Territory.

Mr. Wells moved that it be referred to the committee on Ways and Means.

Motion lost.

After receiving the message of the Governor, the House immediately went into committee of the Whole again.

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

*Mr. Speaker:* The committee of the Whole have had under consideration the following bills:

H. B's Nos. 62, 65, 70, 73, 74, 75, 76, 77, 80, 81, 85, 86, 88, and 89, and refer the same back to the House with the recommendation that they pass without amendment.

Also, have considered C. B's Nos. 10, 22, and 23, and recommend their passage without amendment.

Also, refer C. B. No. 40 back to the House, with the recommendation that it be indefinitely postponed.

Also, refer C. B. No. 27 back to the House, with the recommendation that it be referred to the committee on Judiciary.

Also, refer H. B. No. 91 back, with the recommendation to be indefinitely postponed.

Also, H. B. No. 90, and recommend its passage with sundry amendments, herewith enclosed.

E. T. WELLS, *Chairman.*

Report received.



Mr. Webster submitted the following :

*Mr. Speaker:* Your committee on Engrossing, to whom was referred the amendments to C. B. No. 35, and House Bills Nos. 31 and 83, also H. J. M. No. 4, respectfully report the same as correctly engrossed.

W. W. WEBSTER, *Chairman*

Report received.

Message from Council :

COUNCIL CHAMBER, January 9th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has indefinitely postponed H. B. No. 87, an act to amend an act entitled an act to amend An act concerning injunctions, approved March 3d, 1864.

And House Joint Resolution No. 7,\*requiring the Sergeant-at-Arms to bring certain books and persons before the House.

And has passed Council Concurrent Resolution No. 1, as follows :

*Resolved*, the House concurring, that no business be transacted by the Legislative Assembly after Thursday, and that Friday be devoted solely to the enrolling of bills.

All of which are herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Riddlebarger, for special joint committee on Gas, submitted the following :

*Mr. Speaker :* The special joint committee to whom was referred H. B. No. 1, An act to incorporate the Denver City Gaslight Company, H. B. No. 10, to incorporate the Denver Gaslight Company, H. B. No. 66, to incorporate the Colorado Gas Company of Denver, and H. B. No. 51, to incorporate the Consolidated Gaslight Company, have considered the same, and respectfully report that they recommend the passage of H. B. No. 51, to incorporate the Consolidated Gas Company, with the following amendments, viz. : in section 2, fourth line, strike out "30," and insert "20." Also, section 6, fifth line, strike out "six" and insert "five." Also, in section 7, strike out the words "and put in operation," in second and third lines; and after the word "within," in fourth line, insert "six months, and complete and put the same in operation so as to supply the city of Denver and all citizens thereof who may apply therefor, with illuminating gas within." Also, same section, after the word "act," in

seventh line, insert "and shall expend twenty-five thousand dollars in and toward such work within twelve months from the passage of this act.

J. Q. CHARLES,

J. M. MARSHALL,

*For Council.*

MAT. RIDDLEBARGER,

*Chairman of House Committee.*

W. H. YOUNG,

C. H. McLAUGHLIN.

Report received.

Mr. Wells offered the following amendment: that the City Council of Denver, shall from time to time fix such rates of sale of gas as they may see fit.

Amendment adopted.

And the bill with the amendments of the special committee as also that of Mr. Wells, were ordered engrossed.

On motion the House adjourned until 7 o'clock this evening.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

C. C. R. No. 1 was taken up for consideration, and on motion was not concurred in by the House.

C. B. No. 40, an act to amend an act entitled An act to incorporate the Pennsylvania 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. Craig, Dogget, Ehrhart, Force, Grimes, Hughes, Lobato, Nuckolls, Patterson, Parkman, Vijiell, and Valdez—12.

Nays—Messrs. Scudder, Morse, Surles, Winne, Webster, and Speaker—6.

So the bill passed and title agreed to.

C. B. No. 16, An act to incorporate the South Boulder and Coal Creek Irrigating Ditch Company, was

Read a third time.

And on motion was recommitted to the Engrossing committee for correction.

C. B. No. 8 was read, and

On motion of Mr. Nuckolls, it was made the special order of the day for ten o'clock to-morrow.

C. B. No. 35 was taken up, and on motion was laid over until to-morrow.



Mr. McLaughlin submitted the following :

*Resolved*, By the House of Representatives of Colorado, That the thanks of the House be tendered the citizens of Golden City, for their uniform courtesy and many acts of kindness extended to the members thereof, and for their untiring efforts to make our stay at the capital pleasant and comfortable.

Adopted unanimously.

H. B. No. 58, An act to regulate private corporations in the counties of Clear Creek and Jefferson, was taken up.

Mr. Force moved the adoption of the following additional section :

SEC. 5. All of the provisions of the act shall apply to all the counties of this territory.

Motion lost.

Mr. Surles moved that the provisions of the bill shall apply to Park, Lake, and Summit counties.

Mr. Winne moved that the provisions of the act apply to all the counties of the territory.

Motion adopted.

Final vote on bill as amended :

Ayes—Messrs. Dogget, Ehrhart, Force, Hughes, Lobato, McLaughlin, Morse, Patterson, Scudder, Surles, Vijiel, Valdez, Winne, Webster, and Speaker—13.

Nays—Messrs. Grimes, Nuckolls, Parkman, and Riddlebarger—4.

So the bill passed and title agreed to.

Message from the Council :

COUNCIL CHAMBER, January 9th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable Body that the Council has passed the following bills :

H. B. No. 46, a bill for an act to change the name of Theron Johnson.

H. B. No. 71, a bill for an act to incorporate the Eagle Irrigating Ditch Company.

H. B. No. 90, an act entitled An act to divide the territory of Colorado into judicial districts, &c.

H. J. M. No. 6, a joint memorial of the Council and House of Representatives of Colorado territory.

H. J. M. No. 3, a joint memorial to Congress in relation to a land office.

H. B. No. 37, a bill for an act to incorporate the Denyer Horse Railroad Company.

Also, C. B. No. 46, a bill for an act to incorporate the Colorado Land and Mineral Association.

C. B. No. 39, a bill for an act to incorporate the Consolidated Wagon Road and Bridge Company of Colorado.

And have indefinitely postponed H. J. M. No. 1, and H. B. No. 84, an act supplemental to an act entitled An act concerning mines and minerals.

All of which are herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Scudder, from Special committee on H. B. No. 94, submitted the following :

*Mr. Speaker:* Your Special committee to whom was referred H. B. No. 94, report the same back to the House for their consideration, making no recommendation.

EDWIN SCUDDER, *Chairman.*

Report received.

Message from the Council.

COUNCIL CHAMBER, January 9th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable Body that the Council has passed H. B. No. 8, "An act to incorporate the Arkansas River Bridge Company," with the amendments thereto attached.

Also, H. B. No. 50, a bill for an act to provide for printing the laws in the Spanish language, with an amendment thereto attached.

Also, C. B. No. 31, a bill for an act to incorporate the Philadelphia and Rocky Mountain Gold and Silver Mining and Exploring Company, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Winne moved that the vote of the House by which H. B. No. 51 was ordered engrossed be vacated.

Motion carried.

In the absence of Messrs. Glendinen and Hall, of the Enrolling committee, the Speaker appointed Mr. Morse, on the Enrolling committee.

H. B. No. 52, an act relating to the county seat of Weld and for other purposes, was

Read a third time and



Passed unanimously, and title agreed to.

Mr. McLaughlin moved that another name be inserted in House bill No. 51.

Motion carried, and the name of John E. Jones was inserted as one of the incorporators.

Mr. Winne moved that the vote by which Mr. Wells' amendment was adopted to H. B. No. 51 be reconsidered.

Motion carried.

Mr. McLaughlin introduced the following amendment:

"That the county commissioners of Arapahoe county shall from time to time fix such rates for the sale of gas as may be deemed right by them."

Motion carried.

H. B. No. 31, an act to do away with the office of county treasurer, was

Read the third time.

Ayes—Messrs. Craig, Lobato, Parkman, Riddlebarger, Surles, Vijieli, Valdez, Webster and Speaker—9.

Nays—Messrs. Dogget, Ehrhart, Grimes, Force, Hughes, Morse, Nuckolls, and Winne—8.

Passed.

Mr. Webster moved a reconsideration.

Motion carried.

Mr. Riddlebarger offered the following amendment:

"The provisions of the act shall only apply to the counties of Jefferson, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Costilla, Conejos and Clear Creek."

Amendment adopted.

Ayes and nays on the final passage of the bill were:

Ayes—Messrs. Craig, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Vijieli, Valdez, Webster and Speaker—13.

Nays—Dogget, Ehrhart, Grimes, Hughes and Winne—6.

So the bill passed.

The title to H. B. No. 31 was amended by inserting "in certain counties."

H. B. No. 57, an act to amend an act entitled An act concerning justices of the peace and constables, approved October 31st, 1861, was

Read a third time, and

The ayes and nays on its final passage were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Force, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Webster and Speaker—15.

Nays—Messrs. Vijieli, Valdez and Winne—3.

So the bill passed and title agreed to.

Mr. Webster submitted the following:

*Mr. Speaker:* Your committee to whom was referred the amendments to C. B. No. 16, also, H. J. R. and M. No. 9, report the same correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. J. M. No. 4 was read a third time.

Ayes—Messrs. Craig, Dogget, Grimes, Lobato, Nuckolls, Patterson, Parkman, Riddlebarger, Vijiell, Valdez and Speaker—11.

Nays—Messrs. Ehrhart, Force, Hughes, McLaughlin, Morse, Surles, Winne and Webster—8.

So the memorial passed and title agreed to.

H. J. M. and R. No. 9, a memorial asking for a military post on the Blue river, was

Read the third time, and

Passed unanimously and title agreed to.

H. B. No. 83, an act to incorporate the Arkansas Oil and Coal Mining company, was

Read a third time, and

The question being on its final passage,

Ayes—Messrs. Craig, Dogget, Ehrhart, Force, Grimes, Hughes, Lobato, McLaughlin, Morse, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Winne, Webster and Speaker—18.

Nays—Mr. Nuckolls—1.

So the bill passed and title agreed to.

H. B. No. 64, an act to incorporate the London Prospecting and Mining Company of Colorado, was

Read a third time—final passage,

Ayes—Messrs. Craig, Ehrhart, Grimes, Force, Hughes, Lobato, Riddlebarger, Vijiell and Winne—9.

Nays—Messrs. Dogget, Morse, Patterson, Parkman, Surles, Valdez, Webster and Speaker—8.

So the bill passed and title agreed to.

H. B. No. 93, an act to incorporate the Gore's Pass and White River Wagon Road Company, was

Read a third time, and

The question being on its final passage the ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Force, Hughes, Lobato, McLaughlin, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, and Webster—15.

Nays—Messrs. Morse and Winne—2.

So the bill passed and title agreed to.

C. B. No. 16, an act to incorporate the South Boulder and Coal Creek Irrigating and Ditch Company, was

Read a third time, and



Passed unanimously and title agreed to.

On motion the House adjourned until 10 o'clock to-morrow.

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THURSDAY, JANUARY 10TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Goss and Wells.

On motion the reading of the journal was dispensed with.

On motion of Mr. Webster, H. B. No. 46 was ordered enrolled.

Mr. Davis from committee on Enrollment submitted the following:

*Mr. Speaker:* Your committee on Enrollment beg leave to report H. B's Nos. 40, 50, 32, 29, 36, 44, 47, 4, 39, 67, 41 and resolution No. 1, is triplicated and correctly enrolled.

R. W. DAVIS, *Chairman.*

Report received.

On motion of Mr. McLaughlin the House went into committee of the Whole on C. B. No. 8, Mr. McLaughlin in the chair.

After some time spent therein, the committee rose and reported the following:

*Mr. Speaker:* The committee of the Whole have had under consideration C. B. No. 8, and report the same back to the House with the recommendation that the same do pass with amendments thereto annexed.

Also considered C. B. No. 35, and report it back without recommendation.

C. H. McLAUGHLIN, *Chairman.*

Report received.

Message from Council:

COUNCIL CHAMBER, January 10th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has passed H. B. No. 82, an act to incorporate the Colorado and California Wagon Road Company.

Also, H. B. No. 69, an act to incorporate the Monnier Metallurgical Company of Colorado.

H. B. No. 63, a bill for an act to incorporate the Georgetown and Breckenridge Wagon Road Company.

H. B. No. 48, a bill for an act to establish the county of Grenaro, and for other purposes, with the following amendment: "Strike out all of section 32."

Joint resolution and memorial No. 5, in relation to certain roads in this territory, and ask your concurrence.

All of which is herewith submitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Nuckolls submitted the following on H. B. No. 68:

*Mr. Speaker:* A majority of your Special committee on H. B. No. 68, beg leave to report that (as the chairman of the Special committee withholds the original bill), we do hereby report a substitute bill amended by striking out in the twenty-eighth line "four," and inserting "five," and in the twenty-fourth line strike out "six" and insert "five." With these amendments we recommend that said copy of bill do pass as a substitute.

C. NUCKOLLS,

M. M. CRAIG,

J. E. FORCE,

CHAS. B. PATTERSON.

Mr. Parkman moved that the report be received and adopted.  
Motion carried.

Amendments proposed by the Council to H. B. No. 8, were concurred in.

On motion the House concurred in Council amendments to H. B. No. 50.

On motion of Mr. Wells, H. B's Nos. 82, 69, 63, 8, and 50, and H. J. M. No. 5, were ordered enrolled.

On motion, the amendments to H. B. No. 48 were concurred in.

Mr. Young introduced

H. R. No. 2, a resolution relative to the State question.

On motion the rules were suspended and the resolution was adopted, and on motion was ordered enrolled in triplicate.

On motion, H. B. No. 48 was ordered enrolled.

On motion H. B. No. 65, an act to authorize the board of county commissioners of Jefferson county to audit and allow a certain account therein named, was

Read a third time, and the question being on its final passage, the ayes and nays were:



Ayes—Messrs. Craig, Dogget, Ehrhart, Force, Grimes, Goss, Lobato, McLaughlin, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Wells, Winne, Webster, Young, and Speaker—20.

Nays—Messrs. Hughes, and Scudder—2.

So the bill passed and title agreed to.

H. B. No. 51, an act to incorporate the Consolidated Gas Company, was

Read a third time and

Passed unanimously, and title agreed to.

C. B. No. 46, an act to incorporate the Colorado Land and Mineral Association, was read a second time, at length.

Mr. Morse moved to amend by inserting the following additional section:

Sec. 10. That an act entitled "An act to suppress gambling and gambling houses, approved January 20th, 1866," be and is hereby repealed.

Amendment lost.

On motion the rules were suspended and the bill was read a third time by its title, further reading being dispensed with,

And the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Force, Grimes, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Vijiell, Valdez, Winne, Young, and Speaker—18.

Nays—Messrs. Morse, Wells, and Webster—3.

So the bill passed and title agreed to.

C. B. No. 31 was read a second time, and on motion was referred to committee of the Whole.

C. B. No. 39, an act to amend section 28 of an act concerning practice in civil cases, was

Read a second time, and

On motion, the rules were suspended, and the bill was placed on its final passage.

Ayes—Messrs. Craig, Dogget, Davis, Ehrhart, Force, Goss, Grimes, Hughes, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Young, and Speaker—19.

Nays—Messrs. Morse, Winne, Webster—3.

So the bill passed and 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.

Mr. Patterson submitted the following:

We, the undersigned, appointed by the Secretary of Colorado for the purpose of settling with the Auditor and Treasurer of said territory, have examined the accounts of John Wanless, Treasurer, from the first of January, A. D. 1866, to December 12th, 1866, both days inclusive, and have compared the same with the several vouchers in his office and find the same correct. We find that warrants have been redeemed, amounting, principal and interest, to be the sum of twelve thousand two hundred and twenty-two and fourteen one-hundredths (\$12,222 14-100) dollars, and mileage certificates amounting to \$166, paid to county treasurer, which said warrants and certificates we have canceled according to law. The amount of revenue received by him we find to be eight thousand one hundred and forty-three and seventy-nine one-hundredths (\$8,143 79-100) dollars. We find that there is now remaining in the treasury, the sum of sixteen hundred and thirty-eight and four one-hundredths (\$1,638 4-100) dollars. The twelve days difference between the date of the Treasurer's and Auditor's report will account for the difference in the amounts.

H. H. DEMARY, M. C.

C. B. PATTERSON, M. H.

Z. SURLES, M. H.

GOLDEN CITY, January 10th, 1867.

We the undersigned appointed by the Secretary of Colorado for purpose of settling with the Treasurer and Auditor of the territory have examined the accounts of R. E. Whitsitt, (Auditor), from the first of January to the 30th of November, A. D. 1866, both dates inclusive; have compared the several vouchers in the Auditor's office and find the same correct. The total amount of warrants issued, we find to be \$21,488 38-100. The amount outstanding of the issue of '61, '62, '63, '64, '65, and '66, we find to be \$9,866 12-100, leaving a balance in the treasury of \$65 65-100.

H. H. DEMARY, M. C.

CHAS. B. PATTERSON, M. H.

Z. SURLES, M. H.

Report received.

The following bills were introduced:

Mr. Wells introduced

H. B. No. 100, an act to pay a certain claim therein mentioned.

Mr. Davis introduced

H. B. No 101, an act to validate a conveyance therein mentioned.

On motion, both bills were



Read a second time and referred to committee of the Whole.  
On motion, H. B. No. 96 and 97 were taken up, considered engrossed, and placed on file for third reading.

Message from Council :

COUNCIL CHAMBER, January 10th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has passed H. B. No. 57, an act to amend an act concerning justices of the peace, &c.,

And indefinitely postponed H. J. M. No. 4, in relation to removal of U. S. Mint from Denver to Central City,

And passed C. J. R. No. 5, "in relation to territorial Auditor," and ask your concurrence therein.

All of which are herewith transmitted.

Respectfully,

R. BERRY,  
*Secretary of the Council.*

H. B. No. 96, an act to incorporate the Arkansas Ferry and Bridge Company, was

Read a third time, and the question being on its final passage, it was passed unanimously and title agreed to.

H. B. No. 97, an act to incorporate the Arkansas and Purgatoire Wagon Road Company, was

Read a third time, and

Passed unanimously and title agreed to.

Mr. Wells moved that the rules be suspended and C. J. R. No. 5 be taken up and considered.

Motion lost.

Message from Council :

COUNCIL CHAMBER, January 10th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed H. J. M. No. 9, for the establishment of a military post on Blue river, with amendments thereto attached.

Also, H. B. No. 52, a bill for an act relating to the county seat of Weld county, &c.

Also, H. B. No. 83, a bill for an act to incorporate the Arkansas River Oil and Coal Mining Company.

Also, H. B. No. 64, a bill for an act to incorporate the London Prospecting and Mining Company, with amendments attached.

Also, H. B. No. 93, an act to incorporate the Gore's Pass and

White River Wagon Road Company, with amendments attached.

And have refused to pass H. B. No. 31, an act to abolish the office of county treasurer in certain counties, herewith transmitted.

Respectfully, R. BERRY,

Secretary of the Council.

Mr. Webster submitted the following :

*Mr. Speaker:* Your committee on Engrossment beg leave to report

H. B's Nos. 53, 74, 80, 86, 92, 56, 7, 51, and 65, as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Nuckolls introduced the following resolution :

*Resolved,* That the Council be requested to furnish the House with the Territorial Auditor's report, for reference in making up appropriation bill.

Adopted.

H. B. No. 57 was ordered enrolled.

C. B. No. 35, an act concerning criminal jurisprudence was put on final passage.

Those voting aye, were :

Messrs. Force, Goss, Morse, Winne and Webster—5.

Nays—Messrs. Davis, Dogget, Ehrhart, Grimes, Hughes, Lobato, Nuckolls, Parkman, Surles, Vijiell, Valdez, Wells, Young and Speaker—14.

So the bill was rejected.

H. B. No. 78, an act to amend the several acts in regard to the collection of revenue, was

Read the third time, and

Passed unanimously and title agreed to.

Substitute to H. B. No. 68 was called up.

Mr. Nuckolls moved a call of the House.

Absent—Messrs. Craig, McLaughlin, and Patterson.

Sergeant-at-Arms soon reported all the members present.

On motion all further proceedings under the call of the House were dispensed with.

On motion of Mr. Nuckolls the House went into committee of the Whole for the consideration of substitute to H. B. No. 68.

Mr. Scudder in the chair.



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

*Mr. Speaker:* The committee have had H. B. No. 68 under consideration and refer the same back to the House with the recommendation that the same do pass as amended.

EDWIN SCUDDER, *Chairman.*

Report received.

On motion was ordered engrossed for third reading, with amendments.

C. B. No. 41, an act amendatory of an act providing for the collection of revenue, was

Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Force, Grimes, Goss, Hughes, Lobato, McLaughlin, Morse, Patterson, Parkman, Surles, Valdez, Wells, Winne, Webster and Young—15.

Nays—Messrs. Craig, Dogget, Ehrhart, Nuckolls, Scudder, Vijiell and Speaker—7.

So the bill passed and title agreed to.

On motion of Mr. Nuckolls,

H. B. No. 94 was made the special order of the day this evening at 7 P. M.

C. B. No. 42, an act to amend an act entitled An act for the relief of the Arkansas Valley Ditch and Irrigating Company was

Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Dogget, Force, Grimes, Goss, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Parkman, Riddlebarger, Surles, Vijiell, Valdez, Winne, Webster and Speaker—17.

Nays—Mr. Ehrhart—1.

So the bill passed and title agreed to.

H. B. No. 62, an act entitled An act concerning costs in appeal cases, was

Read the third time, and

Passed unanimously and title agreed to.

C. B. No. 45, an act to incorporate the Rocky Mountain University, was

Read the third time, and

Passed unanimously, and title agreed to.

Mr. Dogget introduced the following resolution:

*Resolved,* That hereafter no bills shall be taken up out of the regular order.

Mr. Wells moved to amend by inserting "no other business."

Amendment lost.

Original motion was then adopted.

On motion the House adjourned until 7 o'clock this evening.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

H. B. No. 94 was taken up for consideration; bill read at length.

Mr. Nuckolls moved that the word "twelve," in the tenth line, be stricken out, and the words "seven thousand five hundred," be inserted in lieu thereof.

Amendment adopted.

Mr. Morse moved that the words "for the legislative expenses for the session commencing on the first Monday in December, thirteen thousand five hundred dollars."

Amendment lost.

Mr. Nuckolls moved that the title be amended as follows:

An act relating to appropriations for the present session and current expenses of the fiscal year ending January 1st, 1868.

Adopted.

Mr. Nuckolls moved that the "three thousand dollars" be stricken out.

Adopted.

Mr. Nuckolls moved that the words "five thousand dollars" be stricken out.

Adopted.

Mr. Craig moved that "three hundred dollars" be inserted to pay for printing the laws in Spanish.

Adopted.

Mr. Scudder moved that the sum of "five hundred dollars" to pay C. G. Cox, be stricken out.

Also the "three hundred dollars" contingent expenses, be stricken.

Motion lost.

Mr. Craig moved that the sum of "two thousand dollars" be inserted in the bill, for the benefit of insane and idiotic persons.

Adopted.

On motion the bill was ordered engrossed with amendments.

Report from Engrossing committee.

*Mr. Speaker:* Your committee to whom was referred H. B's Nos. 55, 59, 78, 81 and 85, report the same correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. B. No. 91, and the recommendation of the committee of



The Whole; that the bill be indefinitely postponed, was adopted.

C. B.'s Nos. 22, 23 and 10 were placed on file for third reading.

C. B. No. 27 was referred to committee on Judiciary.

C. B.'s Nos. 19 and 29 were indefinitely postponed, pursuant to recommendation of committee of the Whole.

On motion, C. B. No. 44 was placed on file for third reading.

Amendments proposed by committee on Judiciary to H. B. No. 95, were adopted and bill ordered engrossed for third reading.

H. B. No. 98 was considered engrossed and placed on file for third reading.

Amendments proposed by Committee on Judiciary were concurred in by the House and the amendments were ordered engrossed for third reading.

C. B. No. 8 was placed on file for third reading.

Amendments proposed to H. B. No. 79 were adopted and bill with amendments was ordered engrossed.

Mr. Berthoud moved to adjourn.

Motion lost.

C. B. No. 10, an act to preserve the game of Colorado, was Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Craig, Grimes, Goss, Force, McLaughlin, Morse, Parkman, Riddlebarger, Surles, Valdez, Young, Webster and Speaker—13.

Nays—Messrs. Dogget, Ehrhart, Hughes, Lobato, Nuckolls, Vijieli and Winne—7.

So the bill passed.

C. B. No. 23, an act to incorporate the Colorado Mining College, was

Read a third time, and passed unanimously.

C. B. No. 22, an act to authorize the board of county commissioners of Arapahoe, Gilpin, and Jefferson counties to erect county buildings, and borrow money, was

Read a third time, and passed unanimously.

C. B. No. 44, an act to amend section 28 of an act concerning practice in civil cases, was read a third time, and passed unanimously.

H. B. No. 55, an act to amend an act entitled An act to establish the common school system, was

Read a third time, and

Passed unanimously, and title agreed to.

H. B. No. 85, a bill for an act for the relief of Seth Lake, was

Read a third time.

Those voting aye, were:

Messrs. Craig, Dogget, Ehrhart, Grimes, Goss, Force, Hughes,

Lobato, Morse, Nuckolls, Parkman, Riddlebarger, Scudder, Valdez, Webster, Young and Speaker—17.

Nays—Messrs. Surles, Vijieli and Winne—3.

So the bill passed and title agreed to.

Mr. Nuckolls gave notice that on to-morrow he will move a reconsideration of the vote by which C. B. No. 44 was passed.

H. B. No. 81, an act amendatory of an act to prohibit holding office under municipal corporations, from entering into contract with such corporations, and for other purposes, approved February 10th, 1865, was

Read a third time, and

The question being on its final passage,

Ayes and nays were:

Ayes—Messrs. Davis, Dogget, Ehrhart, Goss, Force, Hughes, Lobato, Morse, Parkman, Riddlebarger, Valdez, Winne, Webster, and Young—14.

Nays—Messrs. Scudder, Surles, Vijieli and Speaker—4.

So the bill passed and title agreed to.

H. B. No. 59, an act to incorporate the Vasquez Canon Ditch Irrigating Company, was read a third time, and

Passed unanimously, and title agreed to.

H. B. No. 52, an act to exempt firemen from jury and military duty, was

Read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Goss, Force, Hughes, Lobato, Morse, Nuckolls, Parkman, Scudder, Surles, Valdez, Winne, Webster, Young and Speaker—18.

Nays—Mr. Riddlebarger—1.

So the bill passed, title amended and agreed to.

H. B. No. 56, an act to amend an act entitled An act to incorporate the Tarryall and Arkansas Wagon Road Company, approved August 14th, 1862, was read a third time, and

The question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Goss, Lobato, Morse, Nuckolls, Parkman, Scudder, Vijieli, Valdez, Winne, Webster and Speaker—16.

Nays—Messrs. Riddlebarger, Surles, and Young—3.

So the bill passed and title agreed to.

H. B. No. 74, an act to amend an act providing for the support of paupers, approved February 10th, 1865, was

Read a third time, and

Passed unanimously and title agreed to.

H. B. No. 80, an act to organize the ordinance of the city of Denver, passed July 5th, 1866, was



- Read a third time, and  
Passed unanimously and title agreed to.  
H. B. No. 86, an act for the prevention of cruelty to animals  
in Colorado territory, was  
Read a third time, and  
Passed unanimously and title agreed to.  
H. B. No. 92, an act to change and re-locate certain streets  
in Golden City, was  
Read a third time,  
Passed unanimously, and title agreed to.  
H. B. No. 98, an act to extend the charter of the Pleasant  
Valley Irrigating Ditch Company, was  
Read a third time, and  
Passed unanimously, and title agreed to.  
H. B. No. 7, a bill for an act for the relief of John Sutton,  
was  
Read the third time, and  
Passed unanimously, and title agreed to.  
C. B. No. 8, a bill for an act to provide for revising and codi-  
fying the laws of Colorado, was  
Read a third time, and  
The question being on its final passage, the ayes and nays  
were:  
Ayes—Messrs. Craig, Dogget, Ehrhart, Force, Grimes,  
Goss, Hughes, Lobato, Nuckolls, Parkman, Scudder, Vijieli, Val-  
dez, Webster, Young and Speaker—16.  
Nays—Messrs. Morse, Riddlebarger, and Surles—3.  
So the bill passed and title agreed to.  
On motion House adjourned.

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FRIDAY, JANUARY 11TH, 1867.

- House met pursuant to adjournment.  
Speaker in the chair.  
Prayer by the Chaplain.  
Roll called.  
Absent—Messrs. Morse and Nuckolls.  
Reading of journal was delayed until afternoon.  
Mr. McLaughlin moved that H. B. No. 94 be returned to the  
House from the hands of the Engrossing committee for amend-  
ments.  
Motion carried and bill was so returned.  
On motion H. B. No. 99 was taken up and read at length,  
And the question being on its final passage, the ayes and nays  
were:

Ayes—Messrs. Ehrhart, Force, Goss, Hughes, Lobato, McLaughlin, Nuckolls, Patterson, Parkman, Riddlebarger, Vijieli, Valdez, Wells, Winne and Webster—15.

Nays—Messrs. Craig, Dogget, Grimes, Surles, Young and Speaker—6.

So the bill passed and title agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Golden City, January 10th, 1867.

*Hon. E. L. Berthoud, 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 requiring foreign corporations doing business in this territory to furnish proof of their incorporation.

An act to prohibit the introduction of Texas cattle into Colorado territory.

An act entitled an act to amend an act supplemental to an act to create a fund for the benefit of schools.

An act in relation to territorial roads.

An act in relation to an adopted child of Elisha N. Harvey.

A bill for an act concerning county commissioners of the counties of Conejos and Costilla.

An act to change the name of the Capital Hydraulic Company.

An act to incorporate the Golden City Water Company.

An act to change the name of Theron Johnson.

An act to incorporate the Denver City Horse Railroad.

An act to incorporate the Eagle Irrigating Ditch Company.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

*Governor of Colorado Territory.*

Mr. McLaughlin moved to amend by inserting \$700.00 for the pay of Charles G. Cox.

Motion carried.

Message from the Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has passed

H. J. Resolution No. 8, in relation to a land office at Central City, &c.



Also, H. B. No. 96, an act to incorporate the Arkansas Bridge Company.

Also, H. B. No. 97, an act to incorporate the Arkansas and Purgatoire Wagon Road Company,

And have refused to pass H. B. No. 72, an act in relation to estrays and lost goods, &c., herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Webster from committee on Engrossment reported as follows:

*Mr. Speaker:* Your committee on Engrossed Bills, to whom was referred H. B's Nos. 61, 70, 77, 88, 89 and 95, would respectfully report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

Mr. Wells, from committee on Judiciary reported as follows:

*Mr. Speaker:* Your committee on Judiciary having had under consideration C. B. No. 27, return the same herewith and recommend that the same do pass without amendment.

E. T. WELLS, *Chairman.*

Report received.

On motion, H. B's Nos. 96 and 97, were ordered enrolled.

Mr. Wells called up the veto message on H. B. No. 2.

Message read.

Mr. Wells moved that the bill do pass notwithstanding the veto.

Mr. Nuckolls moved a call of the House, which being had, there were

Absent—Messrs. McLaughlin, Morse and Riddlebarger.

Sergeant-at Arms dispatched after absentees.

Returned in a short time and reported all present but Mr. Riddlebarger.

On motion, all further proceedings under the call were dispensed with.

The question being whether H. B. No. 2 should pass, notwithstanding the veto,

The ayes and nays were:

Ayes—Messrs. Dogget, Goss, Force, Patterson, Scudder, Wells, Winne and Webster—8.

Nays—Messrs. Craig, Davis, Ehrhart, Grimes, Hughes, Lobato, McLaughlin, Morse, Nuckolls, Parkman, Surles, Vijiell, Valdez, Young and Speaker—15.

So the veto was sustained.

On motion, the House concurred in Council amendments to H. H. No. 93, and H. J. R. No. 8, and bills ordered enrolled.

Mr. Webster from committee on Engrossment reported as follows:

*Mr. Speaker:* Your committee on Engrossed Bills, to whom was referred H. B's Nos. 79 and 94, and C. B. No. 7, would respectfully report the same as correctly engrossed.

W. W. WEBSTER, *Chairman.*

C. J. R. No. 5 was taken up and read.

Mr. Nuckolls moved a call of the House.

Call being had, there were

Absent—Messrs. Grimes, McLaughlin and Ridlebarger.

On motion, all further proceedings under the call were dispensed with.

Mr. Nuckolls moved that the resolution be indefinitely postponed.

Ayes and nays called for.

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Force, Hughes, Lobato, Nuckolls, Patterson, Parkman, Vijieli, Valdez, Young and Speaker—14.

Nays—Messrs. Goss, Morse, Scudder, Surles, Wells, Winne, and Webster—7.

So the resolution was indefinitely postponed.

C. B. No. 27 was taken up as recommended by the committee on Judiciary.

On motion of Mr. Nuckolls it was indefinitely postponed.

Message from Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council do not concur to House amendments to C. B. No. 8, a bill for An act to provide for revising and codifying the laws of Colorado territory, and respectfully ask of your honorable body a committee of conference on same.

Respectfully,

R. BERRY,

*Secretary of the Council.*

On motion a committee of Conference was appointed on C. B. No. 8, by request of the Council.

Messrs. Goss and Nuckolls were appointed such committee.

H. B. No. 7, an act entitled An act to regulate the fees of officers, was

Read a third time, and



Passed unanimously and title agreed to.

H. B. No. 89, An act to incorporate the Crawford and Coin Gold Mining Company of Colorado, was

Read a third time, and

Passed unanimously.

H. B. No. 88, an act to amend An act to divide the territory of Colorado into judicial districts, and to provide for the holding of the courts in the same.

H. B. No. 77, An act to change the name of William Irving, was read a third time, and

Passed unanimously and title agreed to.

H. B. No. 70, an act to amend an act entitled An act to incorporate the American Exploring Company of Philadelphia, was

Read a third time, and

Passed unanimously and title agreed to.

H. B. No. 94, An act making appropriations for the fiscal year ending January 1st, 1867, was

Read a third time, and

Passed unanimously and title agreed to.

Message from the Council.

#### COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. B. No. 21, a bill for An act to incorporate the Colorado Pacific Railroad Company.

Also, passed H. B. No. 51, An act to incorporate the Consolidated Gaslight Company.

Also, passed H. B. No. 58, a bill for An act to regulate private corporations in Clear Creek and Jefferson counties, with amendments attached, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

H. B. No. 51 was ordered enrolled.

H. B. No. 79, An act to incorporate the Gilpin County Gold Silver and Copper Mining Company, was

Read a third time, and

Passed unanimously and title agreed to.

H. B. No. 61, An act to preserve the purity of waters, was

Read a third time, and

Passed unanimously and title agreed to.

On motion House adjourned until 2 P. M.

## AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion House concurred to Council amendments to H. B. No. 58, and

On motion it was ordered enrolled.

C. B. No. 21, An act to incorporate the Colorado Pacific Railroad, was read a second time.

Mr. Craig moved that it be referred to committee on Territorial Affairs.

Motion lost.

Mr. Patterson moved that the vote by which the resolution of Mr. Dogget passed yesterday, be reconsidered.

Carried.

Mr. Riddlebarger offered the following resolution:

*Resolved*, That the rule requiring all bills and resolutions to be read the second and third times on different days, be suspended for the present session.

Adopted.

Mr. Scudder moved that the bill be now placed on its final passage.

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

Amendment lost.

Mr. McLaughlin offered the following as an amendment:

"That the names of R. E. Whitsitt and D. J. Martin, of Arapahoe, and Robert White of Clear Creek, be inserted as additional incorporators."

Motion carried.

And they were placed on the first section, in the form of a rider.

And the bill was considered read and put on its final passage, the ayes and nays were:

Ayes—Messrs. Dogget, Goss, Force, Hughes, McLaughlin, Morse, Patterson, Parkman, Scudder, Surles, Valdez, Wells, Winne, Webster, and Young—15.

Nays—Messrs. Craig, Davis, Ehrhart, Grimes, Lobato, Nuckolls, Vijiell, and Speaker—8.

So the bill passed.

H. B. No. 60 was called up.

Mr. Nuckolls moved a call of the House.

Absent—Messrs. Craig, Parkman, Riddlebarger, and Wells.

Sergeant-at-Arms dispatched after absentees.

In a short time announced all present.



On motion all further proceedings under the call of the House were dispensed with.

Mr. Webster submitted the following report:

*Mr. Speaker:* Your committee on Engrossed Bills, to whom was referred H. B's Nos. 60, 68, 73, 75 and 76, beg leave to report the same correctly engrossed.

W. W. WEBSTER, *Chairman.*

Report received.

H. B. No. 60, An act to incorporate the St. Vrain and James Creek Ditch and Fluming Company, was

Read a third time, and

Passed unanimously and title agreed to.

H. B. No. 68, An act to reapportion the territory into Council and Representative districts, was

Read a third time, and

The question being on its final passage

The ayes and nays were:

Ayes—Messrs. Craig, Davis, Dogget, Grimes, Force, Lobato, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Vijieli, Valdez, and Young—14.

Nays—Messrs. Ehrhart, Goss, Hughes, McLaughlin, Morse, Surles, Wells, Winne, Webster, and Speaker—10.

So the bill passed and title agreed to.

H. B. No. 76, An act to incorporate the Burlington and St. Vrain Ditch Company, was

Read a third time,

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Goss, Force, Hughes, Lobato, McLaughlin, Morse, Patterson, Parkman, Riddlebarger, Scudder, Surles, Valdez, Winne, Young, and Speaker—18.

Nays—Messrs. Vijieli, Wells, and Webster—3.

So the bill passed and title agreed to.

H. B. No. 73, An act to incorporate the Village of Georgetown, in the county of Clear Creek, was

Read a third time, and

Passed unanimously and title agreed to.

On motion the House went into committee of the Whole on the general file.

Mr. Patterson 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 H. B's Nos. 100 and 101, and C. B. No. 31, and refer the same

back with the recommendation that they do pass without amendment.

C. B. PATTERSON, *Chairman*.

Report received.

C. B. No. 31, An act to incorporate the Philadelphia and Rocky Mountain Gold and Silver Mining and Exploring Company, was

Read a third time, and

The question being on its final passage.

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Grimes, Goss, Force, Hughes, Lobato, Nuckolls, Patterson, Parkman, Riddlebarger, Vijiell, Valdez, Young, and Speaker—15.

Nays—Messrs. Morse, Surles, and Winne—3.

So the bill passed and title agreed to.

H. B. No. 100, An act to pay a certain claim therein named.

was

Read a third time,

And the question being on its final passage,

The ayes and nays were:

Ayes—Messrs. Craig, Dogget, Ehrhart, Grimes, Goss, Force, Hughes, Morse, Nuckolls, Patterson, Parkman, Riddlebarger, Valdez, Young, and Speaker—15.

Nays—Messrs. Lobato, Surles, Vijiell, Winne, and Webster—5.

So the bill passed and title agreed to.

H. B. No. 101, An act to validate a conveyance therein named, was

Read a third time, and

Passed unanimously and title agreed to.

On motion, House took a recess of half an hour.

Time of recess having expired,

Speaker resumed the chair, and

Called the House to order.

On motion, House adjourned until 7 o'clock this evening.

#### EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Nuckolls moved a call of the House.

Motion withdrawn.

Message from the Council.



COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed the following bills:

H. B. No. 65,

H. B. No. 98,

H. B. No. 74,

H. B. No. 80,

H. B. No. 7,

H. B. No. 53,

H. B. No. 59,

H. B. No. 85,

H. B. No. 92,

And have rejected H. B. No. 86.

And indefinitely postponed H. B's Nos. 55 and 56.

Also, that the Council has concurred in House amendments to C. B's Nos. 21 and 7, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Craig introduced the following resolution :

*Resolved*, That the thanks of this House are due, and are hereby tendered to the Hon. E. L. Berthoud, Speaker of the House, for the able and efficient and impartial manner in which he has presided over the deliberations of this body during the session, which is now drawing to a close.

*Resolved, further*, That a copy of this resolution be spread upon the journal of this House.

Adopted unanimously.

Message from Council :

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed

C. B. No. 47, a bill for An act to establish a charitable hospital in Gilpin county.

And have rejected the following House Bills:

H. B. No. 81,

H. B. No. 62,

H. B. No. 78, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Mr. Nuckolls moved that all bills reported from Council be ordered enrolled.

Motion carried.

Mr. Parkman introduced House Resolution No. 3, extending the thanks of this Assembly to His Excellency, Governor Cummings.

On motion, the resolution was adopted.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 11th, 1867.

*Hon. E. L. Berthoud, 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 acts, certified to have originated in that body:

An act to incorporate the Gore's Pass and White River Wagon Road Company.

Joint memorial concerning public buildings.

An act to incorporate the Arkansas River Bridge Company.

An act to incorporate the Miners' and Mechanics' Institute of Gilpin County, Colorado.

Joint memorial concerning a Land District at Gregory Mining District.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor Colorado Territory.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 11th, 1867.

*Hon. E. L. Berthoud, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House that I have approved and signed the following bills:

An act to incorporate the Arkansas River Ferry and Bridge Company.

An act to incorporate the Smoky Hill, Arkansas, and Purgatoire Wagon Road Company.

Joint resolution and memorial respecting a land office.

An act to incorporate the Arkansas River Oil and Coal Mining Company.

An act amendatory of an act entitled an act to divide the territory of Colorado into judicial districts, and to provide for holding courts in the same.

An act to amend an act entitled an act concerning justices of the peace and constables, approved October 31st, 1861.



An act to provide for printing the laws in Spanish.

An act to incorporate the Colorado and California Wagon Road Company.

An act relating to the county seat of Weld County, and for other purposes.

An act to amend 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, and for other purposes.

Joint memorial concerning public roads.

An act to incorporate the Latham Irrigating Ditch Company.

Very Respectfully,

Your Obedient Servant,

ALEXANDER CUMMINGS,

Governor Colorado Territory.

C. B. No. 47, An act establishing a hospital in Gilpin county, was

Read first, second and third times.

Passed unanimously and title agreed to.

Message from Governor, vetoing H. B. No. 32, An act, to reduce the several acts concerning jurors into one act, and to amend the same.

EXECUTIVE DEPARTMENT,

Golden City, January 11th, 1867.

*Hon. E. L. Berthoud, Speaker of the House of Representatives:*

SIR: I have the honor to return to the House of Representatives without my signature, a bill for An act to reduce the several acts concerning jurors into one act, and to amend the same, certified to have originated in that body.

The following is the first section of the bill:

SECTION 1. That all male inhabitants of the territory of Colorado of the age of twenty-one years, who are citizens of the United States, of sound mind and discretion, and not subject to any bodily infirmity amounting to disability, or to disability imposed for the commission of crime, and not being negroes or mulattoes, shall be competent persons to serve on grand and petit juries, in all courts and judicial proceedings in this territory.

The Legislative Assembly seems strangely to have overlooked the section in the organic act which provides that "the constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said territory of Colorado as elsewhere within the United States."

By enactment of the United States Congress, negroes and

mulattoes are citizens, and entitled to the rights of citizenship, and it is very surprising that a legislative assembly of a territory of the United States should attempt by their legislation to thwart the national will.

I am, Very Respectfully,

Your Ob't Servant,

ALEXANDER CUMMINGS,

Governor of the Territory of Colorado.

Mr. Hughes moved that the bill do pass, notwithstanding the veto.

Call of the House ordered and had.

Absent—Messrs. McLaughlin, Wells and Young.

On motion all further proceedings under the call were dispensed with.

Mr. Craig moved to amend, by saying indefinitely postponed.

Amendment lost.

Original question was then put.

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Goss, Force, Hughes, McLaughlin, Morse, Patterson, Parkman, Riddlebarger, Scudder, Surles, Winne, and Webster—17.

Nays—Messrs. Valdez and Speaker—2.

So the bill passed, notwithstanding the veto.

Message from Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed H. B's Nos. 77, 79 and 95, herewith transmitted.

Respectfully,

R. BERRY,

Secretary of the Council.

On motion H. B's Nos. 77, 79, and 95 were ordered enrolled.

On motion of Mr. Craig, the House took a recess of fifteen minutes.

Time of recess having expired,

Speaker resumed the chair,

And called the House to order.

Mr. Parkman introduced

H. J. R. No. 10, relative to sending Governor to Washington in regard to Indian depredations.

Motion to indefinitely postpone.

Ayes—Messrs. Dogget, Goss, Force, Hughes, Morse, Riddlebarger, Surles, and Webster—8.

Nays—Messrs. Craig, Ehrhart, Grimes, Lobato, Nuckolls,



Patterson, Parkman, Scudder, Vijiell, Valdez, Winne, Young, and Speaker—12.

So the motion was lost.

Question on final passage of resolution?

Ayes—Messrs. Craig, Ehrhart, Grimes, Lobato, Nuckolls, Patterson, Parkman, Riddlebarger, Scudder, Vijiell, Valdez, Winne, and Speaker—13.

Nays—Messrs. Dogget, Goss, Force, Hughes, Morse, Surles, Webster, and Young—8.

So the resolution was adopted, and sent to the Council.

Mr. Riddlebarger moved a reconsideration of the vote by which it was passed.

Motion lost.

Message from Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed H. B. No. 94, relating to appropriations for the fiscal year ending January 1, 1868, with amendments attached, herewith transmitted.

Respectfully, R. BERRY,

*Secretary of the Council.*

Mr. Nuckolls moved that the House do not concur in Council amendments to H. B. No. 94.

Mr. Scudder moved that the House do concur.

Motion withdrawn.

Message from Council.

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed C. J. R. No. 6, for printing the laws of the fourth, fifth, and sixth sessions of the Legislative Assembly of Colorado in the Spanish language, and ask your concurrence therein.

Respectfully, R. BERRY,

*Secretary of the Council.*

Mr. Nuckolls withdrew his motion.

On motion the House concurred in Council amendments, except the amendment striking out the three hundred and eighty-seven dollars for paying for newspapers, and on motion, a committee of two, consisting of Messrs. Winne and Patterson, was

appointed a committee on Conference on H. B. No. 94, and bill was returned to Council.

On motion of Mr. Scudder,

House voted ten dollars per day to all the additional clerks employed towards the close of session.

Mr. Davis offered the following resolution :

*Resolved*, That the certificate of the Chief Clerk of House, countersigned by the Speaker of House, shall be sufficient authority for the Auditor to draw a warrant on the Treasurer for the amount specified.

Adopted.

Mr. Parkman introduced

H. R. No. 4.

Call of the House ordered and had.

Absent—Messrs. McLaughlin, Wells, and Young.

Sergeant-at-Arms dispatched after absentees.

Soon reported all present but Mr. Young.

On motion all further proceedings under the call were dispensed with.

Mr. Morse moved to adjourn *sine die*, Council concurring.

Motion lost.

Message from Council.

#### COUNCIL CHAMBER, January 11th, 1867.

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

Sir: I am requested by the Council to request the House to furnish the Council the veto message of the Governor on H. B. No. 33, transmitted by the House to the Council this day.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Question on adopting H. R. No. 4, relative to the difficulty between the Council and the Governor.

Ayes—Messrs. Craig, Davis, Dogget, Ehrhart, Grimes, Hughes, Lobato, Nuckolls, Parkman, Vijiell, Valdez, Young, and Speaker—13.

Nays—Messrs. Goss, Force, McLaughlin, Morse, Patterson, Riddlebarger, Scudder, Surles, Winne, and Webster—10.

So the resolution was adopted.

Message from Council:



COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has appointed Messrs. Loveland and Marshall as the committee of Conference on the part of the Council on H. B. No. 94.

Respectfully,

R. BERRY,

*Secretary of the Council.*

C. J. R. No. 6, to provide for translating and printing the laws of the fourth, fifth, and sixth sessions, was taken up.

And on motion was laid aside temporarily.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Golden City, January 11th, 1867.

*Hon. E. L. Berthoud, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House that I have approved and signed the following bills, certified to have originated in that body:

An act to change the name of William Irving.

An act to extend the charter of the Pleasant Valley Irrigating Company.

An act for the relief of John Sutton.

An act to change and re-locate certain streets in Golden City.

An act to authorize the Board of County Commissioners of Jefferson County to audit and allow a certain claim therein named.

An act to amend an act entitled an act for the support of paupers, approved February 10th, A. D. 1865.

An act to exempt firemen from jury duty.

An act to legalize the ordinance of the City of Denver, passed July 5th, 1866.

An act to regulate private corporations in Clear Creek and Jefferson counties.

An act to incorporate the Consolidated Gaslight Company of the City of Denver.

An act creating a lien in favor of mechanics.

Respectfully,

ALEXANDER CUMMINGS,

*Governor Colorado Territory.*

On motion H. R. No. 4 was ordered enrolled.

Message from the Council.

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COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your honorable body that the Council has passed the following resolution:

*Resolved, That a committee of two be appointed by the Chair, to consult with a like committee on the part of the House, upon the hour of adjournment of the Legislative Assembly."*

And that the President has appointed Messrs. Leach and Mitchell as the committee on the part of the Council.

Respectfully, R. BERRY,  
*Secretary of the Council.*

Committee from Council were announced on the floor of the House, who delivered a verbal message, asking the appointment of a committee of Conference on the part of the House, relative to adjourning.

Speaker appointed as such committee,

Messrs. Scudder, Ehrhart, and Craig.

In a short time the Chairman, Mr. Scudder, reported verbally that both houses had agreed to adjourn at 2 o'clock.

Message from Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has receded from their amendment to H. B. No. 94, in regard to pay of newspapers for the House.

Respectfully, R. BERRY,  
*Secretary of the Council.*

Committee from Council, consisting of Messrs. Mitchell and Woodbury, were announced on the floor, and verbally requested the House to send the veto message to the Council.

Message sent.

On motion of Mr. Scudder the House concurred in Council amendments to H. B. No. 94, as returned the second time, and bill was ordered enrolled.

Mr. Craig offered the following resolution:

*Resolved, That the thanks of this House are due and are hereby tendered to the Golden City Lodge No. 1, A. F. and A. Masons, for the use of their commodious hall during the session of the Legislature, and that the Speaker of the House be requested*



to furnish the W. M. of said lodge with a copy of this resolution.

*Resolved further,* That a copy of this resolution be spread upon the journal of this House.

Adopted unanimously.

Recess of half an hour.

Time of recess having expired,

The Speaker called the House to order.

Mr. Force introduced the following resolution:

*Resolved,* That the thanks of this House be, and the same are hereby tendered to C. J. McDivitt, Chief Clerk, and to Capt. W. J. Kram, Assistant Clerk, and to A. H. Brown, Sergeant-at-Arms, for the able and efficient manner in which they have discharged the duties of their respective offices during the present session; and that a copy of these resolutions be spread upon the journal of this House.

Adopted unanimously.

Mr. Parkman moved that

H. B. No. 85, an act for the relief of Seth Lake be sent for from the hands of the Governor for correction.

Motion carried.

Message from the Council.

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform your Honorable body that the Council has passed H. B. No. 32 over the Governor's Veto by eight in the affirmative and three in the negative, herewith transmitted.

Respectfully,

R. BERRY,

*Secretary of the Council.*

Messrs. Nuckolls and Valdez were appointed a committee of two, on the part of the House, to act in conjunction with a similar committee on the part of the Council, to inform the Governor that the two houses would adjourn at two o'clock to night.

Messrs. Loveland and Velasquez appeared and informed the House verbally that they had been appointed a committee on the part of the Council for the same purpose.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 11th, 1867.

Hon. E. L. Berthoud, 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 Vasquez Canon Ditch and Irrigating Company.

An act to incorporate the Gilpin County Gold, Silver, and Copper Mining Company.

Very Respectfully,

Your Obedient Servant,

R. BERRY,  
ALEXANDER CUMMINGS,  
Governor of Colorado Territory.

Mr. Nuckolls moved that a committee of three be appointed to wait on the Governor and see if he has any more communications to make.

Motion carried.

Speaker appointed such special committee, Messrs. McLaughlin, Lobato and Parkman.

Journal of Thursday, January 10th, read and approved.

Mr. McLaughlin from special committee, to wait on the Governor, reported that they had performed the duty imposed on them, and that the Governor had informed them that he had yet several messages to communicate.

On motion of Mr. McLaughlin, H. B. No. 94 was taken from the hands of Enrolling committee.

Amended,

Passed and sent to Council.

On motion, the pages were excused from further attendance on this body.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 11th, 1867.

Hon. E. L. Berthoud, 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 Georgetown and Breckenridge Wagon Road Company.



An act to incorporate the London Prospecting and Mining Company of Colorado.

Very Respectfully,  
Your Obedient Servant,  
ALEXANDER CUMMINGS,  
*Governor of Colorado Territory.*

Message from the Council:

COUNCIL CHAMBER, January 11th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has passed H. B. No. 94 without amendment.

Respectfully,  
R. BERRY,  
*Secretary of the Council.*

Mr. Winne introduced the following resolution:

*Resolved by the House of Representatives,* That the Secretary of Colorado be requested to furnish each of the members of the present Legislative Assembly with two copies of the journal of the House and Council of the Sixth Session, together with the same number of the session laws of the Sixth Session. Said documents to be furnished to the post office address of the members as soon as the same are printed.

Adopted.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, January 11th, 1867.

*Hon. E. L. Berthoud, 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 relating to appropriations for the present session and for current expenses for the fiscal year ending January 1st, 1868.

Very Respectfully,  
Your Obedient Servant,  
ALEXANDER CUMMINGS,  
*Governor Colorado Territory.*

Mr Davis informed the House that the Governor had no further communication to make.

The committee appointed to wait on the Council and inform them that the House is ready to adjourn *sine die*, reported that they had performed that duty, and that the Council was ready to adjourn.

On motion of Mr. McLaughlin,  
House adjourned *sine die*.

C. J. McDIVITT,  
*Clerk of the House.*



# HOUSE JOURNAL

OF THE

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# LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

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SEVENTH SESSION.

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CONVENED AT GOLDEN CITY, DECEMBER 2, 1867, ADJOURNED  
TO DENVER, DECEMBER 9, 1867.

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# HOUSE JOURNAL

OF THE

## LEGISLATIVE ASSEMBLY OF COLORADO.

### SEVENTH SESSION.

MONDAY, DECEMBER 2D, 1867.

At the seventh session of the Legislative Assembly of Colorado Territory, the House of Representatives met at Golden City, the seat of government of said Territory, on Monday, the 2d day of December, A. D. 1867, pursuant to law.

The House was called to order by C. J. McDivitt, Chief Clerk of the House of Representatives of the sixth session.

On motion of Mr. McCoy, Mr. Stratton was elected Speaker, *pro tem.*

On motion of Mr. Stiles, C. J. McDivitt was elected Chief Clerk, *pro tem.*

Mr. Stiles moved the appointment of a committee of three on Credentials.

Motion carried.



Mr. Wurtzebach nominated Mr. Stiles.

Mr. Bissell nominated Mr. Slaughter.

Mr. Pierce nominated Mr. Pearson.

And they were severally elected by ballot.

On motion of Mr. Slaughter, the House took a recess, subject to the call of the Speaker.

The Speaker resumed the chair, and called the House to order.

Mr. Stiles, from committee on Credentials, submitted the following report:

*Mr. Speaker:* We your committee on Credentials, selected to report the names of members elected to the House of Representatives of the Territory of Colorado, at its seventh session, have attended to the duties assigned us, and beg leave to make the following report:

We find the following persons from the several districts, elected and entitled to seats in the House, to wit:

First district, H. Stratton.

Second district, C. H. McLaughlin, J. E. Wurtzebach, B. B. Stiles, and G. W. Miller.

Third district, H. L. Pearson.

Fourth district, F. O. Sawin.

Fifth district, T. Haswell.

Sixth district, D. M. Richards, S. F. Huddleston, C. R. Bissell, and W. M. Slaughter.

Seventh district, J. C. McCoy, and J. E. Wharton.

Eighth district, Stephen Decatur, and J. A. Pierce.

Ninth district, Ansel Bates, and W. J. McDougal.

Tenth district, J. Gilliland, and B. Fowler.

Eleventh district, J. Lawrence, P. Ortega, and Silvius Suaso.

Thirteenth district, Thomas Macon.

Fourteenth district, E. T. Stone.

There appeared to be no person here claiming a seat in the House from the twelfth district.

All of which is respectfully submitted.

B. B. STILES,  
W. M. SLAUGHTER,  
H. L. PEARSON.

On motion, the report was received and adopted.

Mr. Lawrence moved to adjourn until 9 o'clock to-morrow morning.

Motion lost.

On motion of Mr. Stiles, an informal ballot for Speaker was had, with the following result:

Mr. McLaughlin received fifteen votes.

Mr. Huddleston received one vote.

C. R. Bissell received four votes.

Mr. Decatur received two votes.

Mr. Miller received one vote.

Mr. Stiles received one vote.

The Secretary of the Territory appeared within the bar of the House, and administered the oath of office to the members present.

Mr. Camille Deuchineau was declared Interpreter, *pro tem.*, for the members from the eleventh district, who speak the Spanish language, and the oath of office was administered to him by the Secretary of the Territory.

On motion of Mr. Pierce, a formal ballot for Speaker was had, with the following result:

Mr. McLaughlin received nineteen votes.

Mr. Bissell received three votes.

Mr. Huddleston received one vote.

Mr. Miller received one vote.

Whole number of votes cast, twenty-four.

Necessary to a choice, thirteen.

Mr. McLaughlin having received a majority of all the votes cast, was declared elected Speaker of the House of Representatives.

On motion of Mr. Fowler, Mr. Lawrence and Mr. Stiles were appointed a committee of two to escort him to the chair.

The oath of office was administered him by the Secretary of the Territory.

On motion of Mr. Lawrence, C. J. McDivitt was elected Chief Clerk by acclamation.

The oath of office was administered to him by the Speaker.

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

Motion lost.

On motion of Mr. Wurtzebach, Mr. M. L. Horr was elected Assistant Clerk, by acclamation.

Mr. Pierce proposed the name of Joseph Sharratt, for Engrossing Clerk.

Mr. Bissell proposed the name of Henry Grannis, for Engrossing Clerk.

First Ballot resulted as follows:

Mr. Sharratt received fifteen votes.

Mr. Grannis received seven votes.

Blank, three votes.

Whole number of votes cast, twenty-five.

Mr. Sharratt having received a majority of all the votes cast, was declared elected Engrossing Clerk.



Mr. Bissell moved that Mr. A. K. Brown be elected Sergeant-at-Arms, by acclamation.

Motion lost.

On motion, the Sergeant-at-Arms was elected by ballot.

First ballot resulted as follows:

Mr. Brown received six votes.

Mr. Wells received sixteen votes.

Mr. McGee received two votes.

Whole number of votes cast, twenty-four.

Necessary to a choice, thirteen.

Mr. Wells having received a majority of the votes cast, was declared elected Sergeant-at-Arms.

Mr. McCoy nominated Mr. Cree for Enrolling Clerk.

Mr. Bissell nominated Mr. Grannis.

First ballot resulted as follows:

Mr. Cree received sixteen votes.

Mr. Grannis received seven votes.

Whole number of votes cast, twenty-three.

Necessary to a choice, twelve.

Mr. Cree having received a majority of all the votes cast, was declared elected Enrolling Clerk.

Ballot being had for Fireman,

Mr. Gardiner received eighteen votes.

Mr. Martin received six votes.

Mr. Boggs received one vote.

Mr. Gardiner having received a majority of all the votes cast, was declared elected Fireman.

On motion of Mr. McCoy, Masters William Ralston, and W. M. Sarell, were elected Pages, by acclamation.

On motion to elect a Chaplain, the Reverends Vincent, Casto, McLeod, Lynd, Hamilton, and Potter, were put in nomination.

First ballot resulted as follows:

Rev. Mr. Vincent received three votes.

Rev. Mr. Casto received four votes.

Rev. Mr. McLeod received one vote.

Rev. Mr. Lynd received two votes.

Rev. Mr. Hamilton received eleven votes.

Rev. Mr. Potter received four votes.

Whole number of votes cast, twenty-five.

Necessary to a choice, thirteen.

No choice.

On motion of Mr. Stratton, Rev. Mr. Hamilton was elected Chaplain, by acclamation.

The Assistant Clerk, and Enrolling Clerk, Sergeant-at-Arms, Pages, and Fireman, came forward and the oath of office was administered to them separately by the Speaker.

On motion of Mr. Pearson, the House adjourned until tomorrow at 9 o'clock a. m.

TUESDAY, DECEMBER 3D, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell, Huddleston, Miller, Pierce, Sawin, Slaughter and Stone.

A communication was received from the Secretary of the Territory, as follows:

OFFICE OF THE SECRETARY OF COLORADO TERRITORY,  
Golden City, December 3d, 1867.

*To the Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: Permit me to direct your attention to the subjoined instructions from the Treasury Department of the United States, now on file in my office:

"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.

George West, Esq., proprietor of the *Colorado Transcript*, has been employed by me to do the incidental printing of the present session, and will execute all work which your committee on Printing (with due regard to the foregoing 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 of your house will do me the favor to hand their names to the Chief Clerk, together with the name of the newspaper they desire to subscribe for.

I am further instructed to pay all postage of members during the session. Letters and papers should be franked, and placed



in charge of the Sergeant-at-Arms, who will see them properly mailed.

Very respectfully, your ob't serv't,

FRANK HALL,

*Secretary of Colorado Territory.*

On motion of Mr. Stiles, the communication was received.  
The Speaker announced the following standing committees:

*Judiciary*—Messrs. Stiles, McCoy, Huddleston, Miller and Macon.

*Territorial Affairs*—Messrs. Bissell, Sawin, Bates, Fowler and Stone.

*Ways and Means*—Messrs. Richards, Wharton, McDougal, Macon and Huddleston.

*Elections and Apportionment*—Messrs. Decatur, Gilliland, Bates, Lawrence and Slaughter.

*Federal Relations*—Messrs. Macon, Haswell, Bissell, Ortega and Suaso.

*Printing*—Messrs. Wharton, Pierce, Sawin, Richards and Stratton.

*Counties and County Lines*—Messrs. McCoy, Decatur, Stone, Ortega and Lawrence.

*Education*—Messrs. Stratton, Wharton, Bissell, Pearson and Wurtzebach.

*Incorporations*—Messrs. Slaughter, Miller, Pierce, Lawrence and Ortega.

*Military Affairs*—Messrs. Wurtzebach, Bates, Decatur, Haswell and Suaso.

*Indian Affairs*—Messrs. Bates, Stratton, Macon, Lawrence and Sawin.

*Rules and Joint Rules*—Messrs. Miller, McCoy, Stiles and Slaughter.

*Roads and Bridges*—Messrs. Stone, Gilliland, Richards, Huddleston and Stratton.

*Mines and Minerals*—Messrs. Haswell, Bissell, McDougal, Decatur and Bates.

*Agriculture*—Messrs. Pearson, Stone, Macon, Sawin and Lawrence.

*Engrossment*—Messrs. Fowler, Wharton and Huddleston.

*Enrolment*—Messrs. Pierce, Sawin and Richards.

On motion of Mr. Stiles, the Chief Clerk was instructed to inform the Council that the House was fully organized, and ready to proceed to business.

The members from the eleventh district, who speak the Spanish language, announced the name of Camille Deuchineau,

as their choice for Interpreter, who was elected by acclamation, and came forward and the oath of office was administered to him by the Speaker.

On motion of Mr. Miller, the members of the Press were invited to seats within the bar of the House, during the session.

Mr. Decatur introduced the following resolution:

*Resolved*, That all ex-Governors of the Territory, Delegates in Congress, members of the Legislature, and Supreme Judges, be invited to seats within the bar of the House, during the session.

Adopted.

Mr. Wurtzebach moved that a committee of three be appointed by the chair, to wait upon the Governor and inform him that the House was fully organized, and ready to receive any communication he may have to make.

The Speaker ruled the motion out of order.

Mr. Stiles appealed from the decision of the chair.

Chair not sustained.

The question recurring on the motion of Mr. Wurtzebach, it was adopted.

And the chair appointed as such committee, Messrs. Wurtzebach, Wharton and Slaughter.

On motion, the House took a recess, subject to the call of the Speaker.

The Speaker resumed the chair, and called the House to order.

A message was received from the Council, informing the House that the Council was now fully organized and ready for business.

Mr. Wurtzebach, from special committee to wait on the Governor and inform him of the organization of the House, and the names of its officers, reported that the committee had performed the duties assigned them.

The report was received.

On motion, Messrs. Slaughter, Sawin and Bates were appointed a committee to act in conjunction with a like committee from the Council, to ascertain at what hour the Governor would deliver his message.

Mr. Stratton gave notice of a bill to amend the school-law.

Mr. Miller, from committee on Rules, recommended the adoption of the rules of the last House to govern this body, until such time as the committee could report.

The report of the committee was adopted.

Mr. McCoy asked leave, without notice, to introduce a bill.

Leave granted by the House, and the bill was introduced, en-



titled as follows: An act to locate the Seat of Government of Colorado Territory.

On motion, the rules were suspended, and the bill was read the first time by its title, and on motion read the second time at length.

Mr. Sawin moved to make it the special order of the day for January 4th, 1868.

Motion lost.

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

Ayes and nays demanded, ordered and called.

Those voting in the affirmative were:

Messrs. Bissell, Haswell, Huddleston, Pearson, Richards, Sawin and Stratton—7.

Those voting in the negative were:

Messrs. Bates, Decatur, Fowler, Gilliland, Macon, McCoy, McDougal, Miller, Ortega, Pierce, Slaughter, Stiles, Stone, Suaso, Wharton, Wurtzebach and Mr. Speaker—17.

The motion was lost.

The bill was, on motion, considered engrossed.

On motion of Mr. McCoy, the rules were suspended, and the bill was read a third time, and the question being on its final passage, the ayes and nays were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pierson, Pierce, Slaughter, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzebach and Mr. Speaker—21.

Nays—Messrs. Bissell, Huddleston, Richards and Sawin—4.

The bill passed and title agreed to.

Mr. Slaughter, from committee appointed to wait on the Governor, reported that His Excellency, the Governor, would communicate his message to both houses in joint convention, at 2 o'clock p. m.

On motion, report was received.

Mr. Wharton gave notice of a bill to incorporate the City of Georgetown.

Mr. Miller asked leave to introduce two bills.

Leave granted by the House.

Mr. Miller then introduced the following bills:

An act to amend an act entitled An act concerning venue.

Also, An act concerning fines and forfeited recognizances.

On motion, the rules were suspended, and both bills were read first and second times, and referred to the Judiciary committee.

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

## AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion, the Speaker appointed Messrs. Miller, Pierce and McCoy a committee of three to inform the Council that the House was in session, and ready to receive them to hear the Governor's message.

Committee returned, and Sergeant-at-Arms announced the presence of the Council.

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

The President of the Council took the chair, and called the joint convention to order.

Mr. Butler moved that the President appoint a special committee of three to wait upon and escort the Governor to the House.

Motion carried.

The President appointed as such committee, Mr. Butler, of the Council, and Messrs. Miller and McCoy, of the House.

The committee returned with His Excellency, Frank Hall, who was conducted to the President's chair, and delivered to the joint assembly the following

## MESSAGE.

*Gentlemen of the Council and House of Representatives:*

Circumstances of a public character familiar to you all, have made it my duty to assume the office and address you in the name of the Chief Magistrate at this meeting of the seventh session of the Legislative Assembly of the Territory of Colorado.

This is perhaps the most important convention of your Honorable Body since the organization of the Territory. With the rapid growth of our community in wealth and population during the past year, have arisen new and more enlarged duties to which I will call your attention, and to the consideration and performance of which I promise my cheerful and earnest co-operation.

The most important question affecting the welfare of our people, is that of obtaining cheap, rapid, and safe communication with the great centres of wealth and population at the East, from which are drawn our supplies, save the necessities of life, and from which is to come the capital and labor for the development of the varied resources of the country. In past years these supplies were transported in wagons from the Missouri River, a distance of more than six hundred miles, exposed during the greater part of the journey to the destructive and



murderous attacks of the savages of the plains, involving such losses as would have been fatal to the occupation of the country, had our people been less determined or our resources less abundant. The history of America nowhere else records such a steady increase of wealth and population under such peculiarly trying and disadvantageous circumstances.

The completion of the Union Pacific Railroad to a point one hundred and ten miles north of our commercial centre, has by the reduction of wagon transportation to that distance, and the removal of danger from attacks of hostile Indians, materially lightened the burden of expensive and uncertain communication with our base of supplies. But while I congratulate you upon this auspicious event, I would commend to your consideration the subject of further relief by actual connection by rail between the mining regions via Golden and Denver cities and the above-mentioned road, and also with the Eastern Division Railway which has reached a point two hundred and fifty miles east of this city.

The Union Pacific road forming the grand trunk which is to unite the eastern and western borders of our country, has reached the base of the Rocky Mountains, five hundred and twenty miles from its initial point. Extending eastward from the city of San Francisco to meet this main thoroughfare is the Central Pacific Railway, whose iron arms have already crossed the Sierra Nevadas, and which is advancing with such marvellous rapidity that within two years we shall rejoice at the completion of a grand continental highway over which will pour from the flood-gates of India the commerce of all nations to its point of distribution at the city of New York, quickening the pulse of trade and giving to the American people the commercial and monetary monopoly of the civilized world.

The Eastern Division of this main trunk is by its charter compelled to connect with the principal line at a point not more than fifty miles west of the meridian of Denver; but it is believed that the company building it propose to obtain from the present Congress a change in its charter, and subsidy of land and money for the purpose of deflecting it to the southward and making a trunk road to the Pacific by way of Santa Fe and Arizona.

Assuming that this Division will be so deflected from its chartered course, Colorado will continue to suffer from the delays and increased expense of wagon transportation for all foreign supplies, and isolated like an island in mid ocean will see the commerce of nations sweep by while her shores are untouched. To prevent this isolation and to place ourselves within the great current of trade which is to flow across the continent enriching all within its influence, and which would



give to Colorado a prosperity greater than her most sanguine friends have presaged, should command our united energies. We must have no local jealousies or divided counsels.

Our citizens are manifestly unable at the present time to construct these branch railways so indispensable to the development of the Territory, and I therefore recommend the adoption of a joint memorial to Congress, asking that a subsidy of lands and money be granted by the general government to accomplish their completion. Such a subsidy would be simply a loan which would be more than repaid in a few years by the greater revenue derived from our stimulated industries, and most certainly would not equal the expense of military occupation and defence, of which the construction of these roads would obviate the necessity.

Mining, our great industry, the foundation upon which rests our whole business prosperity, has, during the past year yielded to well-directed labor most satisfactory returns. This encouraging result is partly due to a vigorous working of long-abandoned lodes and placers to the exclusion of the exciting search for new mines, which, in former years, so generally diverted the efforts of the miner by the alluring hope of sudden wealth, but mainly to the introduction of new machinery and methods adapted to the proper treatment of refractory ores.

These processes seem to embrace all the chemical and mechanical appliances necessary for the certain and economical extraction of the precious metals from their matrices, having given under sufficiently practical tests with all varieties of ores the most gratifying results. We may confidently look forward to a period in the not very remote future, when we shall be able to obtain gold, silver, and copper from the abundant material in which our mountains abound, to an extent practically limited only by the amount of machinery and capital employed for those purposes.

The discovery and partial development of numerous and surprisingly rich silver mines in the vicinity of Georgetown, in Clear Creek county, during the past year, offers a fresh guarantee of diversity of labor and increased production of wealth in the brightening future. Under the act of Congress, approved July 26, 1866, the mineral lands of the United States, surveyed and unsurveyed, are laid open to pre-emption and occupation—pursuant to certain prescribed regulations—by citizens of the United States and those who have declared their intention to become such. Since the passage of this act, a multitude of applications for government titles to mines have been filed in the Land-Office at Denver, but the Surveyor General having found no one until a very recent date who would accept the contract to establish meridian lines within



the mining districts, owing to the inadequate pay allowed by law for such service, but one final survey has been made. This first location, by the filing of an adverse claim under the provisions of section six of the Congressional Act, which authorizes parties having adverse claims to file them at any time prior to the approval of the survey, has been duly prepared by the agents of the general government and forwarded to the Interior Department to be submitted as a test case, demanding such adjudication as will establish a reliable precedent for the guidance of future decisions. This proceeding will necessarily suggest by its thorough investigation, beneficial amendments to the law, which, as it now stands, is practically inoperative in such cases. When there are no adverse claims its operation is rapid and complete, but when complications exist, arising from inaccurate surveys, multiplicity of local titles, or the causes before stated, the law does not clearly delegate to any established tribunal the power to adjust them, or if it does, its meaning is so obscure as to obstruct most effectually every step taken to the permanent and definite establishment of the rights of parties litigant. The cause now pending will doubtless develop the hidden construction which is to determine future action.

General Lessig has kindly furnished me with the following account of surveys made to facilitate locations under the act referred to.

The first correction line south, has been run from the base of the mountains near Bradford, west eighteen miles. The second correction line south, extends from a point on the divide near the head waters of Plum and Monument creeks at the foot of the mountains, west through the South Park, to a point on the Arkansas River about two miles north of Twin Lakes. The line passes twelve miles north of the salt works of Park county and six miles south of Fairplay. The 9th guide meridian has been run from the second correction line south, from a point on the eastern border of the South Park, north, to a point twelve miles north of the base line, the latter passing about one half mile east of Idaho, through the Briggs mill between Central and Black Hawk, to South Boulder and Columbia City. The base line is also extended one and a half miles beyond Blue River. The exterior lines of township 3 south, range 73 west, are established, taking in the lands and mining claims to a point six miles above Idaho. The Surveyor-General has authorized the survey of mineral lands lying within three miles of any of these lines. Within the limits described are embraced nearly all of the mining districts of Boulder, Gilpin, and Clear Creek counties. Empire and Georgetown though now excluded, will receive early attention, the townships in which

they are located be defined, and the people enabled to assume their legal prerogative as in other jurisdictions covered by the congressional statute.

During the year, the various interests of Colorado have been admirably represented at the Universal Exposition in Paris. In the fall of 1866, a large and valuable collection of minerals was made for this purpose by Geo. W. Maynard, Esq., who was subsequently appointed Territorial Commissioner; but events transpiring shortly afterward to prevent his contemplated tour through Europe, J. P. Whitney, a gentleman of fine attainments, and possessing a thorough practical knowledge of our country, was appointed to the vacancy. Having a magnificent cabinet of specimens, some 3000 in number, many of them new to the science of mineralogy, gathered for private use, they were added to the Territorial collection and with them exhibited to the world at Paris. Maps illustrating the topography of our mountains and valleys, photographic and pencil sketches showing their prominent characteristics, decorated the quarter devoted to his use, so that the stranger might gather at a glance a correct and comprehensive view of the region represented. Pamphlets setting forth a statistical review of our varied resources, agricultural as well as mineral, were published in three languages, English, French and German, which ultimately became widely distributed among the scientific and industrial classes of Europe. As the result of this wholesale advertising we have

1st. The first gold medal awarded to minerals.

2nd. The appointment of an Imperial Commissioner who has visited the territory, and reported his observations therein for the benefit of capital and science in France.

3rd. The selection of an agent by the German Emigrant Aid Society of Prussia to visit and investigate the advantages offered by Colorado for the early colonization of a large number of Germans.

4th. The diffusion throughout Europe of such useful knowledge as will have a direct tendency to invite the industrial classes of all nations to make new homes among our people.

It is impossible to overestimate the value of the service rendered the Territory through the indefatigable energy of Commissioner Whitney. His return in October last was hailed with universal manifestations of appreciation and esteem. When we consider all that has been accomplished by his almost unaided efforts, at great personal sacrifice and a large burden of expense in which we have borne no share, the inestimable results likely to accrue in connection with the future welfare of the Territory, it is eminently proper for this Assembly to deliberate upon some fitting testimonial of the estimation in which this service



is held; and I would therefore suggest the adoption of a series of complimentary resolutions expressive of the same, a copy of which engrossed on parchment to be presented Mr. Whitney in the name of this commonwealth.

Although in consequence of destruction in places from grasshoppers, the crops of the present have not equalled those of the previous year, yet more than sufficient of all kinds of produce has been gathered to supply every want. This may be regarded as another demonstration of the gratifying fact that Colorado is equal, even in the most adverse seasons, to the production of ample subsistence for her population. The fact that farmers have readily adapted themselves to the system of irrigation demanded by the peculiar climate and soil, the abundance of water which can easily and without great expense be made to flow over and enrich these beautiful valleys, and the vast area of fertile country susceptible to irrigation, assures the ability to subsist from internal resources alone even the population which the full development of the mining region will eventually attract within our borders.

The Territorial Agricultural Society incorporated in 1865, has thus far been conducted under the most gratifying auspices, expanding its sphere of usefulness with the growing interest it was formed to promote. Its second annual exhibition in October, elicited the most flattering commendation from strangers present, while the uniform excellence of the products displayed challenged competition from any section of the Great West.

Through the kindness of E. C. Holmes, Esq., Register of the Land-Office, I am enabled to incorporate the following exhibit of lands filed upon for purposes of actual settlement within the year ending Oct. 31, 1867:

Under Military Bounty Land Warrants,.....	36,334	65-100	Acres.
Cash Series Act 4th Sept. 1841,.....	10,022	48-100	"
Homestead Act May 20, 1862,.....	11,059	08-100	"
Total No. Acres taken up for Actual Settlement,.....	57,416	21-100	"
No. of Acres filed upon under Act of 4th Sept. 1841,.....	103,000		"

The necessity for the immediate organization of a Bureau of Statistics is becoming urgent. I have been forced to this conviction by the fact of having received in my official character a large number of communications addressed from various quarters of the United States making inquiries with regard to the soil, climate, present and projected railroads, productions, society, and general prospects of the Territory, the writers being actuated by a desire to establish permanent homes here and avail themselves of the advantages presented by the rising development of a new and prosperous country. That such immigration is needed to assist in perfecting the enterprises which



we but a few years since initiated in the desolation and solitude of the wilderness, and have already brought to such a gratifying stage of progression, cannot be controverted, nor can the apprehension be disguised that without the aid of this potent auxiliary we must eventually languish, if not entirely fail to consummate the glorious mission we came to fulfill. Various agencies have combined to draw from us a large portion of the laboring class, upon which we are mainly dependent for the cultivation of the broad acres of fertile lands which surround us, and the enlargement of mining operations. Measures for the recuperation of our overtasked energies through foreign channels should receive earnest attention. Statistics should be collected, printed, and scattered broadcast over the land, showing our incomparable resources, and inviting to our friendly soil the industrial classes of every quarter of the globe. Let the advantages which our Territory affords to those seeking new homes be more generally known, and a tide of immigration would speedily flow hither, that would place Colorado on a footing of equality with a majority of the older States, members of the federal Union.

The Indian question may now be regarded as one that is no longer capable of seriously disturbing our domestic tranquillity. The peace commission, of whose movements ample notice has been afforded by the press, have succeeded in negotiating terms with the various hostile tribes which mainly place them beyond immediate contact with the present or projected thoroughfares. The boundaries established for the Kiowas and Comanches embrace the tract of country which begins on the intersection of the thirty-fifth parallel with the ninety-eighth meridian, continuing west on that parallel to the north fork of Red River, thence down the same to the main stream of that name, and along the same to the ninety-eighth meridian, thence to the point of beginning, covering an area of nearly six thousand square miles. It is stipulated that in lieu of the annuities formerly provided by the government, the indians shall annually receive supplies of clothing commensurate with and suited to their wants, and in addition the sum of twenty-five thousand dollars, to be expended yearly by the Interior Department for such other necessary articles as may be demanded by their new condition. Efforts will be made to induce these and other tribes treated with to adopt agricultural pursuits, and gradually abandon their nomadic habits. They agree to interpose no obstruction to the advancement of the several railroad lines, and to preserve a lasting peace.

The Cheyennes and Arapahoes have been made the objects of especial care, they being removed as far as possible from Colorado influences, "because," says Senator Henderson, "the



people of that Territory seem to be so much excited and embittered against them." The district selected for these bands is located south of and bordered by the Arkansas River, extending north to the Kansas border and south to the Cimarron, comprising a magnificent section of nine thousand square miles, within which there are no considerable settlements. Like the Kiowas and Comanches, they agree to withdraw their opposition to emigrants, settlers, and the lines of railroad, submitting peacefully to the new regulations prescribed for them, with the single exception of the right to hunt for game over a much wider range of country than that designated as their grant. A few other bands enumerated as members of the warlike confederation have been similarly disposed of by their retirement to ample reservations, removed from present routes of travel. While doubts exist in the minds of western men, particularly in Colorado, whose citizens have suffered most severely from the murderous incursions of these tribes, as to the permanency of these wholesome arrangements, all will rejoice at the prospect of peace, after an almost continuous warfare of three years duration. Whether these treaties are observed forever, or violated within the year, will make little difference with our commercial interests, because the Union Pacific Railroad, which can and will be protected against all danger and obstruction, has by its extension become available to us as a means of communication with our base of supplies.

In this connection it is proper to advert to the Ute nation, whose friendship and uniform good conduct is a subject for universal congratulation, and should commend these worthy people to the favorable consideration of the parent government. During the bloody conflict that has passed with the tribes of the plains, they have steadily maintained their allegiance to treaty stipulations. They have mingled freely with our citizens without the slightest collision, until they have come to be regarded not only as friends but allies, and their necessities cheerfully relieved by private contributions.

But something more is necessary. The general government, while caring for the interests of those whose record is written in the blood of our people, should certainly extend its beneficent offices to those who are manifestly entitled to the first place in its confidence. Through the occupancy of their lands by the white settlers, all opportunity for self maintenance by the only means they know how to employ is sacrificed, leaving them greatly dependent upon charity for support. Life annuities similar in extent to those granted the other bands referred to, should be provided by Congress, and their distribution regularly and honestly made. The Utes are now in a condition to receive instruction, properly tendered, in the ways of civiliza-

tion. Agencies established among them, upon reservations wisely chosen for their adaptation to agricultural and pastoral pursuits, and missionaries appointed to teach them these new duties would, I am convinced, be followed by immediate good effects.

The laws of our Territory through a necessity incident to all young communities have received many important amendments, since the first session of the Legislative Assembly. These amendments, distributed through the legislation of all succeeding years, make our statutes in their present form an embarrassment even to the legal profession, while to the people at large they are almost a sealed book. To effect a judicious compilation of them would entail but a trifling expense, and render to all classes an essential service. In anticipation of such action being taken by the Seventh Assembly, and in view of the fact that a period of two years must elapse before such a work could be performed and submitted for approval, which would only augment the difficulty now complained of, a method for the obviation of so lengthy a postponement has been adopted by the legal fraternity and carried into effect by Col. E. T. Wells, an attorney of acknowledged ability who has made a thorough compilation of the statutes, to which your attention will be called at an early day. The labor has been long and arduous—the expense a material consideration—and the work has been done in a manner to meet the unqualified approval of the supreme judges, whose certificate it bears. While I believe that a comprehensive codification would be more acceptable, the form to which I have alluded, will remove the principal obstructions to a general and correct knowledge of our laws, and afford a safe and intelligible basis upon which to erect a more elaborate structure when demanded.

For various reasons it is desirable that the organization, whether partial or complete, of each county throughout the Territory, should be known to the Executive Department. The election returns on file in the Secretary's office cannot be relied upon for such information, for the reason that a large number of county officers elected, fail to execute their bonds and qualify within the time prescribed by law, thus creating many vacancies to be supplied by the commissioners. Many of the county clerks have neglected to forward the election returns for local officers, from the fact that in their judgment no practical advantage could be derived from it, and for the reasons before given no special effort has been made to obtain them. Being often called upon to authenticate, for use in foreign countries and in the United States, the signatures and official acts of such officers, and possessing no accurate knowledge of the same, I caused the several county clerks to be fur-



nished, some weeks previous to the last general election, with printed blanks, designed when properly filled, to exhibit the signature, date of commencement, and expiration of term of office, and post-office address of each qualified officer; but a majority of those addressed on the subject—they being under no legal obligation so to do—have failed to return these lists in the form requested. The information thus sought, which is essential to public convenience, necessary to the validity of transfers of property, the delegation of important trusts, and the facilitation of much official business, having been withheld, I recommend to your honorable body such amendment of the general election law as will meet the exigency.

While discussing affairs relative to county organizations, it is well to consider the question long agitated, but never decided, bearing upon the matter of revenue in such counties as have effected but partial and incomplete organizations. The Auditor's and Treasurer's reports exhibit from year to year the mortifying fact that a number of counties have failed to contribute their proportionate share toward the maintenance of the public burden, though enjoying all the privileges of representation and protection under the laws, granted to those whose revenue is promptly and regularly paid. The excuse has been that having no local organization, no officers had been appointed to levy assessments and collect taxes, hence none had been returned. It is not only unwise, but positively unjust to the great masses of the tax payers to permit the further continuance of this ruinous policy. The counties referred to are no less prosperous with their internal affairs than those which occupy a more central position. Their lands produce abundantly, labor is far less expensive than on the eastern or northern border, and ample markets are provided for the disposal of all they may produce, at rates profitable to the producer.

An amendment to the revenue law is called for by these circumstances, which will provide for the appointment of territorial officers whose duty it shall be to levy assessments and gather the territorial tax from such counties as have neglected to make provision for defraying their portion of the general expenses.

It is evident that further legislation is required for the prevention of election frauds. Too much importance cannot be attached to the purity of the ballot-box, nor too much care taken for its preservation. Without essential safeguards, popular elections become a farce and republican government a fable. The demagogue supplants the statesman, and the dearest interests of the people are sacrificed to the promotion of partisan ends and personal aggrandizement. It is reasonable to conclude that the charges of fraud, so freely preferred at each succeeding



election, are not entirely without foundation. Under present statutory regulations, fraudulent votes may be deposited notwithstanding the exercise of the utmost vigilance of the election boards, and it is literally impossible to correct the wrong thus perpetrated, by attempting to eliminate the illegal from the legal votes, because one class is indistinguishable from the other. Rejecting returns *in toto*, as has in some instances been done, is, to say the least, a harsh remedy, for you thereby disfranchise legal voters, and punish the many for the faults of the few. Good citizens should not thus be deprived of the most valuable prerogative of American citizenship. A registry law, similar in its provisions to those successfully operated in many of the States, has been suggested as a cure for this rapidly growing evil. While the efficiency of such a law has hardly been questioned, doubts have been expressed as to its immediate practicability. It has been objected with much force that the system proposed is too intricate and expensive for satisfactory application in our sparsely populated territory. This argument prevailed, and prevented the enactment, in the session of '65, of a wholesome registry law. We are now called upon to take the broadest possible view of this question. The official declarations of the results of subsequent elections have been seriously questioned, and in some instances appeals taken therefrom to tribunals of last resort, and there is a very generally expressed desire that such legislative action may be had as will, if possible, place the regularity of future elections beyond the power of contravention. This subject commends itself to careful investigation, as a matter eminently worthy the consideration of a free and order-loving people. Good citizens must be protected in the exercise of the elective franchise, and the evil-disposed prevented from overcoming this right by fraudulent agencies in the same direction.

The recent amendment to the organic act, providing that hereafter the sessions of the legislature shall occur biennially, will necessitate radical modifications of the law regulating general elections, and requiring annual reports of certain territorial officers entrusted with the collection and disbursement of the public revenue, to be submitted to the Legislative Assembly while in session. Since it will henceforth be impossible for such officers to comply with former custom in this regard, it is proper to devise measures which will satisfy the public demand for annual exhibits. I therefore suggest that at the close of each alternate year, intervening between the sessions, such reports shall be made to the Executive, who shall cause the same to be published in one or more newspapers having the largest general circulation, so that the people may be officially advised each year of all matters pertaining to the organization of the militia, the public schools, and the condition of the finances.



The partial abridgment of mail facilities, is a question full of interest to every inhabitant. The law of Congress enacted in 1864, which has to this day deprived us of a large share of periodical literature, was inflicted upon us through the influence of mail contractors, to whom we are indebted for other and even more serious deprivations. If at any time a cause existed for the interposition of Congress to prevent abuses in the overland mail system, that cause is now wholly removed, and there can be no occasion for its further continuance. Congress should be vigorously memorialized upon this subject, and our delegate instructed to use his utmost endeavors to relieve this people from the odious law that has so long been a measure of oppression.

There has been considerable discussion through the press, and elsewhere, in reference to the establishment of a new territory, with its seat of government located at Cheyenne, the present western terminus of the Pacific railroad. The marvelous growth of cities known only in the region west of the Alleghanies, whereby a complete solitude is transformed as if by magic into a busy and populous city, replete with all the appliances of a progressive civilization, has been again illustrated at a point but a few miles removed from the northern boundary of our Territory. Within the short space of four months a vigorous town has grown from an unpeopled waste, to a population estimated to exceed three thousand souls. From a commencement so auspicious, generating that sanguine hope of the future, which is so characteristic of American frontier life, arose the discussion of a proposition to establish a distinct territorial government, which led to definite action in the election of a delegate to Congress, who has been sent to Washington to advocate its adoption by the federal legislature. Further than incidental allusions to these facts would be unwarranted at this time, were it not that in the event of the favorable consideration by Congress of the proposition in question, there is reason to apprehend that an important portion of Colorado will be appropriated to form a part of the area of the proposed Territory. Regarding at all times as we do with unfeigned pride the rapid growth and prosperity of our common country, and feeling an especial interest in that so near at hand, we nevertheless could ill afford to cripple our own resources to the extent contemplated by our aspiring neighbor. The benefit to be derived from our dismemberment would be measured by our injury. Just in proportion as it would be beneficial to another, it would be injurious to us. The necessity of an immediate organization of another territory is to say the least somewhat problematical, especially when it must necessarily involve serious injury to one already organized and prepared for

admission as a State. Colorado has labored from its first settlement against innumerable adversities, but none that foreshadowed a permanent injury to the whole people as does this. The subject is brought to your notice not because the danger is imminent, but in order that you may be prepared to check and defeat any such movement if inaugurated during your present session.

The recent act of Congress decreeing civil and political equalities throughout the Territories, practically cancels and repeals the provisions of our local statutes defining the qualifications of voters and jurors. It is not my purpose at this time to discuss the wisdom or propriety of this measure, since discussion could in no way affect the result. Its operation has met with no opposition in the several municipal and county elections, where prejudice and principle have been brought face to face, the former being lost before the mighty presence of the latter. The ordeal though bitterly severe to many, has been generally accepted cheerfully as one of the inevitable fruits of a great political revolution. As loyal citizens, we should hasten to render legal obedience to the national will, by harmonizing our legislative acts with those of the general government.

The annual report of the Adjutant General is submitted herewith. The exhibit therein is a subject which calls for more than ordinary attention from your honorable body, which is made urgent by the almost inextricable confusion which prevails in this department. The importance of an efficient militia law to supersede the statutes which, though entirely inoperative and worthless, are still in force, need not be recited. The proceedings of His Excellency, Governor Hunt, under this law, which transpired during the summer, when furnished will be made the subject of a special message.

Although repeated efforts have been made by the Executive to obtain reliable information respecting the disposition made of our Territorial claims against the United States government for the services of militia in the years 1864-5, nothing definite has as yet been elicited. Through private sources, however, I learn that the accounts (of which a full history will be found in the Adjutant General's report) have been duly authenticated by Generals Sherman and Hancock, and are before the War Department for submission to Congress. Such other intelligence as may be received during your present session, will be forthwith transmitted.

I find that the report of Adjutant General Lewis N. Tappan, forming an important part of the military history of this Territory, prepared in 1866, has neither been submitted to the Legislative Assembly nor published, as required by law, though why not is beyond my power to explain. It is to be



hoped that this Assembly will take the requisite steps for its incorporation with the usual reports.

To close this message—though already extended far beyond the limits of my original design—without reverting to the State question which has long occupied the public mind, might be regarded as an unpardonable neglect of duty, especially since my predecessor devoted so large a portion of his last address to its discussion. Four years ago a legislature was elected which petitioned Congress for an enabling act as a preliminary step to the organization of Colorado as a State. It being granted, a constitutional convention was called, a constitution framed, submitted to the people, and rejected. The following spring the rebellion closed, returning to their homes in the Territory, our soldiers which the war had called to the field. After universal discussion it was decided to attempt a second organization of the State forces, and accordingly another convention was called and a new and more acceptable Constitution framed. On being submitted to the people it was ratified by a majority of 155. The election of State officers followed, succeeded in due time by the selection of two senators to represent the new State in the superior branch of the national legislature. The bill for admission twice passed both houses of congress, and was twice vetoed by the President. A third bill was introduced which is now pending. The principal argument urged against the measure by the disaffected of all parties was the inadequacy of population. During the legislative session of 1865, a census bill was passed, and the census taken, which resulted in placing the number of resident inhabitants at less than 30,000. Every unprejudiced mind declared at once against this unquestionably false return, but its effect had already gone abroad to tell the world that Colorado was being depopulated, and would soon become a mere blank upon the broad map of the nation. The result is well known, and need not therefore be recapitulated. That our numbers have largely increased during the year is incontrovertible. As an evidence of this fact, I need only point to the returns of the last popular election held in August, whereby we have, estimating five persons to each voter, a population but little short of that claimed by Nebraska, now an honored member of the galaxy of States.

It seems to me that to allow this persistent effort to achieve state sovereignty, running through four years, to fail at last, leaving us in the Territorial condition, with no influence in national affairs, and but little in our own, would be little less than suicidal to every vital interest. What may be called the Rocky Mountain system of railroads has sufficiently developed itself to show that without a voice in the government at Washington we are to be deprived of all benefits arising from its

inauguration and completion. The events of the past twelve months to which reference is unnecessary, fully establish this view of the question. We find that even in the matter of connection with one or both of the great lines of railway, we have nothing but our own resources, unaided by public land grants as in new States, to encourage the enterprise. The advantages accruing from the construction of one such line of connection with the east, would, I venture to say, outweigh tenfold the additional taxation requisite for the support of State government.

By virtue of the act of congress, approved January 22, 1867, the net proceeds of the internal revenue of this Territory, to an amount not exceeding forty thousand dollars, is set aside and appropriated to and for the purpose of erecting, under the direction of the Secretary of the Interior, a penitentiary building. Although no instructions have been received from the Interior Department with reference to the preliminary steps which are to insure the early completion of work upon this very necessary public edifice, it is safe to conclude that the location of a suitable site by your assembly, would be eminently proper. It is hoped that a central position may be chosen, in order that all parts of the Territory may be accommodated in its use.

The reports of the Auditor, Treasurer, and Superintendent of Public Instruction, which are herewith, will show the condition of the public schools, and the general financial standing of the Territory. The subjects for legislation enumerated in the foregoing pages are committed to your care as the faithful guardians of the public weal. I trust the deliberations upon which you are about to enter, will be guided by wisdom, justice and harmony. To this end I invoke the blessing of the Almighty Disposer of human events and all earthly destinies, to rest upon and crown your great and noble mission.

FRANK HALL.

After hearing the message, Mr. Miller moved that the convention do now dissolve.

Motion carried.

Speaker resumed the chair and called the House to order.

The Secretary of the Territory communicated to the House copies of the Treasurer's, Auditor's, Adjutant General's, and Librarian's reports.

The reports were received and read, as follows:



## AUDITOR'S REPORT.

AUDITOR'S OFFICE, November 30, 1867.

*To the Honorable, the Legislative Assembly of Colorado Territory:*

Pursuant to law, I have the honor of submitting to your honorable body an exhibit of the affairs of the Territory, for the year ending November 30th, A. D. 1867, as shown by the books in my office; also estimates of the following year's expenditures and revenue.

Total amount of warrants issued during the year, \$24,527.26

*Statement of expenditures showing the amount of warrants drawn upon and the amount still remaining to the credit of such fund.*

FUND.	AM'T OF EXPENDITURES.	AMOUNT UN-DRAWN.
Legislative, .....	12,407 90	1,973 05
Territorial Superintendent's salary, .....		95 22
"                    "          contingent, .....	3 00	417 50
"          Librarian's salary, .....		746 67
"                    "          contingent, .....	85 00	360 00
Special, .....		1,359 50
Territorial Officers' contingent, .....	100 50	1,318 19
"                    "          salary, .....	1,490 80	5,187 98
Adjutant General, special, .....	33 00	395 40
General contingent, .....	1,641 36	7,918 43
Military debt interest, .....	1,535 70	4,176 40
Special (Chas. G. Cox), .....		700 00
Adjutant General contingent, .....		300 00
Paupers, .....		4,000 00
Judges' salary, .....	4,750 00	1,250 00
Special (printing laws in Spanish), .....	2,480 00	20 00
	\$24,527 26	\$30,218 34

## ESTIMATED EXPENDITURES.

*Estimated expenses, amount of appropriation undrawn, and estimated appropriations necessary to defray the expenses of the Territory to November 30th, A. D. 1868.*

FUND.	ESTIMATED EXP'DITURES.	AMOUNT UN- DRAWN.	ESTIMATED APPROPRIATIONS.
Legislative, .....	13,000 00	1,973 05	11,500 00
Territorial Officers' salary,...	3,000 00	5,187 98	
"    "    contingent, .....	500 00	1,318 19	
General contingent, .....	3,000 00	7,918 43	
Military debt interest, .....	2,500 00	4,176 40	
Judges' salary, .....	7,250 00	1,250 00	6,000 00
	\$29,250 00	\$21,824 05	\$17,500 00

## RESOURCES OF THE TERRITORY.

Due by counties, .....	40,072 21	
Less forty-five per cent., probable amount unredeemable, .....	18,032 49	22,039 72
Probable tax of 1868, .....		23,620 82
		\$45,660 54

## BALANCE DUE BY COUNTIES.

Arapahoe, .....	\$4,761 37
Boulder, .....	1,880 47
Clear Creek, .....	2,237 43
Conejos, .....	1,037 39
Costilla, .....	1,914 17
Douglas, .....	1,189 08
El Paso, .....	923 15
Fremont, .....	1,058 18
Gilpin, .....	13,410 05
Huerfano, .....	682 22
Jefferson, .....	4,971 35
Lake, .....	435 17
Larimer, .....	782 06
Park, .....	1,240 57
Pueblo, .....	1,693 46
Saguache, .....	103 75
Summit, .....	652 98
Weld, .....	1,099 36
Total amount due by counties, .....	\$40,072 21



*Amount of certificates of indebtedness due April 29th, 1870, issued and still to be issued to 1st Regiment of Mounted Militia.*

Total amount due First Regiment Militia, as per roll furnished by the Adjutant General,.....			\$42,169 50
Certificates issued prior to November 30th, 1866,.....	\$29,868 00		
Certificates issued from November 30th, 1866, to November 30th, 1867, .....	\$5,065 50	\$34,933 50	
Certificates to be issued,.....			\$7,236 00

*Valuation of taxable property in the Territory, as per abstracts of assessments for the year 1867.*

Boulder,.....	\$515,639 00
Clear Creek,.....	717,596 00
Conejos, .....	108,797 00
Costilla, .....	224,226 00
Douglas,.....	306,779 00
El Paso,.....	304,037 00
Fremont,.....	163,592 00
Gilpin,.....	2,727,275 00
Jefferson, .....	1,055,868 00
Lake,.....	75,963 00
Larimer, .....	232,297 00
Park,.....	174,622 00
Pueblo,.....	366,701 00
Saguache, .....	34,584 00
Summit,.....	87,299 00
Weld, .....	423,982 00
No returns having been received from Arapahoe and Huerfano counties, I have estimated the aggregate amount from the assessments of previous years, at.....	4,291,151 00
	\$11,810,408 00

During the present fiscal year, several claims have been presented by different parties, for articles furnished the volunteers under the Governor's call, and expenses incurred during the Indian campaign of the last summer. No appropriation having been made to pay such expenditures, I declined auditing such

claims. Said claims will probably not exceed the amount of five thousand dollars, and as the expenses were incurred by the Territorial officers in good faith, and for the public safety, I would respectfully suggest that the Auditor be authorized to draw warrants upon the general contingent fund in payment of said claims, or that a separate appropriation be made therefor. All of which is respectfully submitted.

RICHARD E. WHITSITT,  
*Auditor.*

GOLDEN CITY, COLORADO,  
November 30th, 1867.

We the undersigned, appointed by the Secretary of the Territory of Colorado for the purpose of settling with the Auditor and Treasurer of said Territory, have examined the accounts of Richard E. Whitsitt, Auditor of said Territory, from the first day of December, A. D. 1866, to the thirtieth day of November, A. D. 1867, both days inclusive, and find the same correct.

The total amount of warrants issued during the year we find to be twenty-four thousand five hundred and twenty-seven dollars and twenty-six cents.

HUGH BUTLER, *Member of the Council.*

B. B. STILES, *Member of the House.*

STEPHEN DECATUR, *Member of the House.*

### TREASURER'S REPORT.

TREASURY DEPARTMENT, COLORADO TERRITORY,  
Golden City, November 30th, 1867.

*The Honorable Legislature of Colorado Territory:*

GENTLEMEN: Inclosed I have the honor to present the following statement of the business done in this department during the year 1867.

Very respectfully, your obedient servant,  
COLUMBUS NUCKOLLS,  
*Territorial Treasurer.*

Balance in treasury, as per Treasurer's report, December 12, 1866,.....	\$1,638.04
Total amount of revenue and special military tax received to date,.....	23,765.56
	<hr/>
	\$25,403.60



## EXPENDITURES.

Amount of warrants redeemed from December 12, 1866, to Jan. 28, 1867,.....	\$8,053.14	
Amount of warrants redeemed from Jan. 28, to Nov. 20, 1867,.....	15,674.98	
Amount of interest paid from Jan. 28 to Nov. 20, 1867,.....	88.09	
Amount of mileage paid from Jan. 28 to Nov. 20, 1867, .....	132.40	
Judges' salary paid,.....	1,000.00	24,948.61
Nov. 20, 1867, balance in treasury,.....		\$454.99

*Statement of disbursements from the different funds of the Territory from December 12, 1866, to November 20, 1867.*

Legislative fund,.....	\$12,238.47	
Territorial library contingent fund,.....	34.00	
General contingent fund or Auditor's warrants,.....	\$1,830.47	
Interest on Auditor's warrants,.....	88.09	
Mileage to county treasurers, .....	132.40	2,050.96
Special fund,.....	83.25	
Colorado Agricultural Society,.....	500.00	
Adjutant General's salary fund,.....	91.67	
Territorial officers' contingent fund,.....	162.47	
Territorial officers' salary fund,.....	2,551.09	
Military debt interest fund,.....	4,388.10	
Adjutant General's special fund,.....	1,396.60	
Special Spanish printing fund,.....	300.00	
Judges' salary fund,.....	1,000.00	
Newspaper fund,.....	52.00	
		\$24,948.61

*Statement of the amount of scrip issued, redeemed and outstanding.*

Balance of warrants issued in '61, '62, '63, '64, '65 and '66, outstanding per Auditor's last report,....	\$9,866.12	
Redeemed in 1867,.....	9,835.61	
		30.51
Total amount of warrants issued in 1867, .....	\$29,441.03	
Redeemed, .....	13,595.63	15,845.40
Balance outstanding,.....		\$15,875.91

*Statement showing the amount due from the several counties, as per Treasurer's report, December 12th, 1866, with additional assessments added thereto for the year 1867, the receipts into the treasury and balances due from said counties at the date of this report, and of the counties failing to render abstracts of assessments.*

	BAL. DUE DEC. 12, 1867.	ASSESSMENT 1867.	TOTAL.	AMOUNT PAID.	BALANCE DUE.
Arapahoe,....	13,712 23	No rep't	13,712 23	8,950 86	4,761 37
Boulder,.....	.....	.....	.....	182 82	.....
Clear Creek,.	717 75	.....	717 75	633 10	84 65
Conejos,.....	411 00	.....	411 00	.....	411 00
Costilla,.....	1,625 67	.....	1,625 67	384 18	1,241 49
Douglas,.....	765 07	.....	765 07	496 33	268 74
El Paso,.....	785 50	.....	785 50	774 46	11 04
Fremont,.....	237 10	.....	237 10	.....	237 10
Gilpin,.....	12,335 81	.....	12,335 81	7,107 62	5,228 19
Huerfano,....	682 22	.....	682 22	.....	682 22
Jefferson,....	2,932 22	.....	2,932 22	1,128 47	1,803 75
Lake,.....	422 02	.....	422 02	214 75	207 27
Larimer,.....	747 29	.....	747 29	662 12	85 17
Las Animas,.	.....	.....	.....	.....	.....
Park,.....	1,185 60	.....	1,185 60	468 90	716 70
Pueblo,.....	387 60	.....	387 60	652 00	.....
Saguache,....	.....	.....	.....	.....	.....
Summit,.....	161 17	.....	161 17	.....	161 17
Weld,.....	1,237 36	.....	1,237 36	959 95	277 41
1st Jud'l Dist.	.....	.....	.....	.....	.....
2d " "	.....	.....	.....	1,150 00	.....
3d " "	.....	.....	.....	.....	.....
	38,345 61	.....	38,345 61	23,765 56	11,177 27

The above statement includes all the receipts from all sources, including the amount received from the several counties as surplus military tax, which when paid into the Territorial treasury as a separate fund, can be disbursed for the general military expenses of this Territory.

In addition to this, I have opened a separate account with the counties or county that have paid into the Territorial Treasury whatever moneys have been received from the sale of mining claims, set apart to form a special school-fund for the benefit of Territorial schools.



*Statement of the amount of money received and the amount expended of the same, on account of the special school-fund derived from the sale of school mining-claims during the year beginning December 12, 1866, and ending November 20, 1867.*

COUNTIES.	AMOUNT DUE.	AMOUNT PAID.	AMOUNT EXPENDED.	BALANCE ON HAND.
Clear Creek,.....	440 00	440 00	133 33	306 67
Gilpin,.....	4,815 00	4,815 00	1,840 95	2,974 05
Total,.....	5,255 00	5,255 00	1,974 28	3,280 72

I would respectfully call the attention of the Legislative Assembly of Colorado Territory to the following points, which would render the settlement of the dues of the several counties in this territory more just and more certain than our laws at present permit, viz.:

1st. To define by law the vague construction of the fee-bill allowed and the recompense attached to the duty of the several county treasurers collecting the Territorial taxes.

2d. To pass some stringent law by which county officials will be compelled to make returns to the Territorial Treasurer monthly, or whenever in his opinion they have neglected to attend to the collection of the general Territorial revenue.

3d. To define the responsibility of the county Commissioners and county treasurers in the bond given by the latter, to enable the Territory to recover the penalty prescribed by law for neglect in reporting the fiscal condition of the several counties in this Territory, and the yearly assessment returns.

4th. I would also respectfully suggest that some act or regulation be made by which whenever any county, either from inability or from neglect, or from any cause whatever, the necessary county organization is not completed, that power be given to the Governor, Secretary, Territorial Treasurer and Auditor, to appoint an Assessor and Collector for such county or counties, who will have sufficient power given them to make and complete an assessment roll, upon which roll a tax can be levied not exceeding the maximum prescribed by law for Territorial purposes, with a sufficient amount of county tax to pay for the expense of assessment and collection, the printing and all incidentals necessary to carry out a just and impartial return of the same, and render by this means the burden of the Territorial expenses more equal and just.

5th. That whenever, by a new election, the office of county Treasurer changes hands, that the new Treasurer, when he qualifies, should report immediately to the Territorial Treas-

urer the fact, and whether the former incumbent has turned over all funds belonging to the Territory, and that if not done, the Honorable Legislature provide by statute a prompt remedy for the same, and that the Territorial Treasurer be empowered to demand immediately a settlement and transfer of funds.

6th. I would also ask that the Legislature prescribe what disposition is to be made of the cancelled vouchers of the Territorial Treasurer up to November 30th, 1867, and thereafter, and if to be retained in the custody of the Territorial Treasurer, that a safe be procured to preserve them intact with the other archives.

I have also the honor to inform the Honorable Legislature of Colorado Territory that I have received from Clear Creek county the following amount derived from the sale of the mining claims set apart for the relief of disabled, sick and indigent miners, and have paid out for the necessary expenses of their maintenance or assistance, as follows, viz.:

#### MINERS' RELIEF AND TERRITORIAL POOR FUND.

COUNTIES.	AMOUNT DUE.	AMOUNT EXPENDED.	BALANCE ON HAND.
Clear Creek,.....	2,286.06	1,056.56	1,229.50

Respectfully, your obedient servant,  
COLUMBUS NUCKOLLS,  
*Territorial Treasurer and Superintendent.*

#### ADJUTANT-GENERAL'S REPORT.

ADJUTANT-GENERAL'S OFFICE, TERRITORY OF COLORADO,  
Central City, November 30, 1867.

*To Hon. Frank Hall, Acting Governor, C. T.:*

SIR: I have the honor to submit herewith the report of the Adjutant-General's Department from May 1st to December 1st, 1867.

I am, sir, very respectfully, &c.,

HAL SAYR,  
*Adjutant-General, C. T.*



ADJUTANT-GENERAL'S OFFICE, TERRITORY OF COLORADO,  
Central City, November 30th, 1867.

*Hon. Frank Hall, Acting Governor, C. T.:*

SIR: Immediately on my appointment to the office of Adjutant-General, in May last, I proceeded to take possession of the books and papers of the department, which I found—together with soiled linen, old clothes, dilapidated hats, and what appeared to be the remains of a convivial gathering—a chaotic mass carpeting the floor of the room formerly occupied by my predecessor as an office, in the Executive building at Golden City. The books and papers I collected together and moved to Central City, where I have since made my headquarters.

Upon reducing the records and files of the office to order, I found many papers missing, which are indispensable to the complete military record of the Territory during the rebellion; and for want of which, scarcely any information can be furnished in reply to letters daily received, asking information in cases of back pay, bounties and pensions due from the United States to missing men.

Complete muster-out rolls are wanting for the whole of the First Regiment, companies A and B of the Second Regiment, and Company D of the Third Regiment of Colorado Volunteer Cavalry. I find by a perusal of the report of Adjutant-General Tappan, for the year 1866, (which has never been published) that under the act approved February 7th, 1866, entitled An act to provide for the military record of the First, Second and Third Regiments of Colorado Volunteers, lately in the service of the United States, complete muster-out rolls had been obtained of *all* but two companies of these regiments. What disposal has been made of these papers, I am unable to conjecture. There has been expended of the \$1,000 appropriated by the act above referred to, \$641.60, for which amount there appears nothing in the office but one blank book.\*

The necessity for the record provided for by the above-named act, is daily becoming more absolute, and years hence when pensions shall have been awarded the surviving members of our regiments, unless steps are now taken to perfect their record, they may be unable to substantiate their claims to that which is so justly their due.

\*Adjutant-General Tappan doubtless made a judicious expenditure of money, and nearly completed the military records,—leaving the office in a very perfect condition. The missing papers were without doubt lost during the interval which occurred between his term of office and mine.

## ORDNANCE AND ORDNANCE STORES.

On making a thorough examination of the books and files of my office, I found nothing to show that the Territory was the owner of a single gun or round of ammunition; but upon inquiry I learned that there were Territorial ordnance and ordnance stores in both Golden City and Denver. About May 20th I proceeded to make an examination of the said stores. I found at Golden City three hundred and forty Warner's carbines and five hundred accoutrements belonging thereto, all in good condition. I found also about three hundred Austrian rifles, which for active service would be useless. At Denver I found forty-two cases (42,336 rounds) of fixed ammunition for the Warner carbines, the foregoing constituting the whole of the available ordnance and ordnance stores of the Territory.

Since taking the foregoing invoice, there has been purchased by (then acting) Governor Hunt, saddles, bridles, blankets, and other cavalry equipments, costing about one thousand dollars.

Of the foregoing described property there was issued, by your order, during the month of May:

To Wells, Fargo & Co., two cases, forty Warner carbines, for protection of express route between Denver and Salt Lake City.

To the United States Express Co., one case, twenty Warner carbines.

To Henry Carlyle, ten Austrian rifles.

Bonds were taken for the safe return of all the above arms.

About June 1st Governor Hunt returned from the east, and during the Indian excitement issued as follows:

To Col. H. Glaze, six carbines and accoutrements.

" Wells, Fargo & Co., seven carbines.

" " " " nine

" " " " ten

" Lafayette Head, four " and accoutrements.

" L. J. Webber, two "

" Wm. Ashley, four "

" S. P. Ashcraft, twelve " "

" James M. Wilson, one " "

" James M. Smith, two "

" W. U. Telegraph Co., two "

" E. L. Berthoud, six "

" C. A. Coryell, six "

" Frank D. Yates, one "

" J. B. Wolff, one "

" Rev. Richardson, five "

" M. Wall, seventy-two rounds of cartridges.

There has been issued by Governor Hunt, to a company of militia on Big Thompson Creek, (which company never per-



fecting its organization) forty Warner carbines and accoutrements.

There was also issued by Governor Hunt:

To M. Wall, ten Austrian rifles.

" N. F. Webber, thirteen Austrian rifles.

" P. P. Wilcox, ten " "

" G. W. Hazzard, one " "

" Andrew Hagon, one " "

" Thomas Hartman, two " "

" Geo. Cagl, four " "

" Webber & Bro., ten " "

" Wm. M. Crull, seven " "

" L. J. Webber, eight " "

Mere receipts were taken for the return of these arms and equipments, generally specifying that they were to be returned when Indian troubles ceased, and in some cases giving permission to leave them at some ranch or station within the Territory.

On the 25th inst. I received from the Executive clerk at Golden City, an invoice of ordnance and ordnance stores turned over by the general government to Governor Evans, for the Territory of Colorado. This invoice was as follows:

500 Warner carbines.

500 brush wipers and thongs.

500 screw-drivers.

50,000 carbine cartridges.

75 packing boxes.

Of the three hundred and forty carbines shown by my invoice of May 20th, there have been issued one hundred and seventy-eight. There are now in possession of Governor Hunt, in Denver, seventy, making a total of two hundred and forty-eight on hand and accounted for. There still remains ninety unaccounted for, the loss of which can be attributed only to gross neglect, and an entire absence of any system at the time of their issue during the Indian excitement.

Of the original five hundred carbines, there are two hundred and fifty-two missing, making in the aggregate a loss to the Territory of four thousand two hundred and eighty-four dollars.

Of the original fifty thousand rounds of ammunition, there remain seventeen thousand one hundred and thirty-six only.

As over one half the original number of the arms are missing—unaccounted for—it is but just to suppose that at least half the ammunition missing was taken with those arms. The original cost of this ammunition was one thousand three hundred and fourteen dollars and fifty-six cents, making a total loss of five thousand five hundred and ninety-eight dollars and fifty-six cents.

## FRIENDLY INDIANS.

On the first day of June, the *friendly* Indians within our borders, having exhausted the immense stores of their commissary department, which, by their *honest* exertions, had been accumulated during the years '64, '65 and '66, and having necessarily expended nearly all their ordnance stores in the prosecution of that laudable enterprise, the said ordnance stores having been furnished by the general government, through its faithful and impecunious servants, the Indian agents, proceeded to make a *requisition* on the United States for a further supply of ordnance and ordnance stores, which they did by blockading about two hundred miles of the Platte route, and killing and burning the houses of a number of that worthless and troublesome tribe known as Frontier-settlers (*vide* New York *Tribune*). The general government immediately dispatched a commission to receive the requisition.

Communication with the east being thus cut off, Governor Hunt, who had just returned from Washington, issued the following.

## CALL FOR VOLUNTEERS.

*To Jacob Downing, Joseph C. Davidson, E. L. Berthoud, John B. Wolff, James Burrell, Jas. D. Scoby, Sam. D. Hunter, Chas. P. Patterson, John H. Coats, M. M. Craig, U. B. Holloway, and Joseph Wolff:*

GENTLEMEN: You and each of you are hereby authorized to enroll a company of mounted minute men, (60 being the minimum number of each company) to be in readiness, when mounted, for any emergency, to be commanded by you in person.

Should it be found impracticable to enroll a full company, twenty men will entitle any of you to a second lieutenancy, and twenty-five men to a first lieutenancy.

The vacant positions of captains, lieutenants, and non-commissioned officers, will be filled by vote of your respective companies, from the enrolled men.

Field and staff officers will be appointed by ballot election of the battalion organized after rendezvous. Owing to the low condition of the finances of the Territory, I would counsel you to incur no expense except for advertising, which will be assumed by this office, and enrolment lists, which will be furnished by the Adjutant-General of the Territory, when you



signify your willingness to comply with the above requirements.

Given under my hand at Denver, this first day of June, 1867.

[Signed,]

A. C. HUNT,

*Governor Colorado Territory.*

No men were raised under this call; in fact, no one tried to raise any.

The following telegram was at this time dispatched by Governor Hunt to General Sherman, at Omaha:

Our people are too poor to offer anything but muscle; have plenty of that. Will the Government back us in the expense of a campaign?

[Signed]

A. C. HUNT,

*Governor.*

To which General Sherman replied:

*Governor Hunt:*

There is no law to pay for volunteers, but you ought to raise a regiment of five hundred men, and have them ready in case I call for them. I will be at Fort Sedgwick in a few days, and I don't believe you will have imminent trouble with the Indians there if your people will be ordinarily prudent.

[Signed,]

W. T. SHERMAN,

*Lieutenant-General.*

The following telegram was also received from General Sherman:

OMAHA, June 2, 1867.

*To Governor Hunt, Denver:*

Your dispatch of yesterday is received. There is no doubt but there are bands of Indians at mischief everywhere; but where and against what Indians do you propose a campaign?

[Signed,]

W. T. SHERMAN,

*Lieutenant-General.*

To which Governor Hunt replied:

DENVER, June 4, 1867.

*General W. T. Sherman, Omaha:*

I have three hundred carbines only to form an armament. I

have no money or credit with which to equip the five hundred men standing ready to go on a campaign.

I would move down the Platte and Smoky in separate columns, and carry the war to the villages of the Indians, which would soon develop the whereabouts of the warriors. An Indian war now exists over a country two thousand by one thousand miles in extent, and I know you have not troops to guard half so much territory. We have no fears of the safety of our city or its immediate surroundings. It is only our ranch settlements that are menaced, and many lives will be sacrificed if this state of affairs continues. Have no fears of our making war on Indians now peaceable.

[Signed,]

A. C. HUNT,  
*Governor Colorado.*

General Sherman finally advised the raising of three hundred volunteers and proposed to recommend the payment of the expenses thereby incurred, by the general government. He at the same time telegraphed as follows to General G. P. Ihrie in Denver:

FORT SEDGWICK, June 8, 1867.

*General G. P. Ihrie:*

I have consented that Governor Hunt may dispatch three hundred volunteer militia eastward to the head of the Republican, and unless they start to-day or to-morrow, so as to co-operate with General Custar, they will not do at all. They don't want quartermaster or commissaries, but must carry their food on their horses. When Governor Hunt telegraphs me that they are ready, I may get you simply to call the rolls of companies, and certify that the men are real and not fictitious. I think the Indians are already off for the north or for the Arkansas.

The volunteers in question cannot be paid at all till Congress appropriates specially, and I will not sanction the movement unless it be rapid and immediate. We don't intend to buy horses at all.

Show this to Governor Hunt, and caution the Smoky Hill line of stages to be on their guard between Denver and Fort Wallace, where Hancock will soon be.

[Signed,]

W. T. SHERMAN,  
*Lieutenant-General.*

Upon receipt of this telegram, Governor Hunt issued the following



## PROCLAMATION.

*To the Loyal Soldiers' Club of Denver:*

In pursuance of the telegram this day received from the Lieutenant-General commanding this department, you are hereby authorized to enroll one or more companies of volunteers to serve for not less than sixty days, upon the expedition indicated in General Sherman's dispatch.

These companies will consist of a maximum of seventy-five men; will be organized, equipped, mounted and subsisted as Colorado volunteers; will elect their own officers, who will be commissioned by the Executive, and be mustered into the service of the United States as militia.

One captain, one first lieutenant and one second lieutenant, one first sergeant, four sergeants, four corporals, and sixty-three enlisted men, two of whom will be appointed musicians by the captain, will constitute a company.

Should a battalion be organized, the members of the command will elect a major, who will, upon receiving his commission, appoint a staff, consisting of one adjutant, one quartermaster, who will act as commissary of subsistence, one surgeon, and one assistant surgeon, to be commissioned as first lieutenants, one sergeant major, and two musicians.

When the companies are filled and ready for the choice of battalion commander, they will notify His Excellency, the Commander-in-Chief, who will indicate a general officer to supervise the election.

Horses and subsistence, arms and equipage will be issued on proper requisitions upon Brigadier-General Hal Sayr, *ex-officio* Quartermaster-General, who is charged with the execution of this duty.

[Signed,]

A. C. HUNT,

*Governor and Commander-in-Chief.*

Under this proclamation there were raised three companies, making a total of one hundred and fifty, officers, non-commissioned officers and privates, who were mustered in by me as companies A, B and C, and were officered as follows:

Co. A, Fred. J. Stanton, captain, Albert Walter, first lieutenant, John Chase, second lieutenant.

Co. B, Harry A. E. Pickard, captain, W. F. Peters, first lieutenant, Robert Brown, second lieutenant.

Co. C, David J. Cook, captain, Charles L. Cass, first lieutenant, Charles A. Coryell, second lieutenant.

Much credit is due these gentlemen for the prompt manner in which they responded to the call for volunteers, and the

energy displayed in raising men to fill their respective companies.

Subsistence having been furnished by *voluntary* subscriptions and donations by the citizens of Denver, these troops went into camp in the immediate vicinity of the city, there to await the furnishing of horses and equipments.

Governor Hunt now made the purchase of the cavalry equipments referred to under the head of "Ordnance and Ordnance Stores," and at the same time used his utmost endeavors to raise the horses necessary for the mounting of the men already enlisted. This, without funds, was found to be an almost fruitless effort, and the following appeal was issued:

*To the business men of Denver and the Territory generally:*

Two hundred patriotic soldiers stand ready to enter the service of the Territory or the general government, to go on a campaign against the Indians now menacing our settlements. Transportation and rations have already been supplied, but thus far no animals are forthcoming, with which to mount these men. I appeal to you for support in this emergency.

A proposition from Captain Shaffenberg was received last night, and pursuant to notice heretofore given, was accepted by me at 11 o'clock to-day, for three hundred horses, equipped complete, at one hundred and fifty-seven dollars per head, subject to inspection. Doubts as to the manner of payment and the time, have caused the Captain to reconsider this proposition. I am left, therefore, with this resort only, to ask if you, who have the preservation of lives, the prosperity of our citizens, and the safety of overland trade, at heart, will come forward and indemnify parties against loss who have the horses to spare.

As the Executive of the Territory, I pledge you I will do all, *everything*, in my power, to forward this enterprise, which seems so much to be needed, save making myself individually liable, or rendering my position ridiculous by transcending my authority.

I am, gentlemen, your obedient servant,

[Signed,]

A. C. HUNT,  
*Governor.*

Notwithstanding the efforts made to raise the necessary horses, they were not procured, and the troops, after having laid in camp ten days, were mustered out.

Neither muster-in nor muster-out rolls of company A have been received at this office. Muster-in and muster-out rolls of company B have been received, both, however, containing the



names of more men than were originally mustered in. Muster-rolls only of company C have been received, these also containing the names of more men than were originally mustered in. I have understood—not, however, from an official source—that certificates of indebtedness were issued to about three hundred men on the muster-out of these troops, which would be double the number mustered in.

#### MILITIA CLAIMS AGAINST THE UNITED STATES.

On the sixth of June there arrived at Denver, Lieutenant Brownell, special agent of the general government, sent here for the purpose of examining and reporting on the validity of the claims of the Territory for certain horses and arms furnished Tyler's Rangers and the First Colorado Mounted Militia, and also to examine the claim of the Territory for services rendered by Renzelaer Smith's company of militia during the year 1865.

As the officers from whom this evidence was to be had were scattered throughout the Territory, and as the time involved in collecting the same would necessarily be considerable, Lieutenant Brownell furnished this office with full instructions as to the evidence necessary, and returned immediately to St. Louis, where the evidence, when received, was to be forwarded to him.

I immediately opened correspondence with the various officers able to furnish the evidence required, and after many and tedious delays, succeeded in collecting everything wanted, except in the case of the company of Renzelaer Smith, above referred to, from none of the officers of which, although I addressed them repeatedly through the mails, could I get an answer. The evidence, which consisted of affidavits from the various officers, was forwarded through Governor Hunt to Lieutenant Brownell.

The failure to procure the evidence in the case of Renzelaer Smith's company, will reduce the Territorial account against the general government two thousand two hundred and thirty-one dollars.

#### SOLDIERS' MONUMENT ERECTED AT SANTA FE, N. M.

During the current year there has been erected at Santa Fe, New Mexico, a monument in honor, and to perpetuate the memory of the heroes of the battles of Valverde, Apache Cañon, and Pigeon's Ranch, in which the First Regiment of Colorado Volunteer Cavalry was engaged. The following invitation was extended to the Governor, soldiers and citizens of Colorado to be present at the dedication of the same:

SANTA FE, NEW MEXICO, October 1, 1867.

*Governor:*

The corner stone of the monument to be erected in honor of the dead heroes of the battle fields of Valverde, Apache Cañon, and Pigeon's Ranch (La Glorietta), in the Plaza of Santa Fe, our capital, pursuant to the wish of the people of this Territory, as expressed through the Governor and the Legislative Assembly, will be laid with appropriate ceremonies, on Thursday, the twenty-fourth day of the present month.

As Colorado mourns the loss of many of her brave sons, who on the battle fields of this Territory gave their lives in defence of the Constitution and the Union, it is hoped that your Territory will be represented on the occasion.

In behalf, therefore, of the grateful people of New Mexico, we extend to you, and through you to the soldiers of Colorado regiments, and the people of the Territory of Colorado generally, an invitation to be present and participate in the ceremonies of the occasion.

We are, Governor,

With much respect, your most ob't serv'ts,

H. H. HEATH,

*Secretary of Territory of New Mexico.*

JOHN P. SLOUGH,

*Chief Justice.*

FELIPE DELGADO,

*Treasurer Monument Association.*

To the Acting Governor of Colorado Territory,

Golden City, C. T.

A call was issued for a meeting of the soldiers of Colorado, to appoint a committee to attend and participate in the ceremonies of laying the corner stone of the monument.

The meeting appointed the following named gentlemen as such committee, viz.: Governor John Evans, D. Washington Griffey, and Charles G. Chever, which committee proceeded to Santa Fe, New Mexico, and attended to the duty assigned them, and upon their return made the following report:

DENVER, November 3, 1867.

*To the Soldiers of Colorado:*

GENTLEMEN: In pursuance of your request, we were present at the ceremonies of laying the corner stone of the monument being erected by the Territory of New Mexico in memory of the patriotic dead who fell on her battle fields.

It was especially gratifying to your committee, as it must be



to you, to witness this public work of respect to your fallen comrades, and the hospitality of the people of New Mexico, extended your committee, shows how fully they appreciate those we represented. As a mark of the gratitude felt by the people of that Territory for the valiant services rendered by them in the hour of their peril, they are worthy of your highest appreciation. But especially should their course in erecting this monument to the memory of those who fell in the cause of freedom and of our common country, commend their patriotism and loyalty to our warmest approbation and most hearty thanks.

Herewith please find a copy of the proceedings of the ceremony of laying the corner stone, and believe us,

Very respectfully, your obedient servants,

JOHN EVANS,

D. WASHINGTON GRIFFEY,

CHARLES G. CHEVER.

The corner stone was laid with proper Masonic ceremonies, and contained the following relics:

Constitution of the United States, Declaration of Independence, Organic Act of New Mexico, compiled laws of New Mexico.

1866-7 laws of the Territory of New Mexico, English.

1866-7 laws of the Territory of New Mexico, Spanish.

1866-7 journals of the Legislative Council, English.

1866-7 journals of the Legislative Council, Spanish.

1866-7 journals of the House of Representatives, English.

1866-7 journals of the House of Representatives, Spanish.

List of civil officers of the Territory.

List of military officers on duty in Santa Fe.

Specimens of coins of the United States, as follows:

One half dollar, coined A. D. 1755, silver; one quarter dollar, coined A. D. 1858, silver; one dime, coined A. D. 1854, silver; one half dime, coined A. D. 1855, silver; one dollar, coined A. D. 1860, California gold; one cent, coined A. D. 1843, copper; one half dime, coined A. D. 1867, nickel; one cent, coined A. D. 1859, nickel; one union medal, coined A. D. 1863, nickel.

Names of monument commission and architects.

Copy of oration delivered on occasion of laying corner stone, October 24, A. D. 1867.

Copy of programme on said occasion.

Copies of *Gazette, New Mexican*, and *Albuquerque Press*, newspapers published in this Territory.

List of military officers in battles of Valverde, Apache Cañon, and La Glorietta.

#### Masonic relics.

Executive seal of New Mexico; seal of Secretary of New Mexico; seal of Supreme Court of New Mexico; seal of the First Judicial District Court of the United States for the Territory of New Mexico; specimens of United States postage stamps; specimens of United States fractional currency, as follows: One half dollar, issue of 1863; one quarter dollar, issue of 1863; one dime, issue of 1863; one half dime, issue of 1863.

It was the intention of the board to deposit the names of the dead, whose memory was thereby commemorated, but it was impossible to obtain them. If they can be obtained hereafter, they will be deposited in another part of the monument, with suitable reference.

#### MILITIA.

Under this head, my report is unavoidably meagre. There has never yet been a full and perfect organization of the militia in the Territory; the reason of which is that no provision, or at least no adequate provision is made for the payment of the different officers whose duty it is to make the enrolment and perfect the organization.

#### VOLUNTEER MILITIA.

Of organized volunteer militia, there is not one company in the Territory. The report of the Adjutant-General for the year 1865, carried sixteen companies under this head, where in reality there was but one company fully organized as required by law. That company having ceased to exist, I have dropped them entirely from my report.

#### MILITIA LAW.

As our present militia law is entirely inoperative, in fact a dead letter, I quote, as relevant, from the report of the Adjutant-General of Minnesota, for the year 1866, as follows:

"The constitution of the United States grants to Congress the authority to provide for organizing, arming and disciplining the militia; under this provision, Congress, by an act entitled An act more efficiently to provide for the national defence, by establishing a uniform militia throughout the United States, approved May 8, 1792, provided: that there shall be an Adjutant-General appointed in each State, whose duty it shall be to distribute all orders from the Commander-in-Chief of the State; to attend all public reviews when the Commander-in-Chief shall review the militia; to obey all orders from him



relative to carrying into execution and perfecting the system of military discipline; to furnish blank forms of different returns that may be required, and to explain the principles on which they were made; to receive from the several officers of the different corps, returns of the militia under their command, reporting the actual situation of arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline."

It is by the said act further provided: "that within one year after the passage of the act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions and companies, as the Legislature of each State shall direct."

By an act of Congress, entitled An act in addition to an act to more effectually provide for the national defence, by establishing a uniform militia throughout the United States, it is further provided: "that it shall be the duty of the Adjutant General in each State to make returns of the militia of the State to which he belongs, with their arms, accoutrements and ammunition, agreeable to the directions of the acts of which this is an addition, to the President of the United States, annually, on or before the first Monday in each year."

Independent, then, of all State legislation, the Adjutant General is the constituted military medium between the State forces and the War Department; but the duties imposed upon him cannot be properly discharged without the necessary State legislation, regulating the militia and making proper provisions for its organization and equipment.

A law, providing for an effective enrolment, becomes absolutely necessary, as a basis for a well-organized militia, and I respectfully invite the attention of your Excellency to the propriety of urging upon the Legislature the early passage of such law.

A militia law should be sufficiently explicit to designate the duties of each and every officer and person charged with duties thereby, in order that no doubt may be entertained as to who shall perform such duties; and in every case such officer or person should be held strictly accountable for the faithful discharge of any duty assigned him.

In the matter of ordnance and ordnance stores the Territorial ordnance officer should have entire control, and all issues thereof should be made on requisition of the Commander-in-Chief, and then only on bonds, with good and sufficient security for the safe return of the same, being given. Had such a provision been embodied in our present militia law, we should have known the whereabouts, or at least who was responsible for the missing arms and ammunition, as shown under the head of

"Ordnance and Ordnance Stores," the value of which was nearly six thousand dollars.

There should be within the Territory, subject to the call of the Commander-in-Chief, at least five companies of organized volunteer militia, each company to consist of not less than fifty, officers, non-commissioned officers, musicians and privates. As an inducement for the raising of such companies, the members thereof should be exempt from all involuntary jury duty and all poll-taxes, and should receive reasonable pay for a certain number of drills and parades, to be provided for by law.

For the payment of the military expenses of the Territory, there should be a military poll-tax levied and collected at the same time and in the same manner as other taxes are levied and collected, which tax should be under the control (when collected) of a military board, and should be paid out for none other than strictly military purposes.

In our present militia law, provision is made for a military poll-tax, but so far as I can learn nothing has ever been collected under the act, or if collected, the various collectors have taken care that none of it reached the Territorial treasury.

The collection and full return of the military poll-tax should be made *specially* binding on the collectors of the several counties throughout the Territory.

Volumes might be written on the various points necessary to a perfect militia law. I think, however, I have already cited enough to show the necessity of a more perfect law than the one now in force, or, rather, now on our statutes.

I am, sir, very respectfully, &c., &c.,

HAL SAYR,

*Adjutant-General Colorado.*

### LIBRARIAN'S REPORT.

OFFICE TERRITORIAL LIBRARIAN,  
Golden City, C. T., November 30th, 1867.

*The Honorable Legislature of Colorado Territory:*

GENTLEMEN: I have the honor to submit my yearly report of the business done in this department during the year 1867.

Respectfully,

COLUMBUS NUCKOLLS,  
*Territorial Treasurer and Librarian.*



*Statement of the additions which have been made to the Territorial Library during the year beginning December 12th, 1866, to November 30th, 1867.*

Law, .....	49	volumes.
Natural History, Mineralogy, and Physics, .....	22	"
Reports, United States and States and Territories, .....	57	"
Miscellaneous, .....	16	"
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Total number, .....	144	"

I would also state that my deputy, E. L. Berthoud, Esq., of Golden City, has obtained from the Smithsonian Institute, for our Territorial Library, twenty volumes of their publications in folios and quarto, which makes a very valuable addition to our library of original publications specially devoted to the natural history and physics of the United States. He also informs me that he has applied for the last series of American Archives, published at Washington, with some certainty of success, and with a favorable report from the library committee.

I would respectfully ask for the appropriation of a small yearly sum, not exceeding \$500.00, for the purpose of defraying the following necessary expenses, to render the library more useful and available, viz.:

For binding, .....	\$200.00
For the purchase of books and maps solely referring to the history and geography of the United States and especially of Louisiana, and the Territories west of the Rocky Mountains, .....	200.00
For the subscription cost of scientific and mining publications for Territorial Library, .....	100.00
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Total amount, .....	\$500.00

Respectfully, your obedient servant,  
COLUMBUS NUCKOLLS,  
*Territorial Treasurer and Librarian.*

## REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE TERRITORIAL SUPERINTENDENT PUBLIC INSTRUCTION,  
Golden City, C. T., November 20th, 1867.

*To the Honorable Legislature of Colorado Territory :*

GENTLEMEN: I have the honor to submit the following report of the condition of the Public Schools of the Territory of Colorado for the year 1867.

Respectfully, your obedient servant,  
COLUMBUS NUCKOLLS,  
*Territorial Treas. and Superintendent Public Instruction.*

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STATEMENT.

The reports required by law from the several counties of this Territory, have, up to this date, been received only from two—Pueblo and Clear Creek counties—which consequently gives me no material upon which I can give the summary of our Territorial schools as required by law. I regret this the more, as my deputy and assistant, E. L. Berthoud, Esq., began in March, 1867, to require reports of all matters pertaining to our public schools throughout Colorado Territory. To aid and facilitate this, he caused to be printed, and personally sent and arranged reports in blank, of all the minutiae and all matters of interest relating to our public schools, and has distributed them to all the counties, with instructions complete to enable them to be promptly filled out and returned. Together with the required school reports, he also sent blank reports in accordance with Territorial law, upon which the school mining-claims, numbered, named and described, could be reported to the Territorial Treasurer and Superintendent of Public Instruction. In this, however, I have met with no success, receiving a report only from Clear Creek county and Gilpin county, which, up to date, have alone complied with the law.

I would respectfully suggest to the Honorable Legislature, that inasmuch as the laws of the Territory in reference to school mining-claims are either disregarded or disputed, and the disposition of the same and of the proceeds of their sale not properly attended to, and the generous provisions of our Territorial laws in respect to the special school-fund, not adequately guarded or guaranteed to the school-fund, that the management, disposition and care of the same in the several mining counties,



be more rigidly defined, and placed beyond the contingency of careless and irresponsible acts, or the indifference of those whose ill-paid services do not incite to more vigilant care of such responsible and precious funds as those that accrue to our common-schools from the sale of school mining-claims.

It has been suggested that the bonds of County Superintendents might be submitted for approval and examination to the Territorial Treasurer and Superintendent of Public Instruction, before their acts in relation to the sale and disposition of the school property could be either begun or consummated.

I would also state that several counties have never, even when requested, informed the Superintendent of Public Instruction who was, or who had been County Superintendent; and that it is not yet known to him whether there are any in those counties, whose bonds have been filed, or whether there is any responsible county organization.

The laws of our Territory prescribe certain reports and returns to be made yearly, or when asked for by the Territorial Superintendent of Public Instruction, but there is no penalty available to compel such if neglected. We would respectfully ask that a law be passed empowering the Territorial Superintendent to ask for reports of school-funds, mining-claims, and all expenditures at any time, if not punctually made.

Respectfully, your obedient servant,

COLUMBUS NUCKOLLS,

*Territorial Treas. and Superintendent Public Instruction.*

Mr. Stiles moved that the Speaker appoint a committee of three on the part of the House, to confer with a like committee from the Council, in reference to what numbers of the Governor's message, Treasurer's and Auditor's reports it was necessary to have printed.

Motion carried.

And the Speaker appointed Messrs. Stiles, Slaughter and McCoy, as such committee.

Mr. Stratton moved that a special committee of three be appointed to revise the election law, and prepare a bill.

Motion carried.

And the Speaker appointed Messrs. Stratton, Slaughter and Macon, as such committee.

On motion, the House adjourned until 10 o'clock a. m. tomorrow.

WEDNESDAY, DECEMBER 4th, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Mr. Sawin.

Journal partially read.

On motion of Mr. Stiles, the reading of the journal was dispensed with until to-morrow morning.

Mr. Decatur gave notice that he would, on to-morrow or some future day, introduce a joint memorial asking Congress for an appropriation of money to defray the expense of a Geological and Scientific Survey of Colorado Territory.

Mr. Lawrence gave notice of a bill for An act to provide for the location of the Penitentiary.

Also, a bill for An act to divide the Eleventh Representative District into three divisions.

Mr. Pierce submitted the following resolution :

*Resolved*, That the Clerk be instructed to order from the publishers of the *News*, *Tribune*, *Gazette*, *Transcript*, *Register* and *Times*, one copy each for the members of this House.

Mr. Stiles moved to amend, by inserting the word "each" before the word "member," in the last line of the resolution.

Mr. Pierce accepted the amendment.

Mr. Lawrence introduced the following as a substitute :

*Resolved*, That the Clerk of the House be instructed to furnish the members of this House, in addition to the paper now allowed by the government of the United States, one copy each of the daily papers of the Territory.

Mr. McCoy moved to lay the resolution, amendments and substitute on the table.

Ayes and noes called for and had.

Those voting in the affirmative were :

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McCoy, McDougal, Ortega, Pierson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, Wharton, Wurtzbach and Mr. Speaker—20.

Those voting in the negative were :

Messrs. Bissell, Lawrence, Miller, Pierce and Suaso—5.

The resolution was tabled.

Mr. Slaughter moved a reconsideration of the vote just taken.

Motion carried.



The ayes and noes were called on the adoption of the original resolution.

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Lawrence, Miller, Pierce, Sawin and Slaughter—9.

Those voting no were :

Messrs. Gilliland, Haswell, Huddleston, Macon, McCoy, McDougal, Ortega, Pierson, Richards, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzback and Mr. Speaker—16.

The resolution was lost.

Mr. Stone submitted the following resolution :

*Resolved*, That the several portions of the Governor's message recommending subjects of legislation, be referred by the Speaker, to the appropriate standing committees.

Adopted.

Message from the Council :

COUNCIL CHAMBER, December 4th, 1867.

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

SIR: I am directed to inform the House that the Council has passed Concurrent Resolution No. 1, Resolution in relation to a Revision of the Statutes.

The same is herewith transmitted.

ED. C. PARMELEE,  
*Secretary of the Council.*

Mr. Decatur submitted the following resolution :

*Resolved*, That the Sergeant-at-Arms be requested to clear the covering from the floor of this House.

Lost.

On motion, the House adjourned until 2 p. m.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Stiles, from special committee on printing Governor's message, submitted the following report :

*Mr. Speaker :* We your committee appointed to confer jointly with a similar committee on the part of the Legislative Council, in relation to printing the Governor's message, Audit-

or's and Treasurer's reports, respectfully beg leave to report that we have had the matter under consideration, and have agreed upon fifteen hundred copies to be printed in the English language, and five hundred copies in the Spanish language, for the use of the respective houses, and for public distribution, the same to be bound in pamphlet form in paper covers.

All of which is respectfully submitted.

B. B. STILES,  
J. C. McCOY,  
W. M. SLAUGHTER.

Adopted.

Mr. Miller, from special committee on Joint Rules, submitted the following report:

*Mr. Speaker:* Your special committee on Joint Rules, report that they have acted in conjunction with a similar committee on the part of the Council, and recommend the adoption of the joint rules of the last General Assembly to govern this body.

Respectfully,

G. W. MILLER, *Chairman.*

Adopted.

Mr. Richards asked leave to introduce a bill.

Leave granted by the House, and Mr. Richards introduced H. B. No. 4, An act to locate the Penitentiary of Colorado Territory.

Read first time and ordered on second reading.

Mr. Stratton called up H. J. R. No. 1.

Read second time, and on motion of Mr. Slaughter, was referred to a select committee of three, consisting of Messrs. Slaughter, Stratton and McDougal.

Mr. Stiles called up C. C. R. No. 1, in relation to a revision of the Statutes, and moved its adoption.

Motion carried.

And the resolution was adopted.

Mr. Wharton gave notice of a bill to re-locate the county-seat of Clear Creek county.

Mr. Lawrence moved that the House take a recess of fifteen minutes.

Motion lost.

Mr. Wharton moved to adjourn.

Motion withdrawn.

Mr. Slaughter moved that the House take a recess of half an hour.

Motion carried.



Recess having expired, Speaker resumed the chair and called the house to order.

Mr. Stiles moved to adjourn until 10 o'clock a. m. to-morrow.  
Motion carried.

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THURSDAY, DECEMBER 5TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Bissell and Slaughter.

Quorum present.

On motion of Mr. Stiles, the reading of the journal was postponed until to-morrow morning.

The Speaker submitted to the House the names of the different standing committees to whom he referred different portions of the Governor's message for consideration, as follows:

In accordance with the order of the House, the Speaker made the following appointment and references of the different suggestions and recommendations contained in the message of His Excellency, as follows:

So much of the message as relates to railroad communications, and recommends a memorial to Congress, asking a subsidy of lands in aid of railways within this Territory, is referred to the committee on Ways and Means.

So much thereof as relates to the defects in the act of Congress of July 21st, 1866, is referred to the committee on Judiciary.

So much thereof as relates to the conduct of Commissioner Whitney, as the representative of this Territory at the World's Exposition, in Paris, is referred to the committee on Printing.

So much thereof as recommends the establishment of a Bureau of Statistics, is referred to the committee on Ways and Means.

So much as refers to Indian Relations, is referred to the committee on Indian Affairs.

So much as relates to the Counties and County Organizations and Officers, is referred to the committee on Counties and County Lines.

So much as relates to defects in the Revenue Law, is referred to the Judiciary committee.

So much as relates to Elections and a Registry Law, is referred to the committee upon Elections and Apportionments.

So much as relates to Annual Reports of the Financial Af-

fairs of the Territory, is referred to the committee on Ways and Means.

So much as relates to Postal Facilities, is referred to the committee on Federal Relations.

So much as relates to the admission of Colorado as a State, is referred to the committee on Printing.

And so much thereof as relates to the Militia and Military Claims, is referred to the committee on Military Affairs.

Mr. Fowler presented a petition from a number of citizens of Lake county, in relation to the boundary line between Lake and Fremont counties.

On motion of Mr. Stiles, it was received and referred to the committee on Counties and County Lines.

Mr. Gilliland presented a petition from citizens of Lake county, in relation to transient herds of stock.

On motion, it was received and referred to the committee on Agriculture.

Mr. Stiles, from committee on Judiciary, submitted the following report:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred House Bill No. 2, An act to amend an act entitled an act concerning venue, beg leave to report the same back to the House with amendments, and recommend that the same be adopted, and that the bill as amended, be passed.

All of which is respectfully submitted.

B. B. STILES,  
G. W. MILLER,  
J. C. McCOY,  
S. F. HUDDLESTON,  
T. MACON.

Report received.

Mr. Slaughter appeared and took his seat.

On motion of Mr. Stiles, H. B. No. 2 was made the special order for half past eleven o'clock to-day.

Mr. Haswell gave notice that he would, on to-morrow or some future day, introduce a bill to change the name of Octavius H. Tubbs.

Mr. Richards gave notice of a bill for An act entitled an act to amend an act to incorporate the City of Central.

Mr. Fowler gave notice that he would, at some future time, introduce a bill to amend the act defining the boundaries of the county of Lake.

Mr. Lawrence introduced the following Concurrent Resolution No. 1:



*Be it resolved by the House of Representatives, the Council concurring:*

That the Chief Clerk of the House and Secretary of the Council of the Legislative Assembly, be and are hereby instructed to procure for each of the members of their respective houses, in addition to the paper now furnished by the government of the United States, two copies of the daily newspapers published in this Territory, each member having the right to select the ones he desires.

Mr. Bates offered the following amendment:

*Resolved*, That in addition to the one daily paper now furnished to each member of this House, and paid for by the United States, the Clerk be and is hereby instructed to subscribe for one copy of any daily paper published in the Territory, for each member, to be paid for by the Territory, for and during the session. The papers may be selected by each member for himself.

Amendment lost.

Mr. McCoy moved to lay the original resolution on the table, and called for the ayes and noes, which being ordered and called, there were:

Ayes—Messrs. Decatur, Gilliland, Haswell, Macon, McCoy, Pearson, Richards, Sawin and Stratton—9.

Noes—Messrs. Bates, Fowler, Huddleston, Lawrence, McDougal, Miller, Ortega, Pierce, Slaughter, Stiles, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—15.

Motion lost.

The question now being on the adoption of the resolution, the ayes and noes were:

Ayes—Messrs. Bates, Fowler, Gilliland, Huddleston, Lawrence, McDougal, Miller, Ortega, Pierce, Sawin, Slaughter, Stiles, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Noes—Messrs. Decatur, Haswell, Macon, McCoy, Pearson, Richards and Stratton—7.

Resolution was adopted.

Mr. Gilliland gave notice that at some future day he would introduce a bill for the protection of the farmers of Lake county against the depredations of transient herds of stock.

Mr. Bates gave notice that he would, on to-morrow, or some future day, introduce a joint memorial and resolution, urging Congress to amend that portion of our postal laws wherein we

are required in certain instances to pay greater postage than the people of other sections of our country.

Mr. Stone gave notice that on to-morrow, or some subsequent day, he would introduce a bill to provide for a general herd law.

Also, a bill to amend An act entitled an act to divide the Territory of Colorado into judicial districts, and provide for holding of courts in the same.

Also, a bill for An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory.

Mr. Lawrence introduced a bill for an act to locate the Penitentiary of Colorado Territory.

Mr. Lawrence moved that the rules be suspended and H. B. No. 5, be read the second time.

Ayes and noes ordered and called.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, Macon, McCoy, McDougal, Ortega, Pierson, Pierce, Slaughter, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzbach, and Mr. Speaker—20.

Those voting no were:

Messrs. Huddleston, Miller, Richards and Sawin—4.

Motion carried.

And on motion of Mr. Stiles, H. B. No. 4, and H. B. No. 5 were referred to a special committee of five.

The Speaker appointed as such committee, Messrs. Stiles, Fowler, Decatur, Bates and Ortega.

Mr. Bissell appeared and took his seat.

On motion of Mr. Stiles, no one objecting, the House went into committee of the Whole for the consideration of H. B. No. 2.

Mr. Bissell in the chair.

After some time spent therein the committee arose.

The Speaker resumed the chair.

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

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Bissell, from Committee of the Whole, submitted the following report:

*Mr. Speaker:* Your committee of the Whole House, to whom was referred H. B. No. 2, beg leave to report that they have had the same under consideration, and report it back to the House with the recommendation that it pass as amended.

C. R. BISSELL, *Chairman.*



Report adopted.

Mr. Stiles moved that the bill be ordered engrossed with the amendments and ordered on third reading.

Motion carried.

Mr. Slaughter, by leave of the House, submitted the following report.

*Mr. Speaker:* Your select committee to whom the H. J. R. No. 1. was referred, beg leave to report the resolution back to the House with amendments, and recommend its passage as amended.

WILLIAM M. SLAUGHTER,  
H. STRATTON,  
WILLIAM J. McDOUGAL.

Report adopted.

On motion of Mr. Stratton, the House went into committee of the whole for the consideration of H. J. R. No. 1.

Mr. Miller in the chair.

After some time spent therein, the committee arose and submitted the following report.

*Mr. Speaker:* Your committee of the Whole House, have had H. J. R. No. 1. under consideration, and report it back to the House with the recommendation that it do pass.

G. W. MILLER, *Chairman.*

Report adopted.

On motion of Mr. Stratton, the resolution was ordered engrossed for third reading.

On motion of Mr. Miller, the House took a recess of thirty minutes.

The time of recess having expired, the Speaker resumed the chair and called the House to order.

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

Motion lost.

Mr. Fowler, from committee on Engrossment, submitted the following report.

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B. No. 2, as correctly engrossed.

B. FOWLER. *Chairman.*

Report received.

Mr. Slaughter moved that the further consideration of H. B. No. 2, be postponed until 2 p. m. to-morrow.

Ayes and noes demanded, ordered and called.

Those voting aye were :

Bissell, Lawrence, Richards and Slaughter—4.

Those voting no were :

Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Stratton, Stiles, Stone, Suaso, Wharton and Mr. Speaker—19.

The motion was lost.

Mr. Stiles moved that H. B. No. 2, An act to amend an act entitled an act concerning venue, be read the third time, and put upon its passage.

Mr. McCoy moved to adjourn.

Motion lost.

Mr. Stiles's motion was, therefore, put and carried.

The bill was read a third time, and the question being on its final passage, the ayes and noes were :

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pierson, Pierce, Stratton, Stiles, Stone, Suaso, Wharton and Mr. Speaker—20.

Noes—Bissell, Richards and Slaughter—3.

The bill passed and title agreed to.

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

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FRIDAY, DECEMBER 6TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called, all present.

Journal of the 3d, 4th, and 5th inst., read, corrected and approved.

The Sergeant-at-Arms announced the following message from the Council :

COUNCIL CHAMBER, December 6th, 1867.

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

SIR: I am instructed to inform the House that the Council has adopted H. C. R. No. 1, relative to furnishing members of the Council and House with newspapers, herewith submitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*



Mr. Wharton presented a petition from a number of citizens of Clear Creek county, urging the appointment of a commission for a revision of the laws.

On motion of Mr. Wurtzbach, the petition was received and referred to the Judiciary Committee.

Mr. Fowler from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment, beg leave to report H. J. R. No. 1, as correctly engrossed.

B. FOWLER.

Report received.

Mr. Sawin requested the special committee on H. B. No. 4, to report.

Mr. Bissell moved that the committee be requested to report on Monday next.

Mr. Stone moved to amend by saying, at their earliest convenience.

Amendment carried.

The committee upon Elections and Apportionments, through their chairman, submitted the following report:

*Mr. Speaker:* The undersigned, after a patient hearing of Council and a careful examination of all the papers in relation to the special election in the Twelfth Representative District, recommend that Thomas Suaso take the seat as the sitting member from the Twelfth Representative District, and that Michael Beshoar have leave to contest; and that the committee on Election and Apportionments be empowered to send for persons and papers in relation to this case immediately.

STEPHEN DECATUR,  
JOHN GILLILAND,  
ANSEL BATES.

*Committee.*

Mr. Slaughter submitted the following minority report:

*Mr. Speaker:* We, the undersigned, a minority of the committee on Elections, to whom was referred the matter of contest for a seat in the House from the Twelfth Representative District, respectfully submit that we are unable to agree with the report submitted by the majority of the committee in this case, who are in favor of allowing Thomas Suaso the seat as sitting member, pending a further hearing of this case should such further hearing be had, for the following reasons, to wit:

SEC. 1. To entitle one to a seat, even as such sitting mem-

ber, he must have some credential, or such showing that he is entitled to credentials as gives him a *prima facie* right, a right in the absence of testimony adverse to the official return of votes in his favor. Such a showing, we think, has not been made before your committee in favor of Suaso. All that is before the committee, is the official return of votes from the District, and a document purporting to be a copy of a poll-book furnished by the counsel of Suaso, to the Territorial Secretary, and transmitted to the House with the abstracts of votes. The official return of votes transmitted to the Secretary of the Territory from the two counties of Huerfano and Las Animas, composing the 12th representative district, show that in the county of Huerfano, Thomas Suaso received a majority of seventy votes, and that in the county of Las Animas, Michael Beshoar received a majority of seventy-three votes, making Beshoar's majority in the District, three votes. Upon this return, Beshoar is clearly entitled to a seat, as a *prima facie* right thereto is thus undeniably shown, and upon this return, the Territorial Board of Canvassers who had nothing else legally before them in the case, should have given a certificate of election to Beshoar. They had no right to go behind this return, or to shirk the responsibility of giving credentials to the one having the majority of votes. Their duty in this respect is imperative. (See 4th session laws, page 60.) This board is not the proper tribunal to receive evidence outside the returns themselves, nor is it a tribunal to settle election contests at all. The house is the sole judge of the qualification of its members, and the only proper tribunal to try the case. The Territorial Board improperly permitted the copy of the poll-book referred to, to be brought before them for consideration in the case, filed with them as it was, by the counsel of Suaso, without the knowledge of Beshoar or his counsel, and being procured not in accordance with any law, is incompetent as testimony for any purpose whatever.

SEC. 2. The evidence before your committee is the same as was before the Territorial Board, to wit: "The official return of votes showing Beshear's majority, and the document before alluded to, a document purporting to be a copy of a poll-book of one of the voting precincts of Las Animas county, to which are attached the affidavits of two well-known citizens of that county—one of whom, William Brasford, who has resided in the county over ten years—that nine of the votes cast in said precinct were illegal, and thereupon the County Clerk, as chairman of the County Board of Canvassers, certifies that upon those affidavits the said nine votes were rejected in the returns. This document should not be received as evidence by the committee, for the reason that there are only two modes of procur-



ing testimony in cases of contest for a seat in the Legislative Assembly, under our laws. *First*, Where it is taken in pursuance of a notice served upon the opposite claimant, taken before two magistrates, under oath, and sent under seal, duly authenticated, to the Speaker of the House, and by him referred to the committee on the case. *Second*, The other mode is where, as in case of a special election, like this case, for want of time to procure testimony previous to the meeting of the Legislature, or for other causes, the matter of contest is referred to the committee without testimony, except the certificate of election, the official return of votes, or other credentials, and the committee themselves then authorize testimony to be taken by deposition or by subpoena, for witnesses, or papers to be brought before them; both parties, as in the former case, having full knowledge of the time and place and manner of taking such testimony. The document offered as evidence in this case was not procured or authorized to be taken in either of those modes, and is therefore equivalent to no testimony at all, and should be rejected. Neither was it by any officer or person transmitted by mail under seal to the Territorial Board, or to the Speaker of this house. It is alleged to have been procured by the counsel of Suaso in Las Animas county, and by him brought here and privately handed to the Secretary, unknown to Beshoar or his council. It is not attested under seal or by any other mode of authentication of evidence, so as to place its genuineness beyond question. It is precisely as though an attorney in court should take from his pocket and offer in evidence a deposition taken by himself, outside of a commission to do so, and unknown to the opposite party. It is *ex parte* evidence, and such as the party against whom it is offered had no chance to rebut. In this case, it is to be presumed in the nature of things, that Dr. Beshoar, before he left his District to come here, knew from the returns sent that he had a majority of votes, and therefore entitled to a certificate and his seat, in the absence of any testimony to the contrary, and if any such testimony were to be taken, he was under the law entitled to due notice of it, and not having such notice, was thus precluded from taking testimony in his own behalf, and no testimony can lawfully and justly be received or entertained by the committee, which is not taken with the cognizance of both parties to the contest, or that either party has not a chance to cross-examine or rebut.

SEC. 3. If the document referred to were competent testimony, or if it could be considered so at all by this House, it nevertheless does not alter the conclusion to be drawn from the return of votes. It shows only the vote of one precinct, and nine of those votes were sworn to have been illegally cast. The affidavits specifically set forth the names of the persons

who cast said illegal votes, and that said votes were rejected for such illegality, and not counted in the returns sent to the Secretary. There is no evidence before the committee to rebut or deny the illegality of the nine votes thus sworn to, and therefore it must be taken as *true* that those votes were illegal, and therefore properly rejected. If this poll-book is received as testimony at all, then by the law of evidence, it must be received entire, and must be taken as strongest against the party offering it. If it is true in part, it is true in all and every part equally worthy of belief, and if the House believes from it that the nine votes as certified by the Clerk were rejected, they must also believe the illegality sworn to, of said votes, and they must also believe that said votes were properly rejected.

*Lastly.* In either case, then, whether this *ex parte* testimony be received or rejected by the committee, the conclusion is unavoidably the same, to wit: That Dr. Beshoar received a majority of the votes cast. The returns to the Secretary show this, officially and clearly, and the copy of the poll-book in question does not alter or contradict the returns, and so far from showing that the returns were incorrect, it serves only to explain a discovered fact, to wit: The rejection of nine votes in one precinct, and the same uncontradicted evidence, proves that those nine votes were illegally cast, and were therefore properly rejected, and that therefore, Dr. M. Beshoar is clearly entitled to his seat; but even if we could yield in the least to the views of the majority of the committee in this case, we could do no more, even in conceding a point of courtesy and all fairness, than to recommend that Beshoar be allowed to take his seat on his *prima facie* right as a sitting member, pending any further contest, the claimant Suaso may choose to make; and would recommend that said Suaso be allowed to take further testimony to rebut the presumption of rights in Beshoar, and sustain his own claim thereto, all of which is respectfully submitted.

W. M. SLAUGHTER,  
JOHN LAWRENCE.

On motion of Mr. Stiles, both reports were received and made the order of the day for 3 o'clock, p. m.

Mr. Wurtzbach gave notice that he would, on to-morrow or at some future day, introduce a bill for an act to reimburse Juan Esquebel for his expenses sustained on account of an error in official election returns.

Mr. Miller gave notice that, on to-morrow or some subsequent day, he would introduce a joint resolution and memorial praying the Congress of the United States to refund to the



Territory of Colorado, the internal revenue heretofore collected in said Territory.

Also, one praying for an appropriation for the construction of public buildings.

Also, one praying an additional appropriation for the construction of a Penitentiary in Colorado Territory.

Also, one praying an appropriation of lands for a University and Mining College in Colorado Territory.

Also, one praying an appropriation of lands for the construction and maintenance of Eleemosynary Institutions.

Mr. Decatur moved that the committee on Rules and Joint Rules, be requested to report a new committee, consisting of five members, on Statistics.

Motion carried.

Mr. Richards introduced a bill entitled as follows: An act to amend an act to incorporate the City of Central, approved March 11th, 1864.

Mr. Stone introduced the following bill: An act amendatory of an act entitled an act to divide the Territory of Colorado into judicial districts, and to provide for the holding of the courts in the same.

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

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Lawrence, Macon, Miller, Sawin and Slaughter.

Quorum present.

Mr. Haswell introduced a bill entitled as follows: A bill for an act to change the name of Octavius H. Tubbs.

Read first time by its title.

Mr. Slaughter appeared and took his seat.

H. B. No. 6 was read the second time, and on motion of Mr. Bissell, it was made the special order of the day for 11 o'clock a. m., to-morrow.

H. B. No. 7 was read the second time and referred to the Judiciary committee.

Mr. Sawin appeared and took his seat.

H. J. R. No. 1, asking Congress to re-open the Camp Collins reserve for pre-emption, was read the third time, and the question being on its final passage, the ayes and noes were:

Ayes—Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, McDougal, Ortega, Pearson, Pierce, Sawin,

Stratton, Stiles, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Noes—Mr. Richards—1.

The resolution was passed and title agreed to.

Mr. Macon appeared and took his seat.

On motion of Mr. Stiles, the House took a recess subject to the call of the Speaker.

The Speaker resumed the chair and called the House to order.

Mr. Decatur moved that all the papers relative to the special election in the Twelfth Representative District, be read.

Mr. Slaughter moved a call of the House, which being sustained by two other members, and had, there were:

Absent—Haswell, Lawrence, Miller and Wharton.

The Sergeant-at-Arms was dispatched after the absentees; returned in a short time and reported all the members present.

Mr. McCoy moved that all the papers in regard to the special election in the Twelfth Representative District, be referred back to the Board of Canvassers by this House.

Motion carried.

Mr. McCoy, from committee on Counties and County Lines, submitted the following:

*Mr. Speaker:* The committee on Counties and County Lines, to whom was referred the petition of sundry citizens of Lake county, praying the change of boundary lines between Lake and Fremont counties, so as to include all the settlements on the South Arkansas river within the limits of Lake county, respectfully return the said petition to the House, and recommend that the prayer of said petition be granted.

J. C. McCOY, *Chairman.*

Report received.

On motion of Mr. McCoy, the House adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, DECEMBER 7TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Haswell, Macon and Miller.

Quorum present.

Journal read and approved.



The Sergeant-at-Arms announced the following message from the Council.

COUNCIL CHAMBER, December 7th, 1867.

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

SIR: I am instructed to inform the House that the Council has concurred in and passed H. B. No. 1, to locate the seat of Government of the Territory of Colorado.

The bill is herewith submitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

On motion of Mr. Wharton, H. B. No. 1, an act to locate the seat of government of Colorado Territory, was ordered enrolled.

The committee on Agriculture, through their chairman, submitted the following report:

*Mr. Speaker:* Your committee on Agriculture, to whom was referred a petition of citizens of Lake county, have had the same under consideration, and would recommend that the prayer of the petitioners be granted.

H. L. PEARSON, *Chairman.*

Report received.

Mr. Stiles moved that the rules of the last House be adopted as the rules of this House.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fuller, Gilliland, Huddleston, Lawrence, Macon, McDougal, Ortega, Pearson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, Suaso, Wharton and Mr. Speaker—20.

Those voting no were:

Messrs. McCoy and Wurtzbach—2.

The rules were adopted.

Mr. Macon appeared and took his seat.

Mr. Sawin introduced the following resolution:

*Resolved,* That the committee on Printing be instructed to order eighty copies of the Rules of this House, and Joint Rules of both Houses, printed in the English language, and twenty copies printed in the Spanish language, for the use of this House, and report at their earliest convenience.

Mr. Slaughter moved to amend by saying report immediately.  
Amendment adopted.

The question then being on the motion of Mr. Sawin as amended, it was adopted.

H. B. No. 6 being the special order of the day for 11 o'clock, and the time having arrived,

On motion of Mr. Bissell the House went into committee of the Whole.

Mr. Stone in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House have had H. B. No. 6 under consideration, have amended the same and recommend that it pass as amended.

E. F. STONE, *Chairman.*

Report received.

Mr. Slaughter moved that the bill be referred to the committee on Judiciary.

Ayes and noes being demanded, ordered and called, there were:

Ayes—Messrs. Decatur, Lawrence, Ortega and Slaughter—4.

Noes—Messrs. Bates, Bissell, Fowler, Gilliland, Huddleston, Macon, McCoy, McDougal, Pearson, Richards, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Motion lost.

Mr. McCoy moved that the bill be engrossed for third reading.

Mr. Slaughter moved that it be postponed until 2 o'clock p.m.

Motion carried.

On motion of Mr. Stratton the House adjourned until 2 p. m. to-day.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Bissell, McCoy, Miller and Sawin.

Quorum present.

Committee on Enrolment submitted the following report.

*Mr. Speaker:* Your committee on Enrolment beg leave to report House Bill No. 1, An act to locate the seat of government of the Territory of Colorado, as correctly enrolled.

J. A. PIERCE.



Report received.

The Speaker appointed Mr. Stiles and Stone, as a standing committee on Enrolment, to act in conjunction with a like committee from the Legislative Council.

H. B. No. 6, An act to amend an act to incorporate the City of Central, being the special order of the day, was, on motion of Mr. Pierce, ordered engrossed for third reading.

Mr. Sawin appeared and took his seat.

Mr. Fowler introduced the following resolution.

*Resolved*, That the motion made by the gentleman from Clear Creek, Mr. McCoy, in relation to the report of the committee on Elections and Apportionments referring the papers to the Secretary of the Territory, to be referred by him to the Territorial Board of Canvassers, be reconsidered.

Mr. Slaughter moved to lay the resolution on the table.

Mr. Decatur moved a call of the House which being seconded by two other members, was had.

Absent—Bissell, McCoy, and Miller.

Sergeant-at-Arms sent after absentees.

On motion of Mr. Decatur, all further proceedings under the call were dispensed with.

The question being on Mr. Slaughter's motion to lie on the table,

It was lost.

Mr. McCoy appeared and took his seat.

Mr. Stiles, from joint committee on Enrolment, submitted the following :

*Mr. Speaker*: Your joint committee on Enrolled Bills, beg leave to report that they have, in conjunction with a like committee from the Legislative Council, examined House Bill No. one, and reported the same to the House correctly enrolled.

B. B. STILES.

E. T. STONE.

Report received.

Mr. Slaughter moved to postpone the further consideration of Mr. Fowler's resolution until Tuesday.

Ayes and noes called for and had.

Those voting aye were.

Messrs. Haswell, Huddleston, Lawrence, Pearson, Sawin, Slaughter and Stratton—8.

Those voting no were :

Messrs. Bates, Decatur, Fowler, Gilliland, McCoy, McDougal, Ortega, Pierce, Richards, Suaso, Wharton, Wurtzbach and Mr. Speaker—13.

Motion lost.

The question being on Mr. Fowler's resolution, the ayes and noes were:

Ayes—Messrs. Decatur, Fowler, Gilliland, McCoy, Ortega, Pierce, Richards, Sawin, Suaso, Wharton, Wurtzbach, and Mr. Speaker—12.

Noes—Messrs. Bates, Haswell, Huddleston, Lawrence, Macon, McDougal, Pearson, Slaughter, and Stratton—9.

So the resolution was adopted.

Mr. Slaughter moved that the whole matter be made the special order of the day for Tuesday at 2 p. m.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Huddleston, Lawrence, Macon, McDougal, Pearson, Richards, Slaughter, and Stratton—8.

Those voting no were:

Messrs. Bates, Decatur, Gilliland, Haswell, McCoy, Ortega, Pierce, Sawin, Suaso, Wharton, Wurtzbach and Mr. Speaker—12.

Motion lost.

Mr. Wharton moved that the majority report of the standing committee on Elections and Apportionments, in relation to the special election in the Twelfth Representative District, be adopted.

Mr. Slaughter moved to amend by saying minority report.

Amendment lost.

Mr. Slaughter called for the reading of the minority report.

Mr. Decatur moved that the whole matter, in relation to the special election in the Twelfth Representative District, be made the special order of the day for Monday, at 2 p. m.

Motion carried.

On motion of Mr. Slaughter the House took a recess of 10 minutes.

Time of recess having expired, the Speaker called the House to order.

Mr. Stiles submitted the following report:

*Mr. Speaker:* Your committee on Enrolled Bills, with a like committee on the part of the Council, have this day, at 3½ o'clock, p. m., placed in the hands of the Governor, An act to locate the seat of government of the Territory of Colorado.

B. B. STILES,

*Chairman House Joint committee.*

Report received.

Mr. Fowler submitted the following report:



*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B. No. 6 correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

On motion of Mr. Decatur the House adjourned until 10 o'clock a. m., Monday, December 9th, 1867.

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MONDAY, DECEMBER 9TH, 1867.

House met at 10 a. m., pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Bissell, Gilliland, Lawrence, Macon, Miller, Pearson and Pierce.

Mr. Gilliland excused on account of illness.

Quorum present.

Journal read and approved.

Mr. Stratton presented a petition from the citizens of Larimer county, asking for terms of the District Court in their county.

Petition received and referred to committee on Judiciary.

Mr. Stone presented a petition from the County Commissioners of El Paso county asking the enactment of a law compelling county and township officers to qualify or pay a fine.

Petition received and referred to committee on Judiciary.

Mr. Wharton from committee on Printing reported verbally, that the copies of the rules in the English language, will be ready for distribution to-day.

Mr. Decatur gave notice that he would, on to-morrow or some subsequent day, introduce a joint memorial asking Congress to establish a military fort on the Green river, near the mouth of the Uintah river.

Also, that he would introduce a bill for the appointment of a Commissioner of Immigration.

Mr. Bates gave notice that he would introduce, on to-morrow or some future day, a joint memorial and resolution asking Congress to grant relief to the Ute Indians.

Also, one urging an increased compensation for survey of the public lands in South Park land district.

Mr. Slaughter gave notice of a joint resolution asking of Congress the admission of the State of Colorado.

Mr. Sawin gave notice that he would, at some future time in-

roduce a bill for the location of a territorial road from Golden City to Boulder City.

Previous notice having been given, Mr. Fowler introduced a bill entitled as follows: An act to amend section 32 of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16th, 1861.

In pursuance of previous notice, Mr. Bates introduced a joint resolution relative to the postal laws.

Mr. Pierce appeared and took his seat.

H. B. No. 7, An act to to change the name of Octavius H. Tubbs, was read a second time and on motion of Mr. Wharton was ordered engrossed for third reading.

Mr. Macon appeared and took his seat.

H. B. No. 9 was read a second time and referred to committee of the Whole.

H. J. R. No. 2 was read the second time and referred to the committee of the Whole.

H. B. No. 6, An act entitled an act to amend an act to incorporate the City of Central, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Haswell, Huddleston, Macon, McDougal, Ortega, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—18.

Noes—none.

So the bill passed unanimously, and title agreed to.

On motion of Mr. Fowler the House went into committee of the Whole, for the consideration of H. B. No. 9.

Mr. Slaughter in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House, to whom was referred H. B. No. 6, have considered the same, and recommend that it be referred to a special committee of three, appointed by the chair.

W. M. SLAUGHTER, *Chairman.*

Report received and adopted, and the Speaker appointed as such special committee, Messrs. Stone, Sawin and Bates.

On motion of Mr. Bates the House again went into committee of the Whole for the consideration of H. J. R. No. 2, a resolution relative to the postal law.

Mr. Haswell in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House have



had H. J. R. No. 2 under consideration and report the same back to the House with the recommendation that it do pass.

T. HASWELL, *Chairman*.

Report received and adopted.

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

AFTERNOON SESSION.

House met at 2 p. m. pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell and Miller.

Quorum present.

On motion of Mr. Decatur, the contested election pending in this House from the Twelfth Representative District, was laid over and made the special order for Wednesday at 2 p. m.

Mr. Slaughter moved that H. J. R. No. 2, be considered engrossed, and the rules suspended, and the resolution be placed on its third reading.

Motion carried.

The resolution was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Bates, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzbach, and Mr. Speaker—22.

Noes—none.

So the resolution was unanimously adopted.

Title was amended and agreed to.

The Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Golden City, December 9th, 1867.

*Hon. C. H. McLaughlin, 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, viz.:

An act to locate the seat of government of the Territory of Colorado.

Very respectfully, your ob't serv't,

FRANK HALL,

*Acting Governor, Colorado Territory.*

Mr. Stiles moved that a committee of two be appointed by the Speaker, to wait upon and inform the Council that the Governor has approved and signed H. B. No. 1, An act to locate the seat of government of Colorado.

Motion carried, and the Speaker appointed Mr. Stiles and Mr. McCoy as such committee.

Mr. Pierce introduced the following resolution :

*Resolved*, That the thanks of this House are hereby tendered to the citizens of Golden City for the generous hospitality they have ever maintained and extended to its members during that portion of the present session that has been held in their city.

Resolution adopted.

Mr. Stiles, from special committee of two to inform the Council that the Governor had signed H. B. No. 1, reported that the committee had performed the duties assigned them.

Mr. Wurtzbach moved that the House do now adjourn to meet in Denver at 2 p. m., to-morrow, according to law.

Motion carried.

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TUESDAY, DECEMBER 10TH, 1867.

House met at 2 p. m., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Bissell.

Quorum present.

Journal read, corrected and approved.

The special committee on H. B. No. 9, through their chairman, submitted the following report:

*Mr. Speaker:* Your special committee, to whom was referred H. B. No. 9, beg leave to report the same back to the House without amendment, and recommend its passage.

E. T. STONE,  
A. BATES,  
F. O. SAWIN.

Report received.

Mr. Decatur gave notice that he would, on to-morrow or some subsequent day, introduce a bill to establish a Mining Bureau, and for other purposes.

Mr. Slaughter gave notice that he would, on to-morrow or



some future day, introduce a bill for the relief of working men and mechanics, in certain cases.

By leave of the House, without previous notice, Mr. McCoy introduced a bill entitled as follows: An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto.

H. B. No. 10 was read the second time, and on motion of Mr. McCoy, it was referred to the committee on Incorporations.

H. B. No. 9, An act to amend section 32 of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16th, 1861, was taken up for consideration.

Mr. Fowler moved that it be ordered engrossed for third reading.

Motion carried.

And the bill was so ordered.

Mr. Bissell appeared and took his seat.

H. B. No. 8, An act to change the name of Octavius H. Tubbs, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Noes—none.

The bill passed and title agreed to.

Mr. Lawrence introduced the following resolution:

*Resolved*, That for the future government of this House, *First*, That when bills are introduced in this House, of a local nature, concerning the establishing of county lines, or any other local matter, and are referred by motion to any committee, that said committee shall consist of members from or representing said counties. *Second*, That where any bill of a general nature is referred to a special committee, that the person making the motion shall be the chairman of said committee, if so referred.

On motion of Mr. Fowler, the resolution was laid on the table.

Mr. Miller moved that the vote of the House by which H. B. No. 10 was referred to committee on Incorporations, be reconsidered.

Motion carried.

Mr. Miller introduced the following resolution:

*Resolved*, That all bills, after their second reading, shall be printed before they are referred, unless otherwise ordered by the House.

Resolution adopted.

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

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WEDNESDAY, DECEMBER 11TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Miller and Stratton.

Quorum present.

Journal read and approved.

On motion of Mr. Slaughter, the House took a recess of fifteen minutes.

Time of recess having expired, the Speaker resumed the chair, and called the House to order.

Mr. Miller appeared and took his seat.

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

COUNCIL CHAMBER, December 11th, 1867.

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

SIR: I am instructed to inform the House that the Council has this day passed H. J. R. No. 2, and have changed the title thereto to House Joint Memorial, and respectfully ask your concurrence to the same.

Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

On motion of Mr. Stratton, the amendment proposed by the Council, to title of H. J. R. M. No. 2, was adopted, and the memorial ordered enrolled.

Mr. Ortega gave notice that he would, on to-morrow or some future day, introduce a bill for An act in regard to frauds and false protests in hiring.

Mr. Miller gave notice that he would, on to-morrow or some subsequent day, introduce a bill to amend An act entitled an



act concerning probate courts and justices of the peace, in certain counties, approved March 11th, 1864.

Mr. Fowler, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report H. B. No. 9, as correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Slaughter gave notice that he would, on to-morrow or some future day, introduce a bill for An act to amend the attachment law.

Mr. Fowler moved that H. B. No. 9 be put on its passage.

Mr. Lawrence moved that the bill be recommitted to a special committee of three, consisting of Messrs. Lawrence, Fowler and Macon.

Motion carried.

And the bill was recommitted.

Mr. McCoy submitted the following resolution:

*Resolved,* That the Secretary of this Territory be requested to furnish matting, and cause the floor of this House to be covered with the same.

Mr. Slaughter moved to lay the resolution on the table.

Motion lost.

The question being on the adoption of Mr. McCoy's resolution, it was adopted.

On motion of Mr. Richards, the House adjourned until 2 o'clock this afternoon.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell and Stratton.

On motion of Mr. Sawin, Mr. Stratton was excused on account of illness.

Mr. Slaughter moved a call of the House, which being seconded by two others, was had.

Absent—Mr. Bissell.

The Sergeant-at-Arms was sent after Mr. Bissell.

Mr. Bissell appeared and took his seat.

On motion of Mr. Sawin, all further proceedings under the call were dispensed with.

On motion of Mr. Stiles, the Chief Clerk was instructed to procure from the Secretary of the Territory, all the papers in regard to the contested election from the Twelfth Representative District.

The Secretary of the Territory, in reply, submitted the following message to the House:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, December, 11th, 1867.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have the honor to transmit herewith all documents on file in my office, having connection with the election case from the Twelfth Representative District, in which Thomas Suaso and Michael Beshoar are contestants.

Very respectfully, your obedient servant,

FRANK HALL,  
*Secretary of Colorado Territory.*

On motion of Mr. Stiles, the House went into committee of the Whole.

Mr. Stiles 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 the contested election from the Twelfth Representative District, wherein Michael Beshoar and Thomas Suaso claim seats in the House of Representatives, and recommend that the majority report of the committee on Elections, be reported back to the House, with the recommendation that the same be adopted.

B. B. STILES, *Chairman.*

Report received.

Mr. Wharton moved that the report be adopted.

Mr. Miller moved to strike from the record in the case and evidence in the case, the poll-book said to have been brought up by Judge Bradford.

The Speaker ruled the motion out of order.

The question being on the adoption of the report of the committee of the Whole, it was adopted.

On motion of Mr. McCoy, Mr. Thomas Suaso being present, came forward, and the oath of office was administered to him by the Speaker.

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



THURSDAY, DECEMBER 12TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—none.

Journal read and approved.

Mr. Stone presented a petition from a number of citizens of El Paso county, asking for terms of the district court to be held in El Paso county.

On motion of Mr. Bissell, the petition was referred to the committee on Judiciary.

Mr. Bates presented a petition from a number of citizens of the Territory, asking the adoption of such measures as shall be best calculated to secure the prompt admission of Colorado as a State.

Mr. Bissell moved to lay the petition on the table.

Motion lost.

Mr. Stiles moved to refer it to committee on Incorporations.

Motion carried.

And the petition was so referred.

Mr. Pierce, from committee on Enrolment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossed Bills beg leave to report H. J. M. No. 2, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

Mr. Lawrence, from special committee on H. B. No. 9, submitted the following report:

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 9, entitled An act to amend section 32 of an act to define county boundaries and to locate county-seats in Colorado Territory, beg leave to report that the bill be amended to read as follows: To the head-waters of the Rio Grande del Norte, and where the south-west boundary of Saguache county intersects the northern boundary of Conejos county.

JOHN LAWRENCE, *Chairman.*

On motion of Mr. Sawin, the report was received and adopted.

Mr. Stone gave notice of a bill for An act requiring persons elected or appointed to county or township offices, to qualify.

Mr. Stiles, from special committee on H. B's Nos. 4 and 5,

bills for the location of the Penitentiary of Colorado Territory, reported:

That the committee had agreed upon and reported back to the House a substitute for said bills.

Report received.

Mr. Ortega moved the adoption of the report:

Mr. Sawin moved to lay it on the table.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bissell, Haswell, Huddleston, Richards and Sawin—5.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pierson, Pierce, Slaughter, Stratton, Stiles, Stone, Silvius Suaso, Thomas Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Motion lost.

The special committee on H. B's Nos. 4 and 5, for the location of the Penitentiary, through their chairman, introduced a bill entitled as follows: An act to locate the site and establish a Penitentiary for the Territory of Colorado.

Read the first time by its title.

According to previous notice, Mr. Macon introduced a bill entitled as follows: An act to amend an act entitled an act to regulate the mode of proceedings in attachment, approved October 29, 1867, and the several acts amendatory thereto.

Read first time at length.

H. B. No. 11 was read the second time.

Mr. Stiles moved that it be placed on the general file.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pierce, Stratton, Stiles, Stone, Silvius Suaso, Thomas Suaso, Wharton, Wurtzbach and Mr. Speaker—19.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, Richards, Sawin and Slaughter—6.

Motion carried.

H. B. No. 12 was read the second time, and on motion of Mr. Slaughter, was referred to committee on Judiciary.

Mr. Slaughter introduced the following resolution:

*Resolved*, That the evidence submitted to the committee on Elections, in the case of the contest from the Twelfth District, and the reports of the majority and minority of said commit-



tee added thereto, be ordered spread upon the journal of this House.

Ayes and noes demanded, ordered and called on the adoption of the resolution.

Those voting aye were :

Messrs. Bissell, Huddleston, Lawrence, Macon, Miller, Sawin, Slaughter, Stratton and Stone—9.

Those voting no were :

Messrs. Bates, Decatur, Fowler, Haswell, McDougal, McCoy, Ortega, Pearson, Pierce, Richards, Stiles, Silvius Suaso, Thomas Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

So the resolution was lost.

H. B. No. 9 was taken up for consideration.

On motion of Mr. Lawrence, it was ordered engrossed, as amended, for third reading.

On motion of Mr. Stiles, the 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.

Roll called.

Absent—Messrs. Miller, Slaughter and Thomas Suaso.

Quorum present.

Mr. Fowler submitted the following report :

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 9, entitled An act to amend section 32 of an act to define county boundaries and to locate county-seats in Colorado Territory, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

On motion of Mr. McCoy, H. B. No. 9, An act to amend section 32 of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16, 1861, was read a third time, and the question being on its passage, the ayes and noes were :

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, Silvius Suaso, Wharton, Wurtzbach and Mr. Speaker—22.

Noes—none.

So the bill passed unanimously and title agreed to.

Mr. Slaughter appeared and took his seat.

On motion of Mr. McCoy, the House went into committee of the Whole, for the consideration of H. B. No. 10.

Mr. Pearson in the chair.

After some time spent therein, the committee arose and submitted the following report.

*Mr. Speaker:* Your committee of the Whole House have had H. B. No. 10 under consideration, and have amended the same by striking out the word "and," in the eleventh line of section 4, and inserting the words "and the votes returned and canvassed." Also strike out the word "be," in section 6, and insert the words "not exceed," in lieu thereof, and with these amendments your committee report the bill back to the House, with the recommendation that it pass as amended.

H. L. PEARSON, *Chairman.*

Messrs. Thomas Suaso and Miller appeared and took their seats.

On motion of Mr. Slaughter, the report of the committee of the Whole was received and adopted.

Mr. Stiles moved that the bill as amended, be ordered engrossed.

Motion carried.

And the bill was so ordered.

On motion of Mr. Bissell, the vote of the House referring the petition offered by Mr. Bates, in regard to the admission of Colorado as a State, to the committee on Incorporations, was reconsidered, and the petition was referred to the committee on Federal Relations.

Mr. Stiles introduced the following resolution:

*Resolved,* That the use of this House be tendered to the Democratic members of the Legislature, for a meeting to be held this evening.

Resolution adopted.

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

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FRIDAY, DECEMBER 13TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.



Absent—Messrs. Wharton and Thomas Suaso.

Journal read and approved.

Mr. Stiles, from committee on Judiciary, reported back to the House the petition from citizens of Clear Creek county, asking for a revision of the statutes, with the recommendation that it lay on the table.

Adopted.

Mr. Stiles, from committee on Judiciary, also reported back the petition from the county commissioners of El Paso county, asking the enactment of a law that will compel county and township officers to qualify or pay a fine; and the petition from the citizens of El Paso county, asking to be detached from Pueblo county for judicial purposes, and to have terms of the district court held at Colorado City, El Paso county; and the petition from the citizens of Larimer county, asking to be detached from Weld county for judicial purposes, and to have terms of the district court held at Laporte, in Larimer county, with the recommendation that the prayer of the petition be granted in each case.

On motion of Mr. Slaughter, the report was adopted.

Mr. Thomas Suaso appeared and took his seat.

Mr. Fowler, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment, beg leave to report that they have examined H. B. No. 10, entitled a bill for An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Pearson gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for An act relating to school-lands.

Mr. Miller appeared and took his seat.

Mr. Ortega gave notice of a bill for An act to provide for printing the laws in the Spanish language.

Previous notice having been given, Mr. Bates introduced H. J. M. No. 3, A memorial to the Congress of the United States, asking relief for the Ute Indians.

Read first and second time, and referred to the committee of the Whole.

H. B. No. 10, a bill for An act to amend an act to enable road, ditch, manufacturing and other companies to become

bodies corporate, and the several acts amendatory thereto, was read the third time.

Mr. Miller moved that the bill be recommitted to the committee on Judiciary.

Motion lost.

The question being on the final passage of H. B. No. 10, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macen, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—22.

Noes—none.

Excused—Mr. Miller.

So the bill passed and title agreed to.

On motion of Mr. Sawin, the House adjourned until 10 o'clock a. m., Monday, December 16th, 1867.

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MONDAY, DECEMBER 16, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Sawin.

Journal read and approved.

Mr. McCoy asked leave, without having given previous notice, to introduce a bill.

Leave granted, and Mr. McCoy introduced a bill entitled as follows: An act to amend an act entitled an act to provide for limitations of actions, according to previous notice.

Mr. Miller introduced a bill entitled as follows: An act to amend an act entitled an act concerning Probate Courts and Justices of the Peace in certain counties, approved March 11th, 1864.

Both bills read the second time and referred to committee of the Whole.

Mr. Sawin appeared and took his seat.

On motion of Mr. Pearson, the House went into committee of the Whole, on the general file.

Mr. Decatur in the chair.

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

*Mr. Speaker:* Your committee of the Whole House have had H. J. M. No. 3 under consideration, and have amended the



same and report it back to the House with the recommendation that it pass as amended.

STEPHEN DECATUR, *Chairman*.

On motion of Mr. Haswell, the report of the committee of the Whole House was adopted.

Mr. Bissell moved that H. B. No. 11, An act to locate the site and establish the Penitentiary for Colorado Territory, be made the special order of the day for next Saturday.

Mr. Lawrence moved to amend by saying this afternoon at 2 o'clock.

Amendment carried.

On motion of Mr. Stiles, H. J. M. No. 3 was ordered engrossed.

On motion of Mr. Lawrence, the House adjourned until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Miller and T. Suaso.

The Speaker announced that H. B. No. 11 was the special order of the day for this hour.

Mr. Sawin moved that H. B. No. 11 be referred to a special committee of three.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bissell, Haswell, Huddleston, Richards and Sawin—5.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach, and Mr. Speaker—18.

Motion lost.

Mr. Fowler from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment, beg leave to report that they have examined H. J. M. No. 3, relative to relief for the Ute Indians, and find the same to be correctly engrossed.

B. FOWLER, *Chairman*.

Report received.

Mr. Thomas Suaso appeared and took his seat.

On motion of Mr. Stiles, the House went into committee of the Whole for the consideration of H. B. No. 11, An act to lo-

cate the site and establish a Penitentiary for the Territory of Colorado.

Mr. Pearson in the chair.

The Speaker resumed the chair to receive the following message from the Council by the hands of the Assistant Secretary :

COUNCIL CHAMBER, December 16th, 1867.

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

SIR: I am instructed by the Council, to inform the House that the Council has passed H. J. R. No. 1, asking Congress to pass an act to re-open the Camp Collins Reserve for pre-emption, and have changed the title thereto, to House Joint Memorial, and your concurrence is respectfully requested.

Also, that the Council has passed H. B. No. 8, An act to change the name of Octavius H. Tubbs.

Herewith transmitted.

ED. C. PARMELEE,  
*Secretary of the Council.*

After hearing message, the House again went into committee of the Whole.

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

*Mr. Speaker:* Your committee of the Whole House have H. B. No. 11, An act to locate the site and establish a Penitentiary for Colorado Territory, under consideration, and report the same back to the House with the recommendation that it pass.

H. L. PEARSON, *Chairman.*

Report received.

Mr. Sawin moved that the bill be referred to a special committee of three.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bissell, Haswell, Huddleston, Richards and Sawin—5.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—18.

Motion lost.

Mr. Lawrence moved that the bill be engrossed.

Mr. S. Suaso, appeared and took his seat.

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

Ayes and noes called for.



\* Ayes—Messrs. Bissell, Haswell, Huddleston, McCoy, Richards, Sawin and Slaughter—7.

Noes—Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Stratton, Stiles, Stone, T. Suaso, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Motion lost.

Mr. Richards moved to adjourn and called for the ayes and noes.

Ayes—Messrs. Bissell, Haswell, Huddleston, McCoy, Richards and Sawin—6.

Noes—Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, T. Suaso, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—18.

Motion lost.

Mr. McCoy moved that it be postponed until January 4th 1868.

Mr. Lawrence moved to lay the motion of Mr. McCoy on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Huddleston, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—18.

Those voting no were:

Messrs. Fowler, Haswell, McCoy, Richards, Sawin and Wharton—6.

Motion carried.

Mr. Stone moved to postpone until to-morrow.

Mr. Sawin moved to amend by saying next Saturday.

Amendment lost.

Ayes and noes demanded, ordered and called, on Mr. Stone's motion to postpone until to-morrow.

Ayes—Haswell, Huddleston, McCoy, Richards, Sawin, Stone and Wharton—7.

Noes—Bates, Bissell, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—17.

Motion lost.

Mr. Macon moved the previous question.

Motion carried.

Mr. Richards moved to adjourn.

The Speaker ruled the motion out of order.

Mr. Richards appealed from the decision of the chair and called for the ayes and noes.

Those voting to sustain the chair were:

Messrs. Bates, Decatur, Fowler, Haswell, Huddleston, Law-

rence, Macon, McDougal, Ortega, Pearson, Pierce, Stratton, Stiles, S. Suaso, T. Suaso, and Wurtzbach—16.

Those voting no were:

Messrs. Richards, Sawin, and Wharton—3.

So the chair was sustained.

The question now being on the motion to engross, it was carried and the bill was so ordered.

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

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TUESDAY, DECEMBER 17TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

Mr. Fowler, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 11, a bill for An act to locate the site and establish a Penitentiary for the Territory of Colorado, and find the same correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Bissell, by permission of the House, without having given previous notice, introduced a bill entitled as follows: An act authorizing the Treasurer of Colorado to collect militia money from the United States.

Read first and second time, and referred to committee on Printing.

H. J. M. No. 3, A memorial to the Congress of the United States asking relief for the Ute Indians, was read the third time and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Hudleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

So the memorial passed unanimously and title agreed to.

H. B. No. 11, An act to locate the site and establish a Pen-



imentary for Colorado Territory, being on its third reading, Mr. Huddleston moved that the bill be recommitted to committee on Territorial Affairs.

Mr. Macon moved to lay the motion to recommit on the table and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, McCoy, Miller, Pearson, Richards, Sawin and Wharton—9.

Motion carried.

Mr. McCoy moved to amend by striking out Cañon City, and insert Golden City in lieu thereof.

Amendment withdrawn.

Mr. McCoy moved to postpone the further consideration of the bill until Jan. 4th, 1868.

Mr. Wurtzbach moved to lay the motion to postpone on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, McCoy, Miller, Pearson, Richards, Sawin and Wharton—9.

Motion carried.

Mr. Bissell moved to indefinitely postpone H. B. No. 11.

Mr. Lawrence moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—18.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, McCoy, Richards, Sawin and Wharton—7.

Motion carried.

Mr. McCoy moved to adjourn.

Ayes and noes called for.

Ayes—Messrs. Bissell, Haswell, Huddleston, McCoy, Pearson, Richards, Sawin and Wharton—8.

Noes—Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Miller, Ortega, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—17.

Motion lost.

Mr. Stiles moved that the bill be read the third time and put upon its passage.

Motion carried.

And H. B. No. 11, An act to locate the site and establish a Penitentiary for Colorado Territory, was read the third time and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—19.

Noes—Messrs. Bissell, Haswell, Huddleston, Richards, Sawin and Wharton—6.

So the bill passed and title agreed to.

Mr. McCoy moved a reconsideration of the vote on the passage of the bill.

Mr. Stiles moved to lay the motion for reconsideration on the table.

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.

Noes—Bissell, Haswell, Huddleston, McCoy, Miller, Pearson, Richards, Sawin and Wharton—9.

Motion lost.

Mr. Stiles moved that H. B. No. 13, and H. B. No. 14, be placed in the general file.

Motion carried.

On motion of Mr. McCoy, the House went into committee of the Whole on the general file.

Mr. Stratton in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole House have had under consideration House Bill No. 14, and beg leave to report it back to the House, and recommend that it lie on the table.

Also, have considered H. B. No. 13, have amended the same and report it to the House with the recommendation that it do pass as amended.

H. STRATTON, *Chairman.*

Mr. Wurtzbach moved to adopt so much of the report as relates to H. B. No. 13.

Motion carried.

Mr. Miller moved to amend that portion of the report relat-



ing to H. B. No. 14, by saying that it be referred to a special committee of three, appointed by the Speaker.

Motion carried.

And the Speaker appointed as such special committee, Messrs. Miller, Macon and Slaughter.

Mr. McCoy moved that H. B. No. 13, be ordered engrossed.

Motion carried.

And the bill was so ordered.

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

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Mr. Macon.

Mr. Fowler from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment, beg leave to report that they have examined H. B. No. 13, An act to amend an act entitled an act to provide for limitations of actions, and find the same correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. McCoy moved that the rules be suspended and H. B. No. 13 be read the third time, and put on its passage.

Motion carried.

And H. B. No. 13, An act to amend an act entitled an act to provide for limitations of actions, was read the third time and the question being on its passage, the ayes and noes were:

*Ayes*—Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

*Noes*—none.

So the bill passed unanimously and title agreed to.

Mr. Sawin gave notice that he would, on to-morrow or some future day, introduce a bill for An act to suppress the sale of ardent spirits on the Sabbath day.

By leave of the House, without having given previous notice, Mr. Slaughter introduced a bill entitled as follows: An act to repeal an act entitled an act to amend an act for the support of paupers, approved June 11th, 1867.

According to previous notice, Mr. Stone introduced a bill en-

titled as follows: An act requiring persons elected or appointed to county or township officers, to qualify.

Both bills read the first time.

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

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WEDNESDAY, DECEMBER 18TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

Mr. Sawin gave notice of a bill entitled as follows: A bill for an act concerning annual reports of Territorial Officers.

Previous notice having been given, Mr. Miller introduced a memorial to Congress entitled as follows: Asking for an additional appropriation, for the purpose of building a Penitentiary in Colorado Territory.

Previous notice having been given, Mr. Ortega introduced a bill entitled as follows: An act to provide for publishing the laws of the Territory, in the Spanish language.

According to previous notice, Mr. Wharton introduced a bill entitled as follows: An act to relocate the seat of government of Clear Creek county, Colorado Territory.

H. J. M. No. 4 was read 2d time and ordered printed.

H. B. No. 16 was read 2d time and referred to committee on Printing.

H. B. No. 17 was read second time, and on motion of Mr. Stone, was referred to committee on Judiciary.

H. B. No. 19 was read the second time, and on motion of Mr. Wharton, was referred to committee on Elections and Apportionments.

H. B. No. 18 was read the second time and referred to committee on Printing.

By leave of the House, without having given previous notice, Mr. McCoy introduced a bill entitled as follows: An act to amend an act entitled an act concerning Mines and Minerals, approved Feb. 9th, 1866.

H. B. No. 20 was read the second time and referred to committee on Printing.

Mr. Stiles from committee on Judiciary submitted the following report:



*Mr. Speaker:* Your committee on Judiciary, to whom was referred H. B. No. 12, have had the same under consideration, and report it back to the House, with the recommendation that it be referred to the special committee on the Revision of Statutes.

Also, have considered H. B. No. 3, and report it to the House with the recommendation that it do pass.

On motion of Mr. Richards the report was adopted.

H. B. No. 3 was placed in the committee of the Whole.

Mr. Pierce, from committee on Enrolment, submitted the following report:

*Mr. Speaker:* Your committee on Enrolment, beg leave to report H. B. No. 8 and H. J. M. No. 1, correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received and bills referred to joint committee on Enrolment.

On motion of Mr. Miller the House went into committee of the Whole on the general file.

Mr. Slaughter in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* Your committee of the Whole House have had H. B. No. 3 under consideration, and report it back to the House with the recommendation that it do pass.

W. M. SLAUGHTER, *Chairman.*

On motion of Mr. Bissell H. B. No. 3 was referred to committee on Engrossment.

Mr. Wharton from committee on Printing reported H. B. No. 15, An act authorizing the Territorial Treasurer, to collect the militia money due from the United States, correctly printed.

Mr. Bissell moved to go into committee of the Whole for consideration of H. B. No. 15.

Mr. Wurtzbach moved to amend by referring the bill to a special committee of three.

Mr. Bissell withdrew his motion to go into committee of the Whole for the consideration of the bill.

The motion of Mr. Wurtzbach prevailed and the bill referred to special committee of three, consisting of Messrs. Wurtzbach, Wharton and Slaughter.

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

## AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Macon, Sawin and Stone.

By leave of the House, without having given previous notice, Mr. Slaughter introduced a bill entitled as follows: A bill for An act to establish a Territorial Assay Office in the Territory of Colorado.

Mr. Bissell moved that the rules be suspended, the bill read second time, and referred to committee on Printing.

Mr. Slaughter gave notice of the introduction of the following bills:

An act to re-apportion the representation of Colorado Territory.

And a joint memorial asking Congress to pass an act of incorporation for and make an appropriation to build a wagon-road from Denver City via Georgetown to the navigable waters of the Rio Colorado.

Previous notice having been given, Mr. Bates introduced a memorial entitled as follows: A memorial to the Congress of the United States, relative to increased compensation for the survey of public lands in Colorado Territory.

Read first and second times, and referred to committee on Printing.

On motion of Mr. Slaughter, the House took a recess of thirty minutes.

Time of recess having expired, the Speaker resumed the chair, and called the House to order.

The committee on Engrossment, through their chairman, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 3, An act concerning fines and forfeited recognizances, and find the same correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Bissell submitted the following resolution:

*Resolved,* That the Sergeant-at-Arms of this House be instructed to wait upon the Secretary of the Territory, and urge the necessity of immediately covering the floor of this room with saw-dust.



Mr. Miller moved to amend by striking out the word "saw-dust."

Amendment carried.

Resolution adopted as amended.

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

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THURSDAY, DECEMBER 19TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

Mr. Wharton, from committee on Printing, submitted the following report:

*Mr. Speaker:* Your committee on Printing beg leave to report H. B's Nos. 16, 18 and 20, and H. J. M. No. 4, correctly printed.

Respectfully submitted.

J. E. WHARTON, *Chairman.*

Report received.

And bills referred to committee of the Whole.

Mr. Decatur, from committee on Elections and Apportionments, submitted the following:

*Mr. Speaker:* The committee on Elections and Apportionments, to whom was referred House Bill No. 19, a bill providing for the re-location of the county-seat of Clear Creek county, report the same back to the House, with the recommendation that it do pass.

S. DECATUR, *Chairman.*

Report received.

Mr. Stratton gave notice that he would, on to-morrow or some subsequent day, introduce a bill changing the time of general elections.

Mr. Pierce gave notice of a bill to provide for the payment of clerks and other officers of the Legislative Assembly.

Also, a bill amendatory of An act entitled an act concerning roads and bridges, approved February 5th, 1866.

Previous notice having been given, Mr. Slaughter introduced

a bill entitled as follows: A bill for An act for the relief of working men and mechanics, in certain cases.

According to previous notice, Mr. Pearson introduced a bill entitled as follows: A bill for An act relating to agricultural school-claims.

H. B. No. 22 was read the second time, and referred to the committee on Printing.

H. B. No. 23, An act relating to agricultural school-lands, was read the second time, and referred to committee on Printing.

H. B. No. 19, a bill for An act to re-locate the county-seat of Clear Creek county, Colorado Territory, was taken up for consideration.

On motion of Mr. McCoy, it was referred to the committee of the Whole.

H. B's Nos. 16, 18 and 20, and H. J. M. No. 4, reported on by committee on Printing, were taken up for consideration.

And on motion of Mr. Bissell, were ordered to committee of the Whole.

H. B. No. 3, a bill for An act concerning fines and forfeiting recognizances, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Hudleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

So the bill passed and the title agreed to.

On motion of Mr. Stone, the House went into committee of the Whole, on the general file.

Mr. Sawin in the chair.

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

*Mr. Speaker:* The committee of the Whole House, have had H. J. M. No. 4, a memorial to the Congress of the United States relative to an additional appropriation for the purpose of building a Penitentiary in Colorado Territory, under consideration, and have amended the same, and report it back to the House with the recommendation that it do pass as amended.

F. O. SAWIN, *Chairman.*

On motion of Mr. Pearson, the report was received.

On motion of Mr. Lawrence, H. J. M. No. 4 was ordered engrossed as amended.

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

Motion carried.



## AFTERNOON SESSION.

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

Roll called.

Absent—Messrs. Bates, Decatur, Lawrence, McDougal, Miller and Slaughter.

Mr. McCoy submitted a remonstrance from a number of citizens of Clear Creek, protesting against the passage of any act looking to the removal of the county-seat of Clear Creek county.

Remonstrance read, and on motion of Mr. McCoy, referred to committee on Elections and Apportionments.

Mr. Stiles moved a call of the House, which being seconded by two others, was had.

Absent—Messrs. Bates, Decatur, Lawrence, McDougal, Miller and Slaughter.

Sergeant-at-Arms dispatched after absentees.

On motion of Mr. Wurtzbach, the House took a recess of fifteen minutes.

The time of recess having expired, the Speaker resumed the chair and called the House to order.

The absent members having appeared and took their seats, on motion of Mr. Stiles, all further proceedings under the call were dispensed with.

Mr. Wharton, from committee on Printing, submitted the following report:

*Mr. Speaker:* Your committee on Printing beg leave to report back to the House, H. B. No. 21, and H. J. M. No. 5, together with the printed copies of the same.

Respectfully,

J. E. WHARTON, *Chairman.*

Report received.

On motion of Mr. Decatur, H. B. No. 21 was referred to committee on Mines and Minerals, and H. J. M. No. 5 was referred to committee of the Whole.

Mr. Fowler submitted the following report from committee on Engrossment:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. J. M. No. 4, relative to an additional appropriation for the purpose of building a Peniten-

tiary in Colorado Territory, and find the same to be correctly engrossed.

B. FOWLER, *Chairman*.

Report received.

On motion of Mr. Bissell, the House went into committee of the Whole, on the general file.

Mr. Stratton in the chair.

The Speaker resumed the chair to receive a message from the Council, by the hands of the Assistant Secretary, which read as follows:

COUNCIL CHAMBER, December 19th, 1867.

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

SIR: I am instructed to inform the House that the Council has passed H. B. No. 9, An act to amend section 32 of an act to define county boundaries and to locate county-seats in Colorado Territory, with the following amendment: Strike out the word "east," in the eighteenth line, so it will read "north" boundary of Saguache county.

Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

After hearing which, the House again went into committee of the Whole.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole House have considered H. B. No. 16, and amended the same, and report it to the House with the recommendation that it pass as amended.

Also, have considered H. B. No. 18, and recommend that it be referred to a special committee of three, the introducer of the bill to be chairman of the same.

Also, have considered H. B. No. 19, and recommend that it do pass.

All of which is respectfully submitted.

And your committee ask leave to sit again.

H. STRATTON, *Chairman*.

Report received.

On motion of Mr. Miller, so much of the report as related to H. B. No. 18, was adopted, and the bill was referred to a special



committee of three, consisting of Messrs. Ortega, Stiles and Bates.

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

*Mr. Speaker :* Your special committee to whom was referred the election law of this Territory, with instructions to report a bill for a registry law, would report that a bill for a registry law for this Territory is now pending in the Council, and your committee therefore deem it unnecessary to report a bill to this House at this time, and ask to be relieved from the further consideration of the same.

H. STRATTON, *Chairman.*

W. M. SLAUGHTER,

THOS. MACON.

On motion of Mr. Bissell, the report was received and the committee discharged.

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

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FRIDAY, DECEMBER 20TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

Mr. Richards gave notice that he would, on to-morrow or some future day, introduce a bill for the amendment of an act to provide for increase of pay to Judges of the Supreme Court.

Previous notice having been given, Mr. Stratton introduced a bill entitled as follows: An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6th, 1861.

H. B. No. 20 was read the second time, and on motion of Mr. Fowler, was referred to committee on Elections and Apportionments.

H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of paupers, approved January 11th, 1867, was taken up for consideration, and on motion of Mr. Wurtzbach, was ordered engrossed.

H. B. No. 19, An act providing for a re-location of the county-

seat of Clear Creek county, Colorado Territory, was taken up for consideration.

Mr. Wharton moved that it be ordered engrossed.

Mr. McCoy moved to lay the bill on the table, and called for the ayes and nays.

Those voting aye were:

Messrs. Bates, Fowler, Haswell, McCoy, McDougal, Ortega, Pierce, Stiles, S. Suaso, T. Suaso, Wurtzbach, and Mr. Speaker—12.

Those voting no were:

Messrs. Bissell, Decatur, Huddleston, Lawrence, Macon, Miller, Pearson, Sawin, Slaughter, Stratton, Stone and Wharton—12.

So the motion was lost.

Mr. Stiles moved a call of the House, which being seconded by two others, was had.

All present excepting Mr. Gilliland, who was ill.

On motion, all further proceedings under the call were dispensed with.

The question being on Mr. Wharton's motion to engross H. B. No. 19, the ayes and noes were:

Ayes—Messrs. Bissell, Decatur, Huddleston, Lawrence, Macon, Miller, Pearson, Richards, Sawin, Slaughter, Stratton and Wharton—12.

Noes—Messrs. Bates, Fowler, Haswell, McCoy, McDougal, Ortega, Pierce, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—13.

Motion lost.

Mr. Wharton moved that H. B. No. 19 be made the special order of the day for 2 o'clock p. m. to-morrow.

Mr. McCoy moved to lay the motion on the table.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Fowler, Haswell, Huddleston, McCoy, McDougal, Ortega, Pierce, Stiles, S. Suaso, T. Suaso and Wurtzbach—12.

Those voting no were:

Messrs. Bissell, Decatur, Lawrence, Macon, Miller, Pearson, Richards, Sawin, Slaughter, Stratton, Stone, Wharton, and Mr. Speaker—13.

Motion lost.

Mr. McCoy moved to amend by saying that H. B. No. 19, be made the special order for January 9th, 1868, and called for the ayes and noes.

Ayes—Messrs. Bates, Fowler, Haswell, McCoy, McDougal, Ortega, Pierce, Stiles, S. Suaso, T. Suaso and Wurtzbach—11.

Noes—Messrs. Bissell, Decatur, Huddleston, Lawrence, Macon,



Miller, Pierson, Richards, Sawin, Slaughter, Stratton, Stone, Wharton and Mr. Speaker—14.

Motion lost.

Mr. Slaughter moved to amend by saying Saturday, December 28th, 1867.

Mr. Wharton accepted the amendment, and the motion prevailed.

Mr. Wharton, from committee on Printing, reported as follows:

*Mr. Speaker:* Your committee on Printing beg leave to report back to the House H. B. No. 23, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

The joint committee on Enrolment, through their Chairman, submitted the following report:

*Mr. Speaker:* Your joint committee on Enrolment have examined House Joint Memorial No. 1, asking Congress to pass an act to re-open the Camp Collins Reserve for preemption; House Joint Memorial No. 2, in relation to United States Postal Laws; also, House Bill No. 8, an act to change the name of Octavius H. Tubbs, and find the same correctly enrolled.

B. B. STILES,

E. F. STONE.

Report received.

H. J. M. No. 4, a memorial to the Congress of the United States, relative to increased compensation for the survey of public lands in Colorado Territory.

Was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

So the memorial passed and title agreed to.

On motion of Mr. McCoy, the House went into committee of the Whole on the general file.

Mr. Haswell in the chair.

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

*Mr. Speaker:* The committee of the Whole House would report that the committee has considered H. J. M. No. 5, have amended the same, and refer it back to the House with the recommendation that it do pass as amended.

Also, have had H. B. No. 20 under consideration, have made some progress, and ask leave to sit again.

T. HASWELL, *Chairman.*

Report received.

Mr. Slaughter moved to adjourn until 2 o'clock this afternoon.

Motion carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell, Fowler, McCoy, Miller, Richards, Sawin, Slaughter, Stiles, Stone, T. Suaso, and Wurtzbach.

Quorum present.

Call of the House ordered and had.

Absent—Messrs. Bissell, Fowler, McCoy, Miller, Richards, Sawin, Slaughter, Stiles, Stone, Suaso T. and Wurtzbach.

The Sergeant-at-Arms was sent after absentees.

In a short time he reported all present excepting Sawin and Richards.

He was again sent after Richards and Sawin.

Sergeant returned and reported all present.

On motion of Mr. Slaughter, all further proceedings under the call were dispensed with.

Mr. Sawin asked to be excused until to-morrow morning at 10 o'clock.

Excused by the House.

Mr. Richards asked to be excused for this afternoon.

Excused.

Mr. Lawrence moved that the vote of the House by which H. B. No. 9 was referred to committee on Enrolment, be reconsidered.

Motion carried.

Mr. Stiles moved that the vote of the House by which the Council amendment to H. B. No. 9 was concurred in, be reconsidered.

Motion carried, and H. B. No. 9, An act to amend section 32, of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16th, 1867, as originally passed by the House, was again sent to the Council for their concurrence.



Mr. Slaughter moved that H. B. No. 20, An act to amend an act entitled an act concerning mines and minerals, approved February 9th, 1866, be referred to a special committee of three.

Motion carried, and the Speaker appointed as such special committee, Messrs. Slaughter, Haswell and Wharton.

The special committee on H. B. No. 18, submitted the following report.

*Mr. Speaker:* Your special committee, appointed to consider and report on House Bill No. 18, have had the same under consideration, and beg leave to report the same back, with a substitute herewith transmitted.

All of which is respectfully submitted.

PABLO ORTEGA,  
ANSEL BATES,  
B. B. STILES.

Report received.

Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver December 20th, 1867.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have the honor to direct the attention of your honorable body to the recently published series of very able and elaborate reports from the various Territorial Departments, and to suggest that a careful perusal of them be made by each and every member, in order that the palpable defects in present statutes therein represented, may be remedied by judicious legislation. In view of the fact that progress upon the settlement of our claims against the general government for the services of our militia, has been reported by His Excellency Governor Hunt, who is on the ground making this matter the object of personal supervision, and the evident prospect of early payment by Congress of the amount due the Territory thereon, it is eminently proper for your honorable body to make suitable provision for the distribution of this money to the several funds enumerated in said report, *immediately* upon the receipt of notice from the Treasury Department of the United States, that payment has been ordered. By this course a large amount of interest annually accruing upon the bonded debt of this account assumed by the Territory, will be disposed of and the burden taken from the shoulders of the people. The public interest demands that the utmost care be observed in the prepar-

ation of this bill. I would invite special attention to the report of the Adjutant-General, which plainly indicates the absolute necessity of a more intelligible and efficient militia law, and the thorough reorganization of military affairs throughout this jurisdiction. The closing paragraph of the Auditor's report furnishes an estimate of expenses incurred on account of the militia mustered into service in June last, by order of Governor Hunt, for which, certificates of service have been issued; but there being no fund to meet the demand, these claims are still unadjusted. They should be met by the requisite appropriation. Ample provision for the continued healthful growth of our Territorial Library should be made in the forthcoming report of your committee on Ways and Means. The present law of Congress compelling payment of letter postage upon all transient printed matter transmitted through the mails to this Territory, necessarily deprives this most useful public institution of many valuable books which would otherwise be furnished from the annual reports of the different States of the Union. The postal or express rates now charged, very frequently exceed the original cost of the works so transported. I would therefore suggest that a special contingent fund of say five hundred dollars, be set apart from the yearly appropriations, to meet the requirements of this department, in the cause above stated.

I have the honor to be, very respectfully,

Your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

Mr. Bates gave notice that on to-morrow or some subsequent day, he would introduce a bill for an act to organize the militia of Colorado Territory.

Mr. Fowler, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on engrossment beg leave to report that they have examined H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of Paupers, approved January 11th, 1867, and find the same to be correctly engrossed.

B. FOWLER.

Report received.

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



SATURDAY, DECEMBER 21ST, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Sawin and Richards.

Journal read and approved.

Mr. Wharton presented a petition from a number of citizens of Clear Creek county, asking the enactment of a law to enable them to hold a special election for the purpose of removing their county-seat.

Petition read, and on motion, was referred to committee on Elections and Apportionments.

Mr. Wharton, from committee on Printing, submitted the following report:

*Mr. Speaker:* Your standing committee on Printing beg leave to report H. B. No. 22 as correctly printed, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Mr. Wharton gave notice that he would, on Monday next or some subsequent day, introduce a bill for An act amendatory of an act entitled an act concerning mines and minerals, approved February 9th, 1866.

Messrs. Richards and Sawin appeared and took their seat.

Mr. Miller moved that a special committee of three be appointed by the chair, on Libraries.

Carried.

And the Speaker appointed Messrs. Miller, Decatur and Bissell, as such committee.

Previous notice having been given, Mr. Pierce introduced a bill entitled as follows: An act to provide for the payment of clerks and other officers of the Legislative Assembly.

According to previous notice, Mr. Richards introduced a bill entitled as follows: An act to amend an act entitled an act to provide additional compensation to the Judges of the Supreme Court of Colorado Territory.

Without previous notice, by leave of the House, Mr. Miller introduced a bill entitled as follows: An act to amend an act entitled an act concerning criminal jurisprudence.

Without previous notice, by leave of the House, Mr. Wurtzbach introduced a bill entitled as follows: An act for the relief of Juan Esquibel.

H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly, was read the

second time, and on motion of Mr. Miller, it was referred to committee on Judiciary.

H. B. No. 26, An act to amend an act entitled an act to provide additional compensation to the Justices of the Supreme Court of Colorado Territory, was read the second time, and on motion of Mr. Decatur, was referred to committee on Judiciary.

H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, was read a second time, and on motion of Mr. Miller, was referred to Judiciary committee.

H. B. No. 28, An act for the relief of Juan Esquibel, was read the second time, and on motion of Mr. Wharton, was referred to a special committee of three.

The Speaker appointed as such special committee, Messrs. Wharton, Macon and Thomas Suaso.

H. J. M. No. 5 was taken up for consideration, and on motion of Mr. Bates, was ordered engrossed.

H. B. No. 18, as reported on by special committee, was taken up for consideration, and on motion, was ordered to general file.

H. B. No. 16, An act to repeal an act entitled an act to amend an act for the support of paupers, approved January 11th, 1867, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Hudleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wharton and Mr. Speaker—21.

Noes—Messrs. Macon, Stone and Wurtzbach—3.

So the bill passed and title agreed to.

Mr. Richards asked leave to introduce a bill without previous notice.

Leave granted by the House.

Mr. Richards introduced a bill entitled as follows: An act to regulate limited copartnerships.

Read first and second times, and on motion of Mr. Stiles, it was referred to committee on Revision of Statutes.

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

COUNCIL CHAMBER, December 21st, 1867.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 8, An act to legalize the records of Lake county.

And C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk.

And H. B. No. 10, a bill for An act to amend an act to enable



road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto.

Herewith submitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

On motion of Mr. McCoy, H. B. No. 10 was referred to committee on Enrolment.

The original copy of H. B. No. 23 having been lost, on motion of Mr. Wharton, the House accepted the printed copy as the true bill, and it was referred to committee of the Whole.

On motion of Mr. Miller, the House went into committee of the Whole, on the general file.

Mr. Richards in the chair.

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

*Mr. Speaker:* The committee of the Whole House have had H. B. No. 23, An act relating to agricultural school-lands, under consideration, and report it back to the House, with the recommendation that it lie on the table.

Also, have had substitute for H. B. No. 18, An act to provide for the printing of the laws in the Spanish language, under consideration, have amended the same, and report it back to the House, with the recommendation that it pass as amended.

D. M. RICHARDS, *Chairman.*

Report received.

Mr. Bissell asked leave to introduce a bill.

Leave granted, and Mr. Bissell introduced a bill entitled as follows: An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory.

On motion of Mr. McCoy, H. B. No. 23, as recommended from committee of the Whole, was laid on the table.

H. B. No. 18, An act providing for the publication of the laws of the Territory of Colorado in the Spanish language, was taken up.

On motion of Mr. Lawrence, the bill was ordered engrossed as amended.

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

Mr. Lawrence moved to amend by saying 10 a. m. Monday.

Amendment lost.

Original motion prevailed, and the House adjourned until 2 p. m.

## AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell, Fowler, McCoy, Slaughter and Stiles.

Mr. Miller asked that Mr. Horr, the Assistant Clerk, be excused, as he understood that he was sick.

Excused by the House.

On motion of Mr. Richards, the House went into committee of the Whole, on H. B. No. 22.

Mr. Bates in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole House have had H. B. No. 22 under consideration, and report it back to the House, with the recommendation that it be referred to the committee on Revision of the Statutes.

A. BATES, *Chairman.*

Report received.

And the bill was so referred.

Mr. Bissell appeared and took his seat.

Mr. Wharton moved a reconsideration of the vote by which H. B. No. 19 was made the special order of the day for Saturday, December 28th, at 2 p. m.

Mr. Bissell moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Bissell, Haswell, Huddleston, Macon, McDougal, Ortega, Pierce, S. Suaso, and T. Suaso—10.

Those voting no were:

Messrs. Decatur, Fowler, Lawrence, Miller, Pearson, Stratton, Stone, Wharton, Wurtzbach and Mr. Speaker—10.

Lost.

Mr. Pierce moved a call of the House, which being seconded by two others, was had.

Absent—Messrs. McCoy, Richards, Sawin and Slaughter—4.

Sergeant-at-Arms dispatched after absentees.

Sergeant returned and reported all present.

On motion, all further proceedings under the call were dispensed with.

Committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. J. M. No. 5, relative to increased com-



pensation for survey of public lands, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Decatur submitted the following resolution :

*Resolved*, By this House, that the Secretary be requested to put up another stove in this hall.

Mr. Slaughter moved to adjourn until 10 o'clock Monday.

Lost.

Mr. Slaughter moved to lay the resolution of Mr. Decatur on the table.

Lost.

Ayes and noes demanded, ordered and called on the adoption of the resolution.

Those voting aye were :

Messrs. Bates, Decatur, Fowler, Haswell, Lawrence, Macon, McDougal, Miller, Pearson, Pierce, Sawin, Stratton and Wharton—13.

Those voting no were :

Messrs. Bissell, Huddleston, McCoy, Ortega, Richards, Slaughter, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—12.

So the resolution was adopted.

Mr. Sawin moved that the House adjourn until Monday at 10 o'clock a. m.

Carried.

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MONDAY, DECEMBER 23D, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—McCoy and Miller.

Journal read and approved.

Mr. Stratton gave notice that he would introduce a bill to authorize the County Commissioners of Larimer county to audit and pay certain claims.

Mr. Richards gave notice of a bill to amend an act entitled an act to reduce the several acts concerning jurors, into one act, and to amend the same, approved January 11th, 1867.

C. B. No. 8, An act to legalize the records of Lake county, was read the first time.

C. B. No. 10, an act in relation to an adopted child of Major E. B. Kirk, was read the first time.

Both bills read the second time and referred to committee of the Whole.

Mr. Miller appeared and took his seat.

H. B. No. 30, An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory, was read the second time, and on motion of Mr. Pearson, was referred to committee of the Whole.

Mr. Wharton from special committee on H. B. No. 28, An act for the relief of Juan Esquibel, submitted the following report:

*Mr. Speaker:* Your special committee on H. B. No. 28, An act for the relief of Juan Esquibel, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

J. E. WHARTON, *Chairman.*

Report received.

And the bill referred to committee of the Whole.

H. J. M. No. 5, A memorial to the Congress of the United States relative to increased compensation for the survey of Public Lands in Colorado Territory, was read the third time, and the question being on its passage the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Hudleston, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—23.

Noes—Mr. Sawin.

So the memorial passed and title agreed to.

On motion of Mr. Wharton, H. B. No. 19, An act to provide for the relocation of the county-seat of Clear Creek county, was replaced on the general file.

M. Pierce introduced the following resolution:

*Resolved*, By the House of Representatives, the Council concurring, that when this House adjourns on Tuesday, December 24th, 1867, it stand adjourned until 10 o'clock Monday, December 30th, 1867.

Mr. Wharton moved to lay it on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bissell, Fowler, Lawrence, Richards, Sawin, Stiles, T. Suaso and Wharton—8.



Those voting no were :

Messrs. Bates, Decatur, Haswell, Huddleston, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Slaughter, Stratton, Stone, S. Suaso, Wurtzbach, and Mr. Speaker—16.

Lost.

The question now being on the adoption of the resolution, the ayes and noes were :

Ayes—Messrs. Bates, Decatur, Haswell, Huddleston, Macon, McDougal, Pearson, Pierce, Slaughter, Stratton, Stone, S. Suaso and T. Suaso—13.

Noes—Messrs. Bissell, Fowler, Lawrence, Miller, Ortega, Richards, Sawin, Stiles, Wharton, Wurtzbach and Mr. Speaker—11.

So the resolution was adopted.

The committee on Elections and Apportionments, through their chairman submitted the following :

*Mr. Speaker :* The committee on Elections and Apportionments to whom was referred the petition and remonstrance of the citizens of Clear Creek county in relation to the removal of the county-seat of said county, would recommend that the prayer of the petitioners asking for the passage of a law authorizing the citizens of said county to vote on the relocation of the county-seat of said county, be granted.

S. DECATUR, *Chairman.*

Report received.

Mr. Pierce moved to lay the report on the table.

Mr. McCoy appeared and took his seat.

Ayes and noes demanded, ordered and called.

Those voting aye were :

Messrs. Bates, Bissell, Fowler, Haswell, Huddleston, McCoy, McDougal, Ortega, Pierce, Slaughter, Stiles, S. Suaso, and T. Suaso—13.

Those voting no were :

Messrs. Decatur, Lawrence, Macon, Miller, Pearson, Richards, Sawin, Stratton, Stone, Wharton, Wurtzbach and Mr. Speaker—12.

So the report was tabled.

On motion of Mr. Wharton the House went into committee of the Whole on the general file.

Mr. Stiles in the chair.

After some time spent therein, the committee arose and the chairman asked until the meeting of the House this afternoon to make his report.

Time granted by the House.

On motion of Mr. Bissell, the House adjourned until 2.30 this p. m.

## AFTERNOON SESSION.

House met at 2.30 p. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Mr. Lawrence.

The joint committee on Enrolment, through their chairman, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolment beg leave to report that they did, on the 21st instant, at 3 o'clock p. m., place in the hands of the Governor of the Territory, House Joint Memorial No. 2, in relation to the United States Postal Laws, H. J. M. No. 1, in relation to the re-opening of the Camp Collins Reserve for pre-emption; also H. B. No. 8, a bill for an act to change the name of Octavius H. Tubbs, and the same await his approval.

All of which is respectfully submitted.

B. B. STILES,  
E. T. STONE.  
*House Committee.*

Report received.

The committee on Engrossment, through their chairman, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 18, A bill for an act providing for the publication of the laws of the Territory of Colorado in the Spanish language, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The Sergeant-at-Arms announced the following message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
December 23d, 1867.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have the honor to return herewith, for correction, the enrolled copy of an act in relation to one Octavius H. Tubbs, certified to have originated in your honorable body, which, through inadvertence I presume, has passed both branches of the Legislature without the usual title being prefixed; should there be any opposition however, which would detain the bill



in your hands a considerable length of time, I beg that it may be returned to me at once for approval in its present form. I merely suggest the propriety of prefixing the title as it has been the custom of all previous assemblies to pass enactments in that form.

Very respectfully, your ob't serv't,  
FRANK HALL,  
*Acting Governor, Colorado Territory.*

Message received.

The committee of the Whole House, through their chairman submitted the following report :

*Mr. Speaker:* The committee of the Whole House, have had under consideration C. B. No. 8, An act to legalize the records of Lake County, and C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, and report them back to the House with the recommendation that they do pass without amendment.

Also, H. B. No. 28, An act for the relief of Juan Esquebel, and report it back to the House with the recommendation that it be referred to a special committee of three ; also H. B. No. 30, An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory, and H. B. No. 19, A bill for an act providing for a relocation of the county-seat of Clear Creek county, Colorado, and have made progress therein, and ask leave to sit again.

B. B. STILES, *Chairman.*

Report received.

On motion of Mr. Stiles, the Speaker was authorized to direct the Enrolling Clerk to make the necessary correction to H. B. No. 8, returned by the Governor for correction.

On motion of Mr. Stiles the House went into committee of the Whole on the general file.

Mr. Stiles in the chair.

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

*Mr. Speaker:* The committee of the Whole House have considered H. B. No. 30, An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory, and report it back to the House with the recommendation that it be referred to special committee of five, and ask leave to sit again.

B. B. STILES, *Chairman.*

On motion of Mr. Macon, the report was adopted and the Speaker appointed as such special committee, Macon, Wurtzbach, Slaughter, Stone and Haswell.

The Sergeant-at-Arms announced the following message from the Council:

COUNCIL CHAMBER, December 23d, 1867.

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

SIR: I am instructed by the Council, to inform your honorable body that the Council has passed H. B. No. 9, An act to amend section 32 of an act entitled an act to define County Boundaries, and to locate County-seats in Colorado Territory, and has refused to concur in H. C. R. No 2, relative to adjournment. Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Message received.

The Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, December, 23d, 1867.

*Hon. C. H. McLaughlin, 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, viz.:

Joint memorial to Congress in relation to the military reservation known as Camp Collins.

Joint memorial to Congress in relation to postal laws.

Very respectfully, your obedient servant,

FRANK HALL,  
*Acting Governor.*

The committee on Enrolment, through their Chairman, submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 10, a bill for an act to amend an act to enable road, ditch, manufacturing, and other companies, to become bodies corporate, and the several acts amendatory thereto, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.



Mr. Bissell gave notice that he would on to-morrow, or some subsequent day, introduce a bill amendatory to the attachment law.

Mr. Miller moved the appointment of a committee of three, to confer with a like committee from the Council, relative to adjournment.

Lost.

Mr. McCoy moved that when this House adjourns to-morrow, it stand adjourned until Friday, at 2 p. m., 27th inst.

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

Carried.

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TUESDAY, DECEMBER 24TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Lawrence and Miller.

Journal read and approved.

The special committee on H. B. No. 15, through their Chairman submitted the following report :

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 15, beg leave to report that after due consideration your committee deem it prudent to recommend a substitute for the same, which is herewith submitted for the following reasons :

That in consequence of the great delay heretofore experienced by Territorial officers (not officially appointed) in the adjustment of said military claims, it is the opinion of your committee that some suitable person should be appointed by the Governor, and confirmed by the Legislative Council, to visit Washington and insist upon the immediate adjustment of said claims.

That properly to secure the large interests involved, bonds should be required from such person so appointed, for a sufficient amount to secure the Territory and people from accident or fraud, after said amount is collected.

That in case a sufficient sum of money is not collected from the government of the United States to cancel all the indebtedness of the Territory, then the amount collected should be paid to the different claimants *pro rata*, according to their demands, which we think more equitable than the provisions of the original bill.

For further information respecting the amount of said indebtedness, we would most respectfully refer to the inclosed report of the Adjutant-General of the Territory for the year 1866.

JNO. E. WURTZBACH, *Chairman.*

Report received.

The committee on Elections and Apportionments, through their Chairman submitted the following report:

*Mr. Speaker:* The undersigned committee on Elections and Apportionments, to whom was referred H. B. No. 24 ask leave to report the same back to the House, with the recommendation that it be referred to the committee on revision.

STEPHEN DECATUR,  
ANSEL BATES,  
WM. M. SLAUGHTER.

Report received and adopted, and the bill was referred to the committee on Revision of the Statutes.

H. B. No. 9, An act to amend section 32, of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16th, 1861, was taken up, the Council amendment concurred in, and the bill was ordered enrolled.

Mr. Miller appeared and took his seat.

Mr. Slaughter, according to previous notice, introduced a joint memorial to Congress, entitled as follows: Asking an appropriation for the building of a wagon-road from Denver City via Georgetown, to the upper waters of the Rio Colorado.

Read first and second times, and reported to committee on Federal Relations.

H. B. No. 28, An act for the relief of Juan Esquibel, was taken up for consideration, and as recommended by committee of the Whole House, was referred to a special committee of three, consisting of Messrs. Bates, Sawin and Huddleston.

On Motion of Mr. Miller, the committee were instructed to consider the case of Mr. Beshoar at the same time.

C. B. No. 8, and C. B. No. 10, were taken up for consideration. The report of the committee of the Whole was adopted and the bills ordered on third reading.

H. B. No. 15, An act authorizing the Territorial Treasurer to collect the militia money due from the United States, was taken up for consideration, and on motion, the substitute reported by the special committee was adopted and ordered printed.

C. B. No. 8, An act to legalize the records of Lake county, was read the third time, and passed unanimously, and title agreed to.



Absent—Messrs. Gilliland and Macon.

C. B. No. 10, an act in relation to an adopted child of Major E. B. Kirk, was read the third time and passed by the following vote:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbaeh and Mr. Speaker—24.

Noes—none.

Absent—Messrs. Gilliland, and Macon.

So the bill passed and title agreed to.

H. B. No. 18, An act to provide for publishing the laws of the Territory in the Spanish language, was read a third time, passed unanimously and title agreed to.

Absent—Mr. Gilliland.

Mr. Miller moved that a committee of two be appointed by the House, to confer with a like committee to be appointed on the part of the Council, relative to adjourning during the holidays.

Lost.

Mr. Sawin moved that the House do now adjourn until 10 o'clock, Thursday morning.

Lost.

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

Carried.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present.

On motion of Mr. Wharton, the House went into committee of the Whole on H. B. No. 19.

Mr. Pearson in the chair.

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

*Mr. Speaker:* Your committee of the Whole House have had H. B. No. 19 under consideration, and report it back to the House with the recommendation that it lay on the table.

H. PEARSON, *Chairman.*

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

Ayes and nays demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Bissell, Fowler, Haswell, Huddleston, Macon,

McCoy, McDougal, Ortega, Pierce, Stiles, Stone, S. Suaso, T. Suaso and Wurtzbach—15.

Those voting no were :

Messrs. Decatur, Lawrence, Miller, Pearson, Richards, Sawin, Slaughter, Stratton, Wharton and Mr. Speaker—10.

So the report was adopted and the bill tabled.

Mr. Miller asked leave of absence during the afternoon.

Leave granted by the House.

The Sergeant-at-Arms announced the following message from the Council :

COUNCIL CHAMBER, December 24th, 1867.

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

SIR: I am instructed by the Council to inform the House that the Council has concurred in H. J. M. No. 5, relative to increased compensation for survey of public lands.

Also, has amended (amendments attached to bill) and passed H. B. No. 11, a bill for An act to locate the site and establish a Penitentiary for the Territory of Colorado.

Your concurrence is respectfully requested.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Message received.

Without having given previous notice, by leave of the House, Mr. Lawrence introduced a bill entitled as follows: An act relative to apportionment of the Territory into Representative Districts.

Mr. Richards, without having given previous notice, introduced a bill entitled as follows: An act relating to railroads, wagon-roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities or towns, and for other purposes.

Mr. Stiles moved to adjourn until Thursday morning at 10 o'clock.

Mr. Pierce moved to amend by saying 2 p. m. Friday.

Amendment lost.

Ayes and noes demanded, ordered and called, on Mr. Stiles's motion.

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Lawrence, McDougal, Sawin and Stiles—8.

Noes—Messrs. Haswell, Huddleston, Macon, McCoy, Ortega, Pearson, Pierce, Richards, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Lost.



Mr. Slaughter moved to adjourn until to-morrow at 10 o'clock a. m.

Lost.

Mr. Stiles moved to adjourn until Thursday at 2 p. m.

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, McDougal, Ortega, Sawin, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—11.

Those voting no were:

Messrs. Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, Pearson, Pierce, Richards, Slaughter, Stratton, Stone and Wharton—13.

Lost.

The Sergeant-at-Arms announced the following message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, December 24th, 1867.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have the honor to inform the House of Representatives that I have approved the following bill, certified to have originated in that body, viz.:

An act to change the name of Octavius H. Tubbs.

Very respectfully, your obedient servant,

FRANK HALL,  
*Acting Governor.*

Message received.

Mr. Bissell moved that the House adjourn until Friday at 2 o'clock p. m.

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Huddleston, McDougal, Pierce, Sawin, Stiles, Wurtzbach and Mr. Speaker—10.

Those voting no were:

Messrs. Fowler, Haswell, Lawrence, Macon, McCoy, Ortega, Pearson, Richards, Slaughter, Stratton, Stone, S. Suaso, T. Suaso and Wharton—14.

Lost.

Mr. Richards moved to adjourn.

Lost.

Mr. McCoy moved to adjourn until half past 10 o'clock to-morrow morning.

Lost.

Mr. Pierce moved to adjourn until half past 2 o'clock Friday.

Lost.

Mr. Stiles moved that H. B. No. 32 be read at length.

Mr. Slaughter moved to lay the motion on the table.

Carried.

Mr. Macon moved that the House do not concur in Council amendments to H. B. No. 11.

Mr. Sawin moved to amend by saying that the House do concur in Council amendments to H. B. No. 11.

Mr. Pierce moved to lay the amendment on the table.

Ayes and nays demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—18.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, Richards, Sawin and Wharton—6.

Carried.

Mr. Macon moved the previous question, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—17.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, Richards, Sawin, Stone and Wharton—7.

So the question was decided in the affirmative.

The question now being, "Will the House concur in Council amendments to H. B. No. 11," the ayes and noes were:

Ayes—Messrs. Bissell, Haswell, Huddleston, Richards, Sawin, Stone and Wharton—7.

Noes—Messrs. Bates, Decatur, Fowler, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—17.

So the House did not concur.

Mr. Stiles moved that a committee of three be appointed to wait upon the Council and request them to recede from their action on H. B. No. 11.

Carried.

And the Speaker appointed Messrs. Stiles, Fowler and Haswell, as such committee.

Mr. Bissell moved to adjourn until Friday morning at 10 o'clock, and called for the ayes and noes.

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Lawrence, Macon, McDougal, Ortega, Pierce, Sawin, Stratton, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.



Noes—Messrs. Haswell, Huddleston, McCoy, Pearson, Richards, Slaughter, Stone and Wharton—8.

Carried.

And the House adjourned.

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FRIDAY, DECEMBER 27TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Miller, Stratton, Stiles and Stone.

Journal read and approved.

Mr. Decatur presented a petition from a number of the citizens of Summit county, asking the adoption of such measures as shall be best calculated to secure the prompt admission of the State of Colorado.

Petition read, and on motion of Mr. Decatur, was referred to a special committee of three, consisting of Messrs. Decatur, Wharton and Bates.

The Sergeant-at-Arms announced the following communication from the Council:

COUNCIL CHAMBER, December 27th, 1867.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 3, An act relating to intoxicating liquors on days of election.

Herewith transmitted.

Your concurrence is respectfully requested.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

Mr. Pearson presented a petition from a number of citizens of Boulder county, asking an appropriation of money for the support and education of Adeline McFarland, daughter of Robert McFarland, who was killed at the battle of Sand Creek.

The petition was read, and on motion, was referred to a special committee of three, consisting of Messrs. Wurtzbach, Pearson and Sawin.

Mr. Slaughter gave notice that he would introduce a bill for An act to provide for the regulating of the sale of spirituous

liquors in this Territory, and for the licensing of gambling-houses.

Mr. Slaughter moved a reconsideration of the vote by which a committee of conference on H. B. No. 11 was appointed.

Carried.

Mr. Miller appeared and took his seat.

Mr. Bates, from special committee on H. B. No. 28, submitted the following :

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 28, entitled An act for the relief of Juan Esquibel, have had the same under consideration, and beg leave to submit the following report :

We would amend the said bill by striking out the words "one hundred and fifty dollars," in the fourth and fifth lines of section 1, and insert in lieu thereof the words "seventy-five dollars," and recommend that the bill do pass as amended.

In relation to the case of Mr. Beshoar, it is the opinion of the committee that it is not properly before them for consideration, no copy of the resolution instructing them to consider and report upon said Beshoar's claims for relief having been submitted to them, nor has said Beshoar presented any claim for relief to the committee.

A. BATES,  
F. O. SAWIN,  
S. F. HUDDLESTON.

Mr. Decatur moved the adoption of the report.

Mr. Slaughter moved to lay it on the table, and called for the ayes and noes.

Those voting aye were :

Messrs. Bissell, Lawrence, Macon, Ortega, Pearson, Slaughter, S. Suaso, T. Suaso and Wurtzbach—9.

Those voting no were :

Messrs. Bates, Decatur, Fowler, Haswell, Huddleston, McCoy, McDougal, Pierce, Richards, Sawin, Wharton and Mr. Speaker—12.

Mr. Miller excused from voting.

Lost.

Mr. Slaughter moved to postpone the consideration of the report until Monday next.

Motion withdrawn.

Mr. Miller moved that the bill be again referred to the same committee, with instructions to report on the case of Mr. Beshoar at the same time.

Carried.

And the bill was so referred.



Mr. Stiles, from joint committee on Enrolment, submitted the following report:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared the enrolled copy of H. B. No. 10, a bill for An act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, and report the same correctly enrolled.

B. B. STILES,  
E. T. STONE,  
*Committee.*

C. B. No. 3, An act relating to the sale of intoxicating liquors on days of election, was read the second time.

Mr. Slaughter moved to indefinitely postpone, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Haswell, Macon, Slaughter, S. Suaso, Wurtzbach and Mr. Speaker—9.

Those voting no were:

Messrs. Fowler, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, T. Suaso and Wharton—13.

Lost.

Mr. Slaughter moved to lay the bill on the table.

Lost.

Mr. McCoy moved to refer the bill to the committee of the Whole.

Carried.

And the bill was so referred.

Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver December 27th, 1867.

*Hon. C. H. McLaughlin, 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, viz.:

An act to amend an act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor, Colorado Territory.*

By leave of the House, without having given previous notice, the Speaker introduced a joint memorial entitled as follows: A joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes.

Without previous notice, Mr. Macon introduced a bill entitled as follows: An act in relation to the adopted child of Samuel N. Hoyt.

Mr. Bates, previous notice having been given, introduced a bill entitled as follows: An act to organize the militia of Colorado Territory.

H. J. M. No. 6, a memorial to the Congress of the United States relative to subsidies of lands for railroad purposes, was read the second time, and on motion of Mr. Pearson, was placed on the general file.

H. B. No. 34, An act to change the name of Sarah Thomas, was read a second time, and referred to committee of the Whole.

H. B. No. 35, An act to organize the militia of Colorado Territory, was read a second time and ordered printed.

H. B. No. 31, An act relative to apportioning the Territory into Representative Districts, was read the second time, and on motion of Mr. Lawrence, was referred to a special committee of five, consisting of Messrs. Ortega, T. Suaso, Macon, Lawrence and Pearson.

H. B. No. 32, An act relating to railroads, wagon-roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, was read the second time and ordered printed.

Mr. Miller moved to adjourn until to-morrow at 10 o'clock a. m.

Lost.

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

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Lawrence, Stratton and Stone.

On motion of Mr. Macon, Mr. Stratton was excused.

On motion of Mr. Richards, Mr. Stone was excused.

Mr. Wharton, from committee on Printing, submitted the following:

*Mr. Speaker:* Your standing committee on Printing beg



leave to report back to the House H. B. No. 15, together with printed copies of the same.

J. E. WHARTON, *Chairman*.

Report received.

On motion of Mr. Wharton, the House went into committee of the Whole, on the general file.

Mr. Stiles in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole House have considered C. B. No. 3, An act relating to intoxicating liquors on days of election, have amended the same, and report it to the House without recommendation.

Also, H. J. M. No. 6, a memorial to the Congress of the United States relative to subsidies of lands for railroad purposes, have amended the same, and recommend that it do pass as amended.

Also, H. B. No. 15, An act to provide for the appointment of a commissioner to receive any money due the Territory of Colorado from the government of the United States for military services, and report it back to the House with the recommendation that it be referred to a special committee of three.

B. B. STILES, *Chairman*.

Report received.

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

COUNCIL CHAMBER, December 27th, 1867.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 4, An act to establish a Board of Registry of Electors.

Your concurrence is respectfully requested.

Also, that the Council has refused to recede from its amendments to H. B. No. 11, An act to locate the site and establish a Penitentiary for the Territory of Colorado.

Also, that the Council has appointed Messrs. Butler, Cook and Stearns as a committee of conference, on part of the Council, to act with a like committee on the part of the House, which you are requested to appoint, in reference to Council amendments to said H. B. No. 11.

The bills are herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Mr. Slaughter moved the appointment of a committee of three

on H. B. No. 15, as recommended by committee of the Whole.

Carried.

And the Speaker appointed Messrs. Slaughter, McCoy and Pearson as such committee.

Mr. Fowler moved the appointment of a committee of five to confer with the committee appointed by the Council on H. B. No. 11.

Carried.

And the Speaker appointed Messrs. Follow, Macon, Ortega, Sawin and Haswell, as such committee.

Mr. Wharton moved that C. B. No. 3, An act relating to intoxicating liquors on days of election, be made the special order of the day for Monday at 2 o'clock p. m.

Mr. Slaughter moved to amend by saying January 9th, 1868, and called for the ayes and noes.

Those voting aye were :

Messrs. Bissell, Decatur, Macon, Slaughter, S. Suaso, T. Suaso, and Mr. Speaker—7.

Those voting no were :

Messrs. Bates, Fowler, Haswell, Huddleston, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Stiles, Wharton, and Wurtzbach—15.

Lost.

Mr. Slaughter moved to indefinitely postpone C. B. No 3.

Ayes and noes demanded, ordered and called.

Those voting aye were :

Messrs. Bissell, Decatur, Macon, Ortega, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach, and Mr. Speaker—10.

Those voting no were :

Messrs. Bates, Fowler, Haswell, Huddleston, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin and Wharton—12.

Lost.

Mr. Wurtzbach moved that the bill be referred to a special committee of three.

Mr. Pearson stated that Mr. Wharton's motion was first in order.

The Speaker decided that the motion of Mr. Wurtzbach was the one before the House.

Mr. Pearson appealed from the decision of the chair, and called for the ayes and noes.

Those voting to sustain the Speaker were :

Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Macon, McCoy, McDougal, Ortega, Pierce, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso and Wurtzbach—17.

Those voting against decision of the Speaker were :

Messrs. Miller, Pearson, Richards, and Wharton—4.



So the Speaker's decision was sustained.

The question now being on referring C. B. No. 3 to a select committee of three, the ayes and noes were:

Ayes—Bates, Bissell, Decatur, Haswell, Macon, Ortega, Slaughter, Stiles, S. Suaso, T. Suaso and Wurtzbach—11.

Noes—Messrs. Fowler, Huddleston, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin and Wharton—10.

Carried.

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

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SATURDAY, DECEMBER 28TH, 1867.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Miller, Stratton and Stone.

Quorum present.

Journal read and approved.

The Speaker appointed Wurtzbach, Sawin and Pearson as the special committee on C. B. No. 3, An act relating to intoxicating liquors on days of election.

Mr. Pearson presented a petition from a number of citizens of Boulder, asking the adoption of some measure looking to the early admission of Colorado as a State.

Petition read, and on motion of Mr. Pearson, was referred to special committee consisting of Decatur, Wharton and Bates.

Mr. Stiles, from committee on Judiciary, submitted the following report:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, have had the same under consideration, and report it back to the House, and recommend that it do pass.

Also, H. B. No. 26, An act to amend an act entitled an act to provide additional compensation to the Judges of the Supreme Court of Colorado Territory, and report it back to the House with the recommendation that it do not pass.

Also, H. B. No. 25, a bill for an act to provide for the payment of clerks and other officers of the Legislative Assembly, and have amended the same and recommend that the bill do pass as amended.

B. B. STILES, *Chairman.*

The committee on revision of the Statutes through their chairman, submitted the following :

*Mr. Speaker:* Your committee on Revision, to whom was referred H. B. No. 17, An act requiring persons elected or appointed to county or township officers to qualify, have considered the same, and report it back with the recommendation that it do pass without amendment.

Also, H. B. No. 22, a bill for an act for the relief of working men and mechanics in certain cases, and report it back to the House with the recommendation that it be indefinitely postponed.

B. B. STILES, *Chairman.*

Report received.

The committee on Revision of Statutes, through their chairman submitted the following report :

*To the Speaker of the House of Representatives :*

*Mr. Speaker:* The undersigned, a joint committee on the part of the Council and House of Representatives, to whom by concurrent resolution of the two Houses, it was referred to examine the revision of the general Statutes of the Territory, prepared by E. T. Wells of Gilpin County, and report—

1st. Whether said revision ought to be adopted by the Legislative Assembly.

2d. A plan for the publication thereof, in case the same should be adopted.

3d. What compensation ought to be allowed to said Wells for preparing said revision.

Respectfully report that they have had under consideration the said revision, and have carefully examined the same.

Your committee believe that said revision is a thorough and correct compilation of all the statutes of a general nature now in force and with the several amendments to the original statutes, which have, from time to time been adopted, embodied in the text thereof, and with sundry other changes and amendments as experience has shown to be necessary.

Your committee, therefore, recommend the adoption of the revision without change.

Your committee further report that the proper plan for the publication of the said revision is as provided therein. In chapters according to subjects, as the same are now arranged with the enactments passed at the present session inserted therein in their proper places, and with notes of the prior statutes, not now in force, at the foot of each chapter.



Your committee recommend that said Wells be employed to superintend the publication of the said revision; and that for the compilation thereof, and for the supervision of the printing and for attaching to the same, notes of prior statutes and judicial decisions, (such as the Secretary of the Territory may see fit to print,) the said Wells be paid the sum of three thousand dollars.

And, herewith, your committee beg leave to report to the House of Representatives, two certain bills for the adoption of said revision, the criminal code being reported separate from the residue thereof, and a bill for an act to provide for the publication thereof.

AMOS STECK,  
HUGH BUTLER,

*Members on the part of the Council.*

B. B. STILES,  
THOMAS MACON,

*Members on the part of the House.*

On motion of Mr. Sawin the report was adopted.

Mr. S. Suaso gave notice of a bill for an act making it unlawful for any one to cut off the ears of cattle, hogs or sheep with the intention to use it as an ear-mark.

C. B. No. 4, a bill for an act to establish a board of registry of electors, was read the second time, and on motion of Mr. Bissell, was ordered printed.

Mr. Stiles asked leave of the House, without having given previous notice, to introduce three bills.

Leave granted, and Mr. Stiles introduced the following bills:

An act for revising and consolidating the General Statutes of the Territory of Colorado.

And an act concerning Criminal Jurisprudence.

And an act to provide for the publication of the Revised Statutes of the Territory of Colorado.

Previous notice having been given, Mr. Gilliland introduced a bill entitled as follows: An act to prevent the importation of transient herds of stock into Lake county.

Without having given previous notice, Mr. Slaughter introduced a bill entitled as follows: An act to define the word "lode," as applied in Colorado Territory.

Mr. Miller appeared and took his seat.

H. B. No. 36, An act for revising and consolidating the General Statutes of the Territory of Colorado, was read the second time.

Mr. Macon moved that the rules be suspended, the bill be considered engrossed, read the third time by its title, and placed upon its passage.

Motion carried.

The bill was read the third time by its title, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Noes—none.

Absent—Messrs. Stratton and Stone.

So the bill passed and title agreed to.

H. B. No. 37, An act concerning Criminal Jurisprudence, was read the second time.

Mr. Stiles moved to suspend the rules, consider the bill engrossed, read it the third time by its title and place it on its passage.

Motion carried.

And H. B. No. 37, An act concerning Criminal Jurisprudence, was read the third time by its title, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Noes—none.

Absent—Messrs. Stratton and Stone.

So the bill passed and title agreed to.

H. B. No. 38, An act to provide for the publication of the Revised Statutes of Colorado Territory, was read the second time.

On motion of Mr. Macon, the rules were suspended, the bill considered engrossed, read the third time in full, and placed on its passage.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stiles, S. Suaso, Wharton, Wurtzbach, and Mr. Speaker—23.

Noes—none.

Absent—Stratton, Stone and T. Suaso.

So the bill passed and title agreed to.

H. B. No. 39, An act to prevent the importation of transient herds of stock, into Lake county, was read the second time and on motion of Mr. Decatur, was referred to committee of the Whole.

H. B. No. 40, An act to define the meaning of the word "lode,"



as applied in Colorado Territory, was read the second time and referred to committee of the Whole.

H. J. M. No. 7, A memorial to the Congress of the United States relating to the boundary line between Colorado and New Mexico, was read the second time.

Mr. Bissell moved that it be referred to a special committee of three, with instructions to embrace within the memorial, a petition to extend our northern boundary one degree north.

Carried.

The Speaker appointed as such special committee, Messrs. Bissell, Macon and Richards.

Mr. Slaughter, from special committee to whom was referred H. B. No. 20, submitted the following report:

*Mr. Speaker:* We, your special committee to whom was referred H. B. No. 20, would respectfully report that we have the same under consideration, and would report back the accompanying substitute therefor and recommend its passage.

W. M. SLAUGHTER, *Chairman.*

Report received.

Mr. Macon from same committee submitted the following:

*Mr. Speaker:* The majority of your committee to whom was referred H. B. No. 20 would respectfully report that they have had the same under consideration, and would recommend that the same be laid on the table.

THEODORE HASWELL,  
THOS. MACON.

Report received.

Mr. Slaughter moved the adoption of the minority report.

Mr. Macon moved a reconsideration of the vote by which the minority report was adopted, and called ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Macon, McDougal, Miller, Ortega, Richards, Wharton and Mr. Speaker—12.

Those voting no were:

Messrs. Bissell, Huddleston, Lawrence, McCoy, Pearson, Pierce, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso and Wurtzbach—12.

So the motion to reconsider was lost.

Mr. Decatur moved to adjourn until 10 o'clock, a. m. Monday.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Bissell, Huddleston, Lawrence, Macon, McDougal, Miller, Ortega, Pierce, Sawin, Stiles, T. Suaso, and Wurtzbach—13.

Those voting no were:

Messrs. Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Slaughter, S. Suaso, Wharton and Speaker—11.

Motion carried, and House adjourned.

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MONDAY, DECEMBER 30TH, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. McDougal, Miller and Pierce.

On motion of Mr. Bates, Mr. McDougal was excused on account of sickness.

Mr. Wharton from committee on Printing, submitted the following report:

*Mr. Speaker:* Your committee on Printing beg leave to report back to the House, H. B. No. 32, with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

And the bill referred to committee of the Whole.

The committee on Mines and Minerals, through their chairman, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred House Bill No. 21, entitled, An act to establish a Territorial Assay Office in the Territory of Colorado, have had the same under consideration, and would respectfully report a substitute with the recommendation that it do pass.

THEO. HASWELL, *Chairman.*

STEPHEN DECATUR,

C. R. BISSELL.

Mr. Bates submitted the following minority report from same committee:

*Mr. Speaker:* A minority of your committee on Mines and Minerals, to whom was referred H. B. No. 21, A bill for the establishment of a Territorial Assay Office, ask leave to submit



the following report: The reasons for or against the establishment of such office, are wholly of a pecuniary nature. In view of the present financial depression of the Territory, it is the opinion of the minority of the committee, that the benefits to be derived from a Territorial Assay Office would not compensate the expenditure necessary to make it efficient. We recommend that the bill be not passed.

A. BATES,  
WM. J. McDOUGAL.

Mr. Bissell moved the adoption of the majority report.

Carried.

The special committee to whom was referred the case of Juan Esquibel and Michael Beshoar, submitted the following report:

*Mr. Speaker:* Your special committee to whom was again referred H. B. No. 28, An act for the relief of Juan Esquibel, also the claims of Mr. Beshoar for like relief, have had the same under consideration, and ask leave to make the following report. As to Esquibel the committee have nothing to add to, or take from their former report, which was, that the bill for his relief be amended by striking out the words "one hundred and fifty dollars, where the same occur therein, and inserting in lieu thereof the words, "seventy-five dollars," and that the bill do pass as so amended.

As to Beshoar, it is the opinion of the committee that he had reasons sufficient to justify his appearance as a claimant for a seat in this House as Representative from the Twelfth District, in the fact that no certificate of election was given by the Territorial Board of Canvassers to either party claiming said seat, and would recommend that said Beshoar, as in the case of Esquibel, have relief to the extent of his travelling expenses only, to and from the capitol, to wit: seventy-five dollars.

ANSEL BATES,  
F. O. SAWIN,  
S. F. HUDDLESTON.

Report received.

Mr. Slaughter moved a reconsideration of the vote by which H. B. No. 36, and H. B. No. 37, were passed.

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Macon, Miller, Richards, Slaughter, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Bissell, Haswell, Huddleston, Lawrence, McCoy, Ortega, Pearson, Sawin and Stratton—9.

So the vote was reconsidered.

Mr. Slaughter submitted the following resolution.

*Resolved*, By this House that whereas it now appears that the action had on Saturday on House Bills Nos. 36 and 37, was under misapprehension of the true character of said bills, or a portion thereof, and more especially in regard to those portions relating to the jurisdiction of the courts of this Territory. Therefore be it

*Resolved*, That the Council is hereby respectfully requested to return the several copies of the bills above-named, to this House for further consideration.

WM. M. SLAUGHTER.

Resolution adopted.

Mr. Stiles submitted the following resolution :

*Resolved*, That the Chief Clerk of this House prepare a calendar of all bills in the House or in the hands of committees, showing the particular stage to which they have passed, and have the same published each morning during the remainder of the session for the use of the members.

Adopted.

Previous notice having been given, Mr. Wharton introduced a bill entitled as follows: An act amendatory of an act entitled an act to create a fund for the benefit of Schools, approved August 25th, 1862.

Also amendatory of an act entitled an act concerning Mines and Minerals, approved February 9th, 1866.

Also an act to incorporate the town of Georgetown.

Previous notice having been given, Mr. Sawin introduced a bill entitled as follows: An act concerning reports of Territorial Officers.

Mr. Macon, without previous notice introduced a bill entitled as follows: An act to establish the Judicial Districts within this Territory, and to provide for the holding of courts therein.

H. B. No. 41 was read the second time and ordered printed.

H. B. No. 42, An act to incorporate the town of Georgetown, was read the second time and placed in the general file.

H. B. No. 43, An act concerning reports of Territorial Officers, read the second time and ordered printed.

H. B. No. 44, An act to establish the Judicial Districts within this Territory and provide for the holding of the courts therein.



H. B. No. 21, An act to establish a Territorial Assay Office in the Territory of Colorado, was taken up.

The substitute reported by committee on Mines and Minerals, was adopted, read first and second times and ordered printed.

Mr. Macon moved that the Republican members of the House should have the use of this hall this evening.

Carried.

Mr. McCoy gave notice that he would, on to-morrow or some future day, introduce a bill for an act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

Mr. Lawrence moved to adjourn.

Lost.

On motion of Mr. Slaughter, the House went into committee of the Whole on general file.

Mr. Miller in the chair.

After some time spent therein, the committee arose and reported that they had made some progress and asked leave to sit again.

Mr. Bissell asked the House to excuse Mr. Pierce for two days as he was going to get married.

Mr. Pierce was excused by the House.

On motion of Mr. Stone, the 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.

Roll called.

Absent—none.

The committee on Printing, through their chairman submitted the following:

*Mr. Speaker:* Your committee on Printing beg leave to report back to the House C. B. No. 4, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

H. J. M. No. 5, a memorial to the Congress of the United States, relative to increased compensation for survey of public lands in Colorado Territory, was ordered to committee on Enrolment.

The Sergeant-at-Arms announced the following message from the Council:

COUNCIL CHAMBER, December 30th, 1867.

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

SIR: Agreeable to request of the House, I am instructed to return to your honorable body, H. B. No. 36, An act for revising and consolidating the General Statutes of the Territory of Colorado.

Also, H. B. No. 37, An act concerning Criminal Jurisprudence.

Herewith transmitted.

I have the honor to be

ED. C. PARMELEE,  
*Secretary of the Council.*

Message received.

Mr. Stone gave notice that he would, at some future day, introduce a bill to repeal an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6, 1861.

Also, an act amendatory to the same, approved January 27th, 1866.

On motion of Mr. Bissell, the House went into committee of the Whole.

Mr. Miller in the chair.

Committee arose and reported that they had made some progress, and asked leave to sit again.

On motion of Mr. Stiles, H. B. No. 36, and H. B. No. 37, were referred to committee on revision of the Statutes.

Mr. Stone moved that the House again go into committee of the Whole.

Carried.

And the House again went into committee of the Whole.

Mr. Stone in the chair.

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

*Mr. Speaker:* Your committee of the Whole House have considered H. B. No. 39 and report it to the House with the recommendation that it lie on the table.

Also, H. B. No. 33, and recommend that it do pass.

Also, H. B. No. 32, and recommend that it be referred to committee on Judiciary.

Also, H. B. No. 34, and recommend that it do pass.

Also, H. B. No. 40, and recommend that it be referred to committee on Printing.

And C. B. No. 4, and recommend that it be made the special order of the day for Thursday, at 2 o'clock p. m.



All of which is respectfully submitted.

E. T. STONE, *Chairman.*

Mr. Miller moved that the report of the committee be adopted as a whole.

Mr. Slaughter moved to take up each bill as reported separately.

Carried.

And the report of the committee on H. B. No. 39 was adopted and the bill tabled.

H. B. No. 33 recommended to pass by committee of the Whole.

Adopted and the bill ordered engrossed.

H. B. No. 32, as recommended by committee of the Whole, was referred to Judiciary committee.

C. B. No. 4, recommended by the committee of the Whole to be made the special order of the day for Thursday at 2 o'clock p. m.

The report of the committee was adopted.

H. B. No. 40, the report of the committee recommending it to pass, was adopted and the bill was ordered engrossed.

H. B. No. 40, committee recommend that it be referred to committee on Printing.

Report adopted.

And the bills ordered printed.

Committee on Joint Enrolment, submitted the following report.

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined the enrolled copy of C. B. No. 8, An act to legalize the records of Lake county.

Also, C. B. No. 10, An act in relation to an adopted child of Major E. B. Kirk, and find the same duly enrolled.

B. B. STILES,

E. T. STONE,

*Committee.*

Report received.

The committee on Revision of Statutes submitted the following report:

*Mr. Speaker:* Your committee on Revision beg leave to report H. B. No. 37, An act concerning criminal jurisprudence, and recommend that it do pass without amendment.

Also, H. B. No. 36, An act to revise and consolidate the general statutes of Colorado Territory, and have amended the same, and recommend that it do pass as amended.

B. B. STILES, *Chairman.*

Report received.

Mr. Miller moved to insert the words "Arapahoe county" in the General Justice act in H. B. No. 36, and called for the ayes and noes.

Those voting aye were:

Messrs. Gilliland, Haswell, Huddleston, McCoy, Miller, Pearson, Richards, Sawin, Stone and T. Suaso—10.

Those voting no were:

Messrs. Bates, Bissell, Decatur, Fowler, Lawrence, Macon, Slaughter, Stratton, Stiles, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—13.

Excused—Ortega—1.

Lost.

Mr. McCoy moved to strike out the words "not being a negro or mulatto," in the General Election law in H. B. No. 36.

Mr. Bissell moved to adjourn. Lost.

The question now being on the motion of Mr. McCoy, to strike out the words "not being a negro or mulatto."

The ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach, and Mr. Speaker—15.

Noes—Messrs. Bissell, Huddleston, Lawrence, Macon, Miller, Ortega, Slaughter, Stone, and S. Suaso—9.

Absent and not voting—Messrs. McDougal, and Pierce.

So the amendment was carried.

Mr. Stiles moved that the bill be read the third time by its title, and put upon its passage.

Mr. Slaughter moved to adjourn.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Huddleston, Lawrence, Miller, Ortega, Sawin, Slaughter, Stone, and S. Suaso—8.

Noes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—14. Lost.

Call of the House ordered and had.

Absent—Macon, and Bissell.

Sergeant-at-Arms sent after absentees.

Mr. Bates moved that all further proceedings under the call be dispensed with.

Mr. Slaughter moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Lawrence, Ortega, Slaughter and Stone—4.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, Miller, Pearson, Richards, Sawin, Stratton, Stiles,



S. Suaso, T. Suaso, Wharton, Wurtzbach, and Mr. Speaker—18.  
Lost.

Mr. Miller moved to reconsider the vote just had, and called for the ayes and noes.

Those voting aye were:

Messrs. Lawrence, Miller, Ortega, Slaughter, Stone and S. Suaso—6.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Motion to reconsider was lost.

The question now being on the motion of Mr. Bates that all further proceedings under the call be dispensed with, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Noes—Messrs. Lawrence, Miller, Ortega, Stratton, Stone, and S. Suaso—6.

Motion carried, and all further proceedings under the call were dispensed with.

Mr. Lawrence moved to adjourn. Lost.

Mr. Decatur moved the previous question.

Mr. Miller moved a call of the House, which being had, there were absent, Messrs. Bissell, and Macon.

Mr. Wurtzbach moved that all further proceedings under the call be dispensed with, and called for the ayes and noes.

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Noes—Messrs. Lawrence, Miller, Ortega, Slaughter, Stone and S. Suaso—6. Carried.

Mr. Slaughter moved to lay the previous question on the table.

The Speaker ruled the motion out of order.

Mr. Slaughter appealed from the decision of the chair.

Those voting to sustain the Speaker were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, McDougal, Pearson, Richards, Stratton, Stiles, Stone, T. Suaso, Wharton and Wurtzbach—16.

Those voting against the decision of the Speaker were:

Messrs. Lawrence, Miller, Ortega, Slaughter and S. Suaso—5.

So the Speaker was sustained.

Mr. Miller moved to adjourn until 10 o'clock to-morrow morning. Lost.

The question now being, shall the main question be now put, the ayes and nays were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—15.

Noes—Messrs. Huddleston, Lawrence, Miller, Ortega, Stone and S. Suaso—6.

The question was decided affirmatively.

Mr. Lawrence moved a reconsideration of the vote just taken.

The Speaker ruled the motion out of order.

Mr. Lawrence appealed from the decision of the chair.

Those voting to sustain the Speaker's decision were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, S. Suaso, Wharton and Wurtzbach—14.

Those voting against the decision of the Speaker were:

Messrs. Huddleston, Lawrence, Miller, Ortega, Slaughter, Stone and T. Suaso—7.

So the Speaker's decision was sustained.

The question being on the passage of the bill, Mr. Miller asked for the reading of the bill in full.

Mr. Stiles moved that the rules be suspended, and the bill be read by its title and put upon its passage.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Huddleston, Macon, Miller, Ortega, Slaughter, Stone and S. Suaso—7.

Carried.

H. B. No. 36, An act for revising and consolidating the General Statutes of Colorado Territory, was read the third time by its title, and the question being on its passage, the ayes and nays were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, Pearson, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Noes—Messrs. Lawrence, Macon, Miller, Ortega, Slaughter, Stone and S. Suaso—7.

So the bill passed.

Mr. Stiles moved a reconsideration of the vote on the passage of the title, and moved to lay the motion on the table.

The motion to table the reconsideration of the vote was carried.

The Speaker called Mr. Stiles to the chair.

Mr. Miller moved an amendment to the title of the bill.

The Speaker ruled it out of order.



Mr. McCoy moved to adjourn until to-morrow morning at 10 o'clock. Carried.

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TUESDAY, DECEMBER 31st, 1867.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present, except Mr. Pierce, excused.

Journal read and approved.

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

COUNCIL CHAMBER, December 31st, 1867.

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

SIR: I am instructed to inform the House that the Council has passed C. C. R. No. 2, in relation to annual report of the Agricultural Society of Colorado Territory.

Your concurrence is respectfully requested.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

The title to H. B. No. 36 was read by the Speaker, and agreed to by the House.

Mr. Wharton presented a petition from a number of citizens of Clear Creek.

Mr. McCoy called for the reading of the resolution and petition asking the House to take H. B. No. 19 from the table, and take some action on it.

Petition read.

Mr. Haswell moved to lay the petition on the table, and called for the ayes and nays.

Those voting aye were:

Messrs. Bates, Fowler, Huddleston, Macon, McDougal, Miller, Ortega, Sawin, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Decatur, Gilliland, Lawrence, Pearson, Richards, Slaughter and Stratton—7.

So the petition was tabled.

Mr. Wharton moved that the vote be reconsidered so far as the prayer of the petition is concerned.

Mr. Stiles moved to lay the motion on the table.

Ayes and nays demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Ortega, Sawin, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bissell, Decatur, Lawrence, Miller, Pearson, Richards, Slaughter and Wharton—8. Carried.

The Sergeant-at-Arms announced the following message from the Council :

COUNCIL CHAMBER, December 31st, 1867.

*Honorable Speaker of the House of Representatives :*

SIR: I am instructed to inform the House that the Council has passed C. J. M. No. 1, joint memorial in relation to the Las Animas Grant.

Also, substitute for C. B. No. 2, a bill for An act to amend an act to preserve game in the Territory of Colorado.

Also, C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto.

Also, C. B. No. 11, a bill for An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

Your concurrence is requested.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

The committee on Engrossment, submitted the following report :

*Mr. Speaker :* Your committee on Engrossment report that they have examined H. B. No. 33, An act in relation to the adopted child of Samuel N. Hoyt; also, H. B. No. 34, An act to change the name of Sarah Thomas, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The committee on Enrolment submitted the following report :

*Mr. Speaker :* The committee on Enrolment have examined H. J. M. No. 5, and find the same correctly enrolled.

D. M. RICHARDS,  
F. O. SAWIN.



Report received.

Committee on Printing submitted the following report:

*Mr. Speaker:* Your committee on Printing beg leave to report House Bills Nos. 41 and 42, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

The special committee to whom was referred H. J. M. No. 7, submitted the following report:

*Mr. Speaker:* Your special committee to whom was referred H. J. M. No. 7, have had the same under consideration, and report the same back to the House with the recommendation that it pass without amendment.

C. R. BISSELL, *Chairman.*  
THOS. MACON,  
D. M. RICHARDS.

Report received.

C. B. No. 2, An act to amend an act to preserve game in Colorado Territory, was read the second time, and referred to committee of the Whole House.

C. B. No. 11, An act to authorize the county commissioners of the county of Lake to appropriate to the construction of roads and bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, was read the second time, and referred to the committee of the Whole.

C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto, was read the second time, and referred to committee of the Whole.

C. J. M. No. 1, a memorial to the Congress of the United States relative to the Las Animas Grant, was read the second time.

Mr. Miller moved that it be referred to the Judiciary committee.

Carried.

And the bill was so referred.

C. C. R. No. 2, a concurrent resolution in relation to printing annual reports of the Agricultural Society, was read the second time.

Mr. Stratton moved to amend by including the address of General B. M. Hughes.

Carried.

And on motion of Mr. Stiles, the resolution, as amended, was unanimously adopted.

Mr. Slaughter submitted the following resolution :

*Resolved*, By this House, that in our opinion, the allegations and accusations made against Hon. John C. McCoy, of Clear Creek county, in a petition from the citizens of Georgetown, presented to this House to-day, are unjust, untrue, unmerited and undeserved in any manner, shape or form, and that his action in opposing House Bill No. 19, has been only honorable, and such as duty in his position in the premises should dictate.

And moved its adoption by ayes and noes.

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—23.

Noes—none.

Excused—Mr. Wharton.

Resolution adopted.

Mr. Macon, without having given previous notice, by leave of the House, introduced a bill entitled as follows: An act to provide for the establishment of Probate Courts.

Previous notice having been given, Mr. Stone introduced a bill entitled as follows: An act to repeal an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, and all acts amendatory thereto.

H. B. No. 45, An act to provide for the establishment of Probate Courts, was read the second time, and referred to committee of the Whole.

H. B. No. 46, An act to repeal an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, and all acts amendatory thereto, was read the second time, and on motion of Mr. Bissell, was placed in the general file.

H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, was taken up for consideration, and on motion, placed on the general file.

H. B. No. 22, An act for the relief of working men and mechanics, in certain cases, was taken up for consideration, and referred to the committee of the Whole House.

H. B. No. 26, An act to amend an act to provide additional compensation for the Justices of the Supreme Court of Colorado Territory, reported on unfavorably by the committee on Judiciary, was ordered to committee of the Whole.



H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, reported on by committee on Revision of Statutes, and referred to committee of the Whole.

H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly, reported on with amendments by committee on Judiciary, was taken up for consideration.

Mr. Richards moved that the bill be printed.

Lost.

On motion of Mr. Bissell, it was referred to committee of the Whole.

On motion of Mr. Stratton, the House adjourned until 2 p. m.

#### AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Mr. Pierce, excused.

H. J. M. No. 6, a memorial to Congress relative to a subsidy of lands for railroad purposes, was taken up for consideration.

The amendments proposed by the committee of the Whole were adopted, and the bill ordered engrossed.

H. J. M. No. 7, a memorial to Congress relative to the boundary-line between New Mexico and Colorado, was taken up, and on motion of Mr. Miller, was ordered engrossed.

H. B. No. 28, An act for the relief of Juan Esquibel, was taken up, and on motion of Mr. Slaughter, was referred to committee of the Whole.

H. B. No. 33, An act in relation to the adopted child of Samuel N. Hoyt, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—23.

Noes—none.

Absent and not voting—Messrs. Pierce, Sawin and T. Suaso.

So the bill passed and title agreed to.

H. B. No. 34, An act to change the name of Sarah Thomas, was read the third time, and the question being on its final passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, Miller, Ortega, Pearson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

Absent—Mr. Pierce.

So the bill passed and title agreed to.

Mr. Bissell presented a petition from a number of citizens of Gilpin county, concerning Probate Courts.

Petition read, and on motion of Mr. Slaughter, was referred to a special committee of three, consisting of Messrs. Wurtzbach, Pearson and Stratton.

Mr. Miller asked leave to introduce a bill, without having given previous notice.

Leave granted by the House, and Mr. Miller introduced a bill entitled as follows: An act to amend an act entitled an act to reduce the laws incorporating the city of Denver and the several acts amendatory thereof, into one act, and to amend the same.

Read a second time, and ordered printed.

According to previous notice, Mr. McCoy introduced a bill entitled as follows: An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

Read the second time, and on motion, was referred to a special committee consisting of Messrs. McCoy, McDougal and Stone.

On motion of Mr. Bissell, the House went into committee of the Whole.

Mr. Bissell in the chair.

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

*Mr. Speaker:* The committee of the Whole House have considered H. B. No. 17, and recommend that it do pass without amendment.

Also, H. B. No. 22, and recommend that it be referred to a special committee of three.

Also, H. B. No. 25, have amended the same, and recommend that it do pass as amended.

C. R. BISSELL, *Chairman.*

Report received.

On motion of Mr. Lawrence, the report of the committee was adopted on H. B's Nos. 17 and 25, and the bills were ordered engrossed as amended.

H. B. No. 22, recommended by committee of the Whole to be referred to a special committee, was referred, and the Speaker appointed as such committee Messrs. Huddleston, Gilliland and Haswell.

The committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that



they have examined H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Mr. Decatur introduced a concurrent resolution of thanks to the Hon. J. P. Whitney, as follows:

The Representatives of the people of the Territory in General Assembly convened, gratefully recognizing the distinguished services rendered the Territory through the indefatigable industry of its Commissioner at the Universal Exposition in Paris during the year 1867; therefore,

*Be it resolved by the Council and House of Representatives of Colorado Territory:*

That the thanks of the Legislative Assembly be and they are hereby tendered to the Hon. J. P. Whitney, for the faithful and efficient performance of the duties of his office.

*Resolved,* That the Secretary of the Territory be instructed to cause a copy of these resolutions, duly authenticated under the great seal of the Territory, to be engrossed on parchment, and transmitted to the address of the said Hon. J. P. Whitney, in the name of the people of this commonwealth.

Resolution unanimously adopted.

Mr. Slaughter moved to adjourn until Thursday at 2 o'clock p. m.

Lost.

Mr. Sawin moved to adjourn until Thursday at 10 o'clock a. m.

Carried.

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THURSDAY, JANUARY 2D, 1868.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

All present.

Journal read and approved.

The committee on Printing submitted the following:

*Mr. Speaker:* Your standing committee on Printing, to

whom was referred H. B's Nos. 40, 45 and 21, beg leave to report them back to the House, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

The committee on Education submitted the following :

*Mr. Speaker :* Your committee on Education beg leave to report that they have examined and thoroughly revised the common-school law, and placed the same in the hands of the Revision committee.

H. STRATTON, *Chairman.*

J. E. WHARTON,

C. R. BISSELL,

H. L. PEARSON,

JOHN E. WURTZBACH.

Report received.

Committee on Enrolment submitted the following :

*Mr. Speaker :* Your committee on Enrolment beg leave to report H. B. No. 9, An act to amend section 32 of an act entitled an act to define county boundaries and to locate county-seats in Colorado Territory, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

The special committee on H. B. No. 22, submitted the following :

*Mr. Speaker :* Your special committee on H. B. No. 22, beg leave to report the same back to the House with the recommendation that it do not pass.

S. F. HUDDLESTON,

T. HASWELL,

J. GILLILAND,

*Committee.*

Report received.

The committee on Engrossment submitted the following :

*Mr. Speaker :* Your committee on Engrossment report that they have examined H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify.

Also, H. B. No. 25, a bill for An act to provide for the payment of clerks and other officers of the Legislative Assembly.

Also, H. J. M. No. 7, a bill for a memorial relative to the



boundary-line between New Mexico and Colorado, and find the same to be correctly enrolled.

B. FOWLER, *Chairman.*

H. J. M. No. 5, a memorial to the Congress of the United States relative to increased compensation for survey of public lands in Colorado Territory, and H. B. No. 9, An act to amend section 32 of an act to define county boundaries and locate county-seats in Colorado Territory, approved November 16th, 1861, were referred to the joint committee on Enrolment.

Mr. Slaughter presented a joint resolution, as follows:

Whereas we believe that the prosperity of Colorado would be greatly promoted by the immediate admission of as State into the Union; and whereas we are of the opinion that a large majority of the people of the Territory are in favor of such admission; therefore,

*Be it resolved by the House of Representatives of the Legislative Assembly of the Territory of Colorado:*

That the Congress of the United States be respectfully requested to admit Colorado as a State in the Union, at the earliest practicable day.

*Resolved*, That we respectfully ask that that portion of Dakota Territory south of the forty-second degree of north latitude and west of Nebraska, be annexed to and made a part of Colorado.

*Resolved*, That the Secretary of the Territory be requested to forward a copy of these resolutions to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States.

Mr. Decatur moved the adoption of the resolution.

Mr. Bissell moved to lay the resolution on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bissell, Haswell, Huddleston, Lawrence, Macon, Ortega, Richards, Sawin, Stone, S. Suaso and T. Suaso—11.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, McCoy, McDougal, Miller, Pearson, Pierce, Slaughter, Stratton, Stiles, Wharton, Wurtzbach and Mr. Speaker—15.

Lost.

Mr. Richards moved to refer it to a special committee of three.

Mr. Wurtzbach moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, McCoy, McDougal, Pearson, Pierce, Slaughter, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—15.

Noes—Messrs. Bissell, Haswell, Huddleston, Lawrence, Macon, Miller, Ortega, Richards, Sawin, Stone and S. Suaso—11.

Carried.

Mr. Sawin moved to indefinitely postpone the resolution.

Mr. Wurtzbach moved to lay the motion to indefinitely postpone on the table.

Carried.

Mr. Macon moved to amend as follows: Add to the resolutions, "that if admitted by Congress, that no change be made in the present constitution."

Mr. McCoy moved to lay the amendment on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, McDougal, Pearson, Pierce, Richards, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bissell, Huddleston, Lawrence, Macon, Miller, Ortega, Sawin, Slaughter, Stone and S. Suaso—10.

Carried, and amendment tabled.

The question now being on the motion of Mr. Decatur, to adopt the resolutions, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, McCoy, McDougal, Miller, Pearson, Pierce, Slaughter, Stratton, Stiles, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Noes—Messrs. Bissell, Huddleston, Lawrence, Macon, Ortega, Richards, Sawin, Stone and S. Suaso—9.

So the resolutions were adopted.

The committee on Judiciary reported C. J. M. No. 1, in relation to the Las Animas Grant, with the recommendation that it do pass.

Referred to committee of the Whole.

By leave of the House, Mr. Haswell introduced a joint resolution entitled as follows: A memorial to the Congress of the United States relative to the coining of silver at the Branch Mint in Denver city.

Read second time, and on motion of Mr. Bates, it was referred to the committee on Federal Relations.

H. J. M. No. 1 was read the second time, and on motion of Mr. Bissell, was referred to committee on Libraries.

H. B. No. 20, An act to amend an act entitled an act concerning mines and minerals, approved February 9th, 1866, was read the second time, and on motion of Mr. Slaughter, was referred to the general file.



H. B. No. 22, An act for the relief of working-men and mechanics in certain cases, reported on by special committee with the recommendation that it do not pass, was taken up for consideration.

Mr. Stiles moved that it be indefinitely postponed.

Mr. Slaughter moved to lay the motion on the table.

Lost.

The question being on Mr. Stiles's motion to indefinitely postpone, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, McDougal, Ortega, Miller, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—20.

Noes—Messrs. Lawrence, Macon, McCoy, Pierce, Slaughter and Mr. Speaker—6.

Carried.

And the bill was indefinitely postponed.

H. J. M. No. 6, a memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes, was read a third time.

Passed unanimously and title agreed to.

H. J. M. No. 7, a joint memorial to Congress relative to the boundary line between New Mexico and Colorado, was read the third time.

Passed unanimously and title agreed to.

H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, was read a third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—23.

Noes—Messrs. Gilliland and Sawin—2.

So the bill passed and title agreed to.

H. B. No. 25, An act to provide for the payment of the clerks and other officers of the Legislative Assembly, was read the third time, and the question being on its final passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, Miller, McCoy, McDougal, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—Mr. Stiles—1.

So the bill passed and title agreed to.

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

all witness fees received by clerks of the District Courts in the different counties of the Territory, into the county treasury of their respective counties.

Mr. McCoy moved to adjourn until 2 p. m.

Lost.

Mr. Pearson moved that the House go into committee of the Whole on the general file.

Carried.

And the House went into committee of the Whole.

Mr. Slaughter in the chair.

After some time spent therein the committee arose and reported progress, and asked leave to sit again.

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

#### AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Fowler, Haswell, Macon, Slaughter and T. Suaso.

The Speaker announced that C. B. No. 4, An act to establish a board of registry of electors, was the special order of the day for this hour.

Mr. Sawin moved to go into committee of the Whole for its consideration.

Mr. Bissell moved a call of the House, which being seconded by two others, was had.

Absent—Messrs. Fowler, Haswell, Macon, Slaughter and T. Suaso.

The Sergeant-at-Arms being absent, the Foreman was sent after absentees.

Returned in a short time and reported all present except Mr. T. Suaso.

On motion of Mr. Wurtzbach, all further proceedings under the call were dispensed with.

Mr. T. Suaso appeared and took his seat.

On motion of Mr. Bissell, the House went into committee of the Whole, for the consideration of C. B. No. 4.

Mr. Stratton in the chair.

After some time spent therein, the committee arose and reported that they had made some progress, and asked leave to sit again.

Mr. Bissell moved that the House do now go into committee on the general file, with the exception of C. B. No. 4.

Carried.



And the House went into committee of the Whole.

Mr. Stratton in the chair.

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

*Mr. Speaker:* The committee of the Whole House have considered H. B. No. 20, An act to amend an act entitled an act concerning mines and minerals, approved February 9th, 1866, and report it to the House with the recommendation that it be indefinitely postponed.

Also, have considered H. B. No. 21, and have amended the same, and report it to the House with the recommendation that it do pass as amended.

H. STRATTON, *Chairman.*

Report received.

Mr. Fowler, from committee on conference on H. B. No. 11, submitted the following :

The undersigned, from special committee on the part of the Council in regard to the disagreement between the House and Council concerning H. B. No. 11, An act to locate the Penitentiary of Colorado, beg leave to report that they have had several meetings with the committee on the part of the Council, and that they have been unable to agree.

Respectfully submitted.

B. FOWLER, *Chairman.*

THEO. HASWELL,

F. O. SAWIN,

PABLO ORTEGA.

On motion of Mr. McCoy, the report was received and the committee discharged.

Mr. Stratton moved to refer C. B. No. 4 to a special committee of three.

Mr. Bissell moved to refer it to the committee on Elections and Apportionments.

On motion of Mr. Fowler, the House adjourned.

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FRIDAY, JANUARY 3D, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell, Fowler, Lawrence, Macon, Miller ,

Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, T. Suaso and Wurtzbach.

No quorum.

Messrs. Slaughter, Stratton and Sawin appearing, a quorum was announced.

Journal read and approved.

Messrs. Bissell, Fowler, Stone and Wurtzbach appeared and took their seats.

The Speaker presented a petition from the county commissioners of Douglas county, asking the enactment of a law legalizing their action in building a jail, and concerning the revenue tax.

Petition read, and on motion of Mr. Decatur, was referred to a special committee consisting of Messrs. Decatur, McDougal and Richards.

On motion of Mr. McCoy, Mr. Thomas Suaso was excused.

Mr. Wurtzbach, from special committee on C. B. No. 3, submitted the following :

*Mr. Speaker:* The minority of your special committee to whom was referred Council Bill No. 3, report the same back with the recommendation that the same be indefinitely postponed.

JNO. E. WURTZBACH, *Chairman.*

Mr. Pearson, from same committee, submitted the following :

*Mr. Speaker:* The majority of your special committee, to whom was referred C. B. No. 3, An act relating to the sale of intoxicating liquors on days of election, would report the same to the House with the recommendation that it be amended as follows: Strike out the words "one gallon," and insert the words "twenty gallons" in lieu thereof, and recommend that it do pass as amended.

H. L. PEARSON,  
F. O. SAWIN.

Mr. Slaughter moved to adopt the minority report.

Mr. Richards moved to lay the motion on the table.

Ayes and nays demanded, ordered and called.

Ayes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, McCoy, McDougal, Pearson, Richards, Sawin, Stratton, Stone and Wharton—13.

Noes—Messrs. Bissell, Decatur, Ortega, Slaughter, S. Suaso, Wurtzbach and Mr. Speaker—7.

Carried.



Mr. Slaughter moved a call of the House, which being seconded by two others, was had.

Absent—Messrs. Lawrence, Macon, Miller, Pierce and Stiles.

The Sergeant-at-Arms being absent, Mr. Bates moved that all further proceedings under the call be dispensed with.

Lost.

Mr. Slaughter moved to take a recess of fifteen minutes.

Time of recess having expired, the Speaker resumed the chair and called the House to order.

The Sergeant-at-Arms announced all present but Mr. Stiles.

On motion of Mr. Richards, all further proceedings under the call were dispensed with.

Mr. Stiles appeared and took his seat.

Mr. Wurtzbach moved to lay the majority report on the table.

Mr. Slaughter moved that all further consideration of the majority report be indefinitely postponed, and called for the ayes and noes.

Ayes—Messrs. Bissell, Decatur, Macon, Pierce, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—10.

Noes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Stratton, Stone and Wharton—16.

Lost.

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

COUNCIL CHAMBER, January 3d, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 9, An act in regard to improvements upon public lands, donated to public uses.

Also concurred in House amendments to C. C. R. No. 2.

Also, has concurred in and passed H. B. No. 33, An act in relation to the adopted child of Samuel N. Hoyt.

Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Mr. Richards moved the adoption of the majority report, and called for the ayes and noes.

Ayes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Richards, Sawin, Stratton, Stone and Wharton—15.

Noes—Messrs. Bissell, Decatur, Macon, Pierce, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—10.

So the majority report was adopted.

Mr. Stratton moved that a committee of five be appointed by the Speaker, to confer with a committee on the part of the Council in reference to the location of the Penitentiary.

Mr. Sawin moved to lay it on the table.

Lost.

The motion was then carried for the appointment of a committee of conference.

The committee on Printing submitted the following:

*Mr. Speaker:* Your standing committee on Printing, to whom was referred H. B's No. 44 and 47, beg leave to report them back to the House together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

And both bills referred to committee of the Whole.

Mr. Stiles from Revision committee, reported H. B. No. 12, without recommendation.

Also, H. B. No. 24, with the recommendation that it pass without amendment.

On motion of Mr. Bissell, both bills were referred to committee of the Whole.

Mr. Macon was excused, not feeling well.

C. B. No. 9, An act in regard to improvements upon public lands, donated to public uses, was read the first and second times and referred to committee of the Whole.

Previous notice having been given, Mr. Bissell introduced a bill entitled as follows: An act disposing of unclaimed witness-fees.

Without having given previous notice, by unanimous consent Mr. Gilliland introduced a bill entitled as follows: An act to regulate the pasturing of cattle in the Territory of Colorado.

By unanimous consent the Speaker introduced a bill entitled as follows: An act legalizing the action of the Board of County Commissioners of Douglas county, and increasing the revenue of said county for the year 1867.

Previous notice having been given, Mr. S. Suaso introduced a bill entitled as follows: An act concerning marks and brands.

H. B. No. 49, An act disposing of unclaimed witness-fees, was read the second time, and on motion of Mr. Bissell, referred to the committee of the Whole.

H. B. No. 50, An act to regulate the pasturing of cattle in the Territory of Colorado, was read the second time, and on motion of Mr. Pearson was referred to the committee of the Whole.



H. B. No. 51, An act legalizing the action of the Board of County Commissioners of Douglas county, and increasing the revenue of said county for the year 1867, was read the second time, and on motion of Mr. Stone, was placed in the general file.

H. B. No. 52, An act concerning marks and brands, was read the second time, and on motion of Mr. Sawin, was placed in the general file.

Mr. Slaughter moved that the substitute for H. B. No. 21 be engrossed.

Carried.

And the bill was so ordered.

H. B. No. 20 was taken up for consideration, and the question being on the adoption of the report of the committee of the Whole, to indefinitely postpone,

The report was adopted and the bill indefinitely postponed.

C. B. No. 3, An act relating to intoxicating liquors on the days of election was taken up for consideration.

Mr. Slaughter moved to refer it to a special committee of three.

Mr. Bates moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Pearson, Richards, Sawin, Stratton and Wharton—13.

Those voting no were:

Messrs. Bissell, Decatur, Ortega, Pierce, Slaughter, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—11.

Carried.

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

Ayes and noes called for.

Ayes—Messrs. Decatur, Miller, Ortega, Pierce, Slaughter, T. Suaso and Wurtzbach—7.

Noes—Messrs. Bates, Bissell, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton and Mr. Speaker—17.

Lost.

Mr. Wurtzbach moved to adjourn until 2½ o'clock this afternoon.

Ayes and noes called for.

Ayes—Messrs. Bissell, Decatur, Huddleston, Miller, Ortega, Pierce, Slaughter, Stratton, Wharton and Wurtzbach—10.

Noes—Messrs. Bates, Fowler, Gilliland, Haswell, Lawrence, McCoy, McDougal, Pearson, Richards, Sawin, Stratton, Stone, S. Suaso, T. Suaso and Mr. Speaker—15.

Lost.

Mr. Slaughter, moved to strike out the word "twenty" and insert the word "one," in lieu thereof.

Mr. Stiles, moved to amend by striking out all after the enacting clause.

Mr. Richards moved to lay both amendments on the table, and called for the ayes and noes.

Ayes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Richards, Sawin, Stratton, S. Suaso, T. Suaso, Wharton and Mr. Speaker—17.

Noes—Messrs. Bissell, Decatur, Ortega, Pierce, Slaughter, Stiles, Stone and Wurtzbach—8.

Carried.

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

Lost.

Mr. Decatur moved to strike out the word "twenty" and insert the words "one hundred."

Mr. Fowler moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, S. Suaso and Wharton—17.

Those voting no were:

Messrs. Bissell, Decatur, Pierce, Slaughter, Stone, T. Suaso, Wurtzbach and Mr. Speaker—8.

Carried.

Mr. Richards moved that the bill be placed on third reading and moved the previous question.

Ayes and noes demanded, ordered and called on the previous question.

Those voting aye were:

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Richards, Sawin, Stratton, Stone, T. Suaso and Wharton—16.

Those voting no were:

Messrs. Bissell, Decatur, Ortega, Pierce, Slaughter, Stiles, S. Suaso, Wurtzbach and Mr. Speaker—9.

Previous question carried.

The Speaker stated the question to be, shall the bill be ordered on third reading.

The ayes and noes were:

Ayes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Richards, Sawin, Stratton, Stone and Wharton—15.

Noes—Messrs. Bissell, Decatur, Ortega, Pierce, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Speaker—10.

Carried.



And the bill was ordered on third reading.

C. B. No. 3, An act relating to intoxicating liquors on days of election, was read third time, and the question being on the passage of the bill,

Those voting aye were :

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Richards, Sawin, Stratton, Stone and Wharton—15.

Those voting no were :

Messrs. Bissell, Decatur, Ortega, Pierce, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—10.

So the bill passed, and title agreed to.

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

Ayes and noes called for.

Those voting aye were :

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Stratton, Stiles and T. Suaso—15.

Those voting no were :

Messrs. Bissell, Decatur, Pierce, Sawin, Slaughter, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—10.

Carried.

And the House adjourned.

#### AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Messrs. Gilliland and Wharton.

H. B. No. 36, An act concerning Criminal Jurisprudence, was taken up, the rules suspended, read the third time by its title and the question being on its passage, the ayes and noes were :

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, Wurtzbach and Mr. Speaker—21.

Noes—Messrs. Miller and Ortega—2.

So the bill passed and title agreed to.

Messrs. Wharton and Gilliland appeared and took their seats.

The Speaker appointed as the special committee of conference on H. B. No. 11, Messrs. Stratton, Decatur, Pierce, Slaughter and McDougal.

C. B. No. 4, An act to establish a Board of Registry of Electors, coming up under the head of unfinished business,

Mr. Stratton renewed his motion to refer to a special committee.

Mr. Bissell moved to amend by referring to the committee on Elections and Apportionments, and called for the ayes and noes.

Those voting aye were:

Messrs. Bissell, Huddleston, Macon, Pierce and Slaughter—5.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—19.

Lost.

The motion of Mr. Stratton was then put and lost.

Mr. Miller asked to be excused for the afternoon.

Excused by the House.

Mr. Slaughter moved to refer the bill to the committee on Judiciary.

Mr. Wurtzbach moved to lay the motion on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, McCoy, McDougal, Pearson, Richards, Sawin, Stratton, Wharton, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Bissell, Huddleston, Macon, Ortega, Pierce, Slaughter, Stiles, Stone and S. Suaso—9.

Carried.

Mr. Richards moved that the bill be read the third time and put upon its passage.

Mr. Stiles moved to amend by adding the following section:

SEC. 21. This act to take effect and be in force from and after the first day of February, A. D. 1868.

Ayes and noes called for and had.

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—21.

Noes—Messrs. Gilliland, Richards and Wharton—3.

Amendment adopted.

Mr. Slaughter moved to amend by saying that this act take effect and be in force from and after the first day of February, 1875.

Amendment lost.

Mr. Macon moved to amend as follows: This act to take effect in the counties of Costilla and Conejos, on the first day of January, A. D. 1869.

Mr. Slaughter moved to amend as follows:



*Provided*, That nothing in this act contained shall, in any manner, apply to Gilpin county in this Territory.

Mr. Lawrence moved to amend by inserting Sagauche county.

Mr. Stratton moved to lay all the amendments on the table, except the one already adopted, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Gilliland, Haswell, Lawrence, McDougal, Pearson, Richards, Sawin, Stratton, Stone, Wharton, Wurtzbach and Mr. Speaker—14.

Those voting no were:

Messrs. Bissell, Fowler, Huddleston, Macon, McCoy, Ortega, Pierce, Slaughter, Stiles and S. Suaso—10.

Carried.

Mr. Pearson moved that the bill be placed on its passage, and moved the previous question.

Mr. Bissell, moved to amend by indefinitely postponing.

Mr. Speaker ruled the motion out of order.

Mr. Slaughter appealed from the decision of the chair.

The question being, shall the decision of the chair stand as the decision of this House.

There were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton and Wurtzbach—19.

Noes—Messrs. Bissell, Pierce and Slaughter—3.

The decision of the chair was sustained.

The question now being, shall the main question be now put.

The ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Noes—Messrs. Bissell, Huddleston, Pierce and Slaughter—4.

So the motion prevailed.

The question now being, shall the bill be placed on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Noes—Messrs. Bissell, Pierce and Slaughter—3.

C. B. No. 4, An act to establish a Board of Registry of Elec-

tors, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Noes—Messrs. Bissell, Pierce and Slaughter—3.

So the bill passed and title agreed to.

On motion of Mr. Stone, H. B. No. 44, An act to establish the Judicial Districts within this Territory, and to provide for the holding of courts therein, was ordered engrossed.

Mr. Fowler from committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined substitute for H. B. No. 21, A bill for an act to establish a Territorial Assay Office in Colorado Territory, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Bissell, moved to adjourn until 10 o'clock to-morrow.

Mr. Richards moved to amend by saying 9 o'clock to-morrow.

Amendment lost.

Mr. Bissell's motion to adjourn until 10 o'clock was then put and carried.

And House adjourned.

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SATURDAY, JANUARY 4TH, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr. Pierce.

On motion of Mr. Decatur, Mr. Gilliland was excused until Monday, at 2 p. m.

Journal read and approved.

Mr. Ortega, from the special committee on H. B. No. 31, submitted the following:

*Mr. Speaker:* Your special committee to whom was referred House Bill No. 31, beg leave to report that they have had the same under consideration, and knowing Saguache county to



have only about twenty-five votes, believe the passage of such a bill an act of injustice to the people of Costilla and Conejos counties, and therefore recommend the bill to be indefinitely postponed.

PABLO ORTEGA, *Chairman.*  
THOS. MACON.

Mr. Lawrence, from the same committee, submitted the following:

*Mr. Speaker:* A majority of your special committee to whom was referred H. B. No. 31, A bill for an act relative to apportionment into Representative Districts, report that they have examined said bill, and in examining the law in regard to Representative Districts, they find in the second session, (page 59) under the heading of An act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15th, 1862, the following, viz.:

"SEC. 21. The Eleventh Representative District shall include the county of Conejos, and shall be entitled to two representatives.

SEC. 22. The Twelfth Representative District shall include the counties of Costilla and Huerfano, and shall be entitled to two representatives."

Also, in the fourth session (page 50) we find the following, viz.:

"An act to amend an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15th, 1862.

SECTION 1. That section 21 of an act entitled an act to apportion the Territory of Colorado into Council and Representative Districts, approved August 15th, 1862, be and the same is hereby amended so as to read as follows, to wit: The Eleventh Representative District shall include the counties of Conejos and Costilla, and shall be entitled to three representatives.

SEC. 2. That section 22, of said act, be and the same is hereby amended so as to read as follows, to wit: The Twelfth Representative District shall include the county of Huerfano, and shall be entitled to one representative, approved February 10th, 1865.

We also find in the sixth session (page 54) under the heading of An act to establish the county of Sagauche, Colorado Territory, and to define the boundary lines thereof, approved December 29th, 1866, that a part of Costilla county was cut off, and the county of Sagauche created of it, leaving said Sagauche county a part of the Eleventh Representative District. Now, as the said Eleventh District is composed of three counties,

and, as said counties have three representatives as a float, neither county having an independent one, but, as it were, giving the county having the greatest number of votes the power of electing the three, or, in other words, leaving the minority at the mercy of the majority, (as in the case of Costilla county, who have no proper representation on this floor at the present session) and as the object of this bill is to give to each county one of said representatives, a thing that, in the opinion of this committee, is no more than just, we recommend that the bill do pass without amendment. We would further state that this bill does not interfere with the rights of any other district, further than the changing of their numbers, such as, what has heretofore been known as the Twelfth, shall be known as the Fourteenth Representative District, and so on, all of which is respectfully submitted.

JOHN LAWRENCE,  
THOMAS SUASO,  
H. L. PEARSON.

Mr. Lawrence moved the adoption of the majority report.

Mr. Ortega moved the adoption of the minority report.

Mr. Miller moved to refer the bill and both reports to the committee on Judiciary.

Mr. Miller's motion prevailed, and the bill was so referred.

Mr. Stiles, from committee on Enrolment reported as follows:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared H. J. M. No. 5, relative to increased compensation for survey of public lands in Colorado, and report the same correctly enrolled, and that we placed the same in the hands of the Governor, at 10 o'clock a. m., this day, and it now awaits his signature.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

Mr. Fowler, from committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 4, a bill to establish the Judicial Districts within this Territory, and to provide for the holding of courts therein, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.



According to previous notice, Mr. Bissell introduced a bill entitled as follows: An act amendatory of the attachment law.

By leave of the House, without having given previous notice, Mr. Miller introduced a bill entitled as follows: An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them.

By leave of the House, without having given previous notice, Mr. Thomas Suaso introduced a bill entitled as follows: An act to abolish the office of Interpreter in the Council and House of Representatives of Colorado Territory.

Mr. Slaughter from special committee on H. B. No. 15, submitted the following:

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 15, have had the same under consideration, and would respectfully report the same back with the following amendments, and recommend its passage as amended, as follows, to wit:

1st. Strike out the word "war" in the third line of section three, and insert in lieu thereof, the words "the Treasury."

2nd. Strike out the words "within sixty days," in the first line of section four, and insert in lieu thereof, the word "forthwith."

3d. Strike out the word "war" in the second line of section four, and insert the words "the Treasury" in lieu thereof.

4th. Strike out the word "war" in the last line of section six, and insert in lieu thereof, the words "the Treasury."

5th. Add as section eighth, the following:

Said Commissiener so appointed, shall, at the expiration of eighteen months after he should have received the money aforesaid, pay into the Treasury of Colorado Territory, any and all unclaimed money remaining in his hands at the expiration of said time.

Also add section 9th:

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

WM. M. SLAUGHTER, *Chairman.*  
J. C. MCCOY.

Report received.

Mr. Stratton introduced the following resolution:

*Resolved,* That after Monday, the 6th inst., no more bills shall be introduced by the members of this House.

Several members objecting, the resolution was withdrawn.

H. B. No. 53, an act amendatory of the attachment law, was read the second time.

Mr. Decatur moved to refer it to the committee on Printing.

Mr. McCoy moved to lay it on the table and called for the ayes and noes.

Those voting aye were :

Messrs. Bates, Decatur, Fowler, Haswell, McCoy, McDougal, Ortega, Richards, Sawin, Slaughter, Stratton, Stiles and S. Suaso—13.

Those voting no were :

Messrs. Bissell, Huddleston, Lawrence, Miller, Pearson, Stone, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—10.

Motion prevailed and the bill tabled.

H. B. No. 54, An act entitled an act to require Butchers and Slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them, was read the second time, and on motion of Mr. Miller, was placed in the general file.

H. B. No. 55, An act to abolish the office of Interpreter in the Council and House of Representatives of Colorado Territory was read the second time.

Mr. Stiles moved to lay it on the table.

Ayes and noes demanded and called.

Ayes—Messrs. Lawrence, Macon, Miller, Ortega, Richards, Sawin, Slaughter, Stiles, S. Suaso, and Wurtzbach—10.

Noes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, McCoy, McDougal, Pearson, Stratton, Stone, T. Suaso, Wharton and Mr. Speaker—14.

Lost.

Mr. Pearce appeared and took his seat.

Mr. Miller moved to refer the bill to the Judiciary committee.

Mr. Slaughter moved to indefinitely postpone the bill.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso and Wurtzbach—21.

Noes—Messrs. Bates, T. Suaso, Wharton and Mr. Speaker—4.

So the bill was indefinitely postponed.

Mr. Wurtzbach moved the adoption of the report of the committee on H. B. No. 15.

Motion carried and the report was adopted.

Mr. McCoy, by consent, submitted the following report on H. B. No. 48.

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 48, have had the same under consideration, and would



respectfully recommend that it do pass without amendment.  
All of which is respectfully submitted.

J. C. MCCOY, *Chairman.*

E. T. STONE,

WM. J. McDUGAL.

On motion of Mr. Bissell the report was adopted.

Mr. Bissell moved that the bill be referred to committee of the Whole.

Mr. Richards moved that the rules be suspended and the bill be read the third time and put on its passage.

Motion carried, and H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, was read the third time and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Slaughter, Stratton, Stone, S. Suaso and T. Suaso—16.

Noes—Messrs. Decatur, Stiles, Wharton, Wurtzbach and Mr. Speaker—5.

So the bill passed and title agreed to.

H. B. No. 21, An act to establish a Territorial Assay Office in the Territory of Colorado, was read a third time.

Mr. Miller moved the following amendment as a new section:

SEC. 14. The office of Territorial Assayer shall be in all respects self-sustaining, and shall never be in anywise a charge upon this Territory or State.

Mr. Slaughter moved to lay the amendment on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Bissell, Decatur, Fowler, Haswell, Macon, McCoy, Ortega, Pearson, Pierce, Sawin, Slaughter, Stiles, S. Suaso, Wharton and Wurtzbach—15.

Those voting no were:

Messrs. Bates, Huddleston, Lawrence, McDougal, Miller, Richards, Stratton, Stone, T. Suaso and Mr. Speaker—10.

So the amendment was tabled.

The question now being on the passage of the bill, the ayes and noes were:

Ayes—Messrs. Bissell, Decatur, Fowler, Haswell, McCoy, Ortega, Pearson, Pierce, Slaughter, Stiles, S. Suaso, Wharton and Wurtzbach—13.

Noes—Messrs. Bates, Huddleston, Lawrence, Macon, McDougal, Miller, Richards, Sawin, Stratton, Stone, T. Suaso and Mr. Speaker—12.

So the bill passed and title agreed to.

H. B. No. 44, An act to establish the Judicial Districts within

the Territory, and to provide for the holding of courts therein, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wharton and Mr. Speaker—22.

Noes—Messrs. Slaughter, T. Suaso and Wurtzbach—3.

So the bill passed and title agreed to.

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

COUNCIL CHAMBER, January 4th, 1868.

*Honorable Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has passed C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861.

Also C. B. No. 15, An act to repeal 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, approved January 27th, 1866.

Also. C. B. No. 18, A bill for an act to repeal part of an act entitled an act to amend an act entitled an act to incorporate the city of Central, approved March 11th, 1864, and provide for the election of City Attorney and City Marshal.

Your concurrence is respectfully requested.

Also, has passed H. B. No. 3, An act concerning Fines and Forfeited Recognizances, with the amendments attached to the bill, in which you are requested to concur.

Bills herewith transmitted.

Also, that the Council has receded from its amendments to H. B. No. 11, An act to locate the site and establish a Penitentiary for the Territory of Colorado.

Council has concurred in House amendment to C. B. No. 3, An act relating to intoxicating liquors on days of election.

Also, has indefinitely postponed H. B. No. 13, An act to amend an act entitled an act to provide for limitations of actions, and H. B. No. 16, An act to repeal an act entitled an act to amend an act for support of paupers, approved January 11th, 1867.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

On motion of Mr. Sawin, the 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.

Roll called.

Absent—Messrs. Slaughter and T. Suaso.

Mr. Bissell moved that the select committee to whom was referred H. B. No. 30, be instructed to report Monday next.

Carried.

The message from the Council was read.

And C. B's. Nos. 14, 15 and 18 read the first time and placed in file for second reading.

H. B. No. 3, An act concerning fines and forfeiting recognizances, was taken up.

And on motion of Mr. Bissell, the amendments by the Council were concurred in, and the bill ordered enrolled.

H. B. No. 11, An act to locate the site and establish a Penitentiary for Colorado Territory, was ordered enrolled, the Council having receded from their amendment to said bill.

Mr. Stiles submitted the following report from joint committee on Enrolment:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared the enrolled copy of H. B. No. 9, A bill for an act to amend section 32 of an act to define county boundaries and to locate county-seats in Colorado Territory, and report the same correctly enrolled.

And we further report that we did, at 2 o'clock p. m., place the said bill in the hands of the Governor, and the same awaits his approval.

All of which is respectfully submitted.

B. B. STILES,

E. T. STONE,

*Committee.*

The following message was received from the Governor by the hands of his private Secretary.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver January 4th, 1868.

*Hon. C. H. McLaughlin, 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, to wit:

Joint memorial and resolution relative to increased compensation for survey of public lands in Colorado.

Very respectfully your ob't serv't,  
FRANK HALL,  
*Acting Governor.*

The committee on Federal Relations, through their chairman, submitted the following:

*Mr. Speaker:* Your committee on Federal Relations to whom was referred H. J. M. No. 8, have had the same under consideration, and would respectfully report the same back to the House with a recommendation that it pass without amendment.

THOS. MACON, *Chairman.*  
PABLO ORTEGA,  
SILVIUS SUASO.

Report received.

And the memorial referred to the committee of the Whole.

Mr. Wurtzbach from special committee, submitted the following:

*Mr. Speaker:* Your special committee to whom was referred a petition of citizens from Boulder county, praying for the relief of one Adeline McFarland, beg leave to report that they had the same under consideration, and would recommend that the prayer of the petitioners be granted.

The committee herewith submit a bill to that effect.

JOHN E. WURTZBACH,  
H. L. PEARSON,  
F. O. SAWIN.

Report received.

Mr. Stratton submitted the following:

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 11, beg leave to report that the action on the part of the Council renders it unnecessary for the committee to act; and also ask to be relieved from further duty.

H. STRATTON, *Chairman.*

Report received.

And committee discharged.

On motion of Mr. Miller, the House went into committee of the Whole on H. B's Nos. 27, and 42.

Mr. Bissell in the chair.



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

*Mr. Speaker:* The committee of the Whole have considered H. B. No. 27, have amended the same as follows: In section 2 add the words, "such fine and imprisonment," at the end of the section; section 4, add the words "and shall remain in custody of the officers till such fine be paid; section 10, fill the blank by inserting the words, "county commissioners."

And with these amendments, recommend it to the House that it do pass.

C. R. BISSELL, *Chairman.*

Report received.

The committee on Judiciary, through their chairman, submitted the following:

*Mr. Speaker:* Your committee on Judiciary to whom was referred H. B. No. 31, A bill for an act relative to apportionment into Representative Districts, have had the same under consideration, and report the same back, and recommend that it do not pass.

B. B. STILES, *Chairman.*

Mr. Lawrence moved to lay the report of the committee on the table.

Lost.

Mr. Stiles submitted the following resolution:

*Resolved,* That his Excellency, Acting-Governor Hall, be requested to obtain authority from the Federal Government, for an extra session of twenty days of the Legislative Assembly of Colorado, said extra session to commence immediately after the expiration of the present session, as in our opinion it will be necessary to have an extra session to complete the business now before the Legislature.

Adopted.

Mr. Slaughter, by leave of the House, without having given previous notice, introduced a bill entitled as follows: An act providing for the license of retail liquor sellers and gaming houses in Colorado Territory.

Read first time.

Committee on Enrolment, through their chairman, submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to

report H. B. No. 33, An act in relation to the adopted child of Samuel N. Hoyt.

Also, H. B. No. 11, A bill for an act to locate the site and establish a Penitentiary for the Territory of Colorado, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

On motion of Mr. Stiles, the House adjourned until 10 o'clock Monday morning.

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MONDAY, JANUARY 6TH, 1868.

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

Speaker in the chair.

Prayer by the Rev. John L. Dyer.

Roll called.

Absent—Messrs. Pierce and T. Suaso.

The Speaker presented a petition from a number of citizens of Douglas county, asking the Legislative Assembly to memorialize Congress for the establishment of a postal route from Frankstown to Kiowa by the way of Running Creek.

Petition read and referred to committee on Federal Relations.

Mr. Stone gave notice that he would, on to-morrow or some subsequent day introduce a bill to dissolve the bonds of matrimony heretofore existing between Sarah Francis Viers and William O. Viers.

C. B. No. 14, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861, was read the second time and referred to committee of the Whole.

C. B. No. 15, An act to repeal an act entitled 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, approved January 27th, 1866, was read the second time and referred to committee of the Whole.

C. B. No. 18, An act to repeal an act to amend an act entitled an act to incorporate the City of Central, approved March 11th, 1864, and to provide for the election of city attorney, and city marshal, was read the second time. And on motion of Mr. Bissell was referred to a special committee of three, consisting of Messrs. Bissell, Richards and Slaughter.

By unanimous consent the Speaker introduced a bill entitled as follows: An act to change the name of Anna Martin, and make her heir at law of Wilson C. Hess.



The special committee to whom was referred the petition of citizens of Boulder in favor of Adeline McFarland, submitted a bill entitled as follows: An act for the relief of Adeline McFarland.

H. B. No. 56, An act providing for the license of retail liquor sellers and gaming houses in Colorado Territory, was read the second time at length.

Mr. Bates moved the further consideration of the bill be indefinitely postponed.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Bates, Fowler, Huddleston, Lawrence, McDougal, Pearson, Richards, Sawin, Stiles and Wurtzbach—10.

Noes—Messrs. Bissell, Decatur, Haswell, Macon, Miller, Ortega, Slaughter, Stratton, Stone, S. Suaso and Mr. Speaker—11. So the motion was lost.

And on motion of Mr. Slaughter the bill was referred to Printing committee.

H. B. No. 57, An act for the relief of Adeline McFarland, was read the second time, and on motion of Mr. Decatur was referred to committee on Judiciary.

H. B. No. 58, An act to change the name of Anna Martin, and make her heir at law of Wilson C. Hess, was read the second time, and on motion of Mr. Richards was referred to committee of the Whole.

H. B. No. 31, An act relative to apportionment into Representative Districts, reported on unfavorably by committee on Judiciary, was taken up for consideration, and on motion of Mr. Pearson, was referred to committee of the Whole.

H. B. No. 15, An act to provide for the appointment of a commissioner to receive any money due the Territory of Colorado from the government of the United States for military services, was taken up for consideration.

Mr. Pearson moved to indefinitely postpone the bill, and called for the ayes and noes.

Those voting aye were:

Messrs. Fowler, Pearson, Richards and Mr. Speaker—4.

Those voting no were:

Messrs. Bates, Bissell, Decatur, Haswell, Huddleston, Lawrence, Macon, McCoy, Miller, McDougal, Ortega, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, and Wurtzbach—20.

Lost.

Mr. Stiles moved that the bill be ordered engrossed as amended.

Carried.

And the bill was so ordered.

H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, was taken up for consideration.

Amendments proposed by committee of the Whole were adopted, and on motion of Mr. Stone the bill as amended, was ordered engrossed.

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

COUNCIL CHAMBER, January 6th, 1868.

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

SIR: I am instructed to inform the House that the Council has concurred in House amendment to C. B. No. 4, An act to establish a Board of Registry of Electors.

Also, has passed H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, &c.

Also, H. B. No. 17, An act requiring persons elected or appointed to county or township offices, to qualify, with the following amendment:

Strike out the words "or township," in second or third line of section 1.

Also, strike out the word recognizable in second line of section 2, and insert the word "recoverable" in lieu thereof.

Also, amend the title by striking out the words "or townships."

Also, has passed C. B. No. 19, An act to amend an act entitled an act concerning criminal jurisprudence, approved November 5th, 1861.

Also, C. B. No. 22, An act to provide for the repeal of the charter of the City of Central.

Your concurrence is respectfully requested.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

On motion of Mr. Bissell the House went into committee of the Whole on the general file.

Mr. Wharton in the chair.

After some time spent therein, the committee arose.

On motion of Mr. Decatur, the chairman was given until 2 p. m. to make his report.

Mr. Richards moved that the committee on Judiciary be requested to report on H. B. No. 32.

Mr. Wurtzbach moved to adjourn until 2 o'clock this afternoon.

Carried.



## AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Messrs. Miller, Pearson, Slaughter and T. Suaso.

Mr. Stiles, from committee on Joint Enrolment, submitted the following report:

*Mr. Speaker:* Your joint committee on Enrolled Bills, have examined and compared H. B. No. 11, A bill for an act to locate the site and establish a Penitentiary for the Territory of Colorado.

Also, H. B. No. 33, An act in relation to an adopted child of Samuel N. Hoyt, and find the bills correctly enrolled.

And we further report that we placed the said bills in the hands of the Governor at two o'clock p. m. this day, and the same await his approval.

Respectfully submitted.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

Committee on Enrolment through their chairman, submitted the following:

*Mr. Speaker:* Your committee of the Whole House, have had under consideration H. B. No. 49, a bill for an act entitled an act disposing of unclaimed witness-fees, and have amended the same by inserting between the third and fourth lines, the words "probate judges," also by striking out section 3, and inserting the following in lieu thereof:

SEC. 3. That if any person entitled to witness-fees, in any suit in the District or Probate Courts, shall, within one year from the time his right to such fees accrued, make application to the clerk of the District court or the probate judge, said clerk or judge shall give him a certificate setting forth the amount due to said witness, which amount shall be paid by the county Treasurer upon the presentation of said certificate.

Your committee have also had under consideration H. B. No. 58, An act to change the name of Anna Martin, and make her heir at law of Wilson C. Hess, and report the same back to the House with the recommendation that it do pass without amendment.

Also, H. B. No. 32, An act entitled an act to incorporate the town of Georgetown, and report it back to the House with the recommendation that it pass without amendment.

Also, H. B. No. 24, An act entitled an act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6, 1861, and report the same back to the House with the recommendation that the bill do pass without amendment.

All of which is respectfully submitted.

J. E. WHARTON, *Chairman.*

Report received.

Messrs. Pearson and Slaughter appeared and took their seats.

Mr. McCoy asked leave, without having given previous notice, to introduce a bill.

Leave granted, and Mr. McCoy introduced a bill entitled as follows: An act to amend an act entitled an act concerning mines and minerals.

Read the second time.

Mr. Wharton moved to lay it on the table.

Lost.

On motion of Mr. McCoy, the bill was referred to committee of the Whole.

Mr. Macon, from special committee to whom was referred H. B. No. 30, An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory, submitted the following report:

*Mr. Speaker:* Your committee to whom was referred House Bill No. 30, have had the same under consideration, and would report the same back to the House with the recommendation that the further consideration of the same be indefinitely postponed, and in support of their report, your committee beg leave to state that, in considering this bill they have taken some pains to learn the truth of the positions assumed by those who support the law now on our statute books, prohibiting the introduction of Texas cattle into this Territory, and have found evidence sufficient to warrant us in the belief that such cattle are as a general rule, upon their arrival in this country, diseased; that this disease is infectious, and generally, if not universally, fatal to American cattle. At this time there is a disease prevailing among cattle in the southern portion of our Territory, deadly in its character, and rapidly on the increase, causing great loss and alarm among the owners and consumers of stock; that the disease is found to exist among native cattle



only where the Texas cattle either are among them, or have been on the range upon which the diseased stock are herded.

Under such circumstances, your committee are unwilling to recommend the passage of this bill. They look upon it as a measure directly destructive to the agricultural and pastoral interests of the Territory, and in no way beneficial to any portion of the people.

That cannot be a wholesome measure which introduces unwholesome provisions into the community: and from the facts in our possession we are led to believe that the disease may lurk in the system of the animal for some time before it is discoverable; and the danger is incurred of butchering and exposing for sale beef which is apparently sound and healthy, whereas it may be diseased and poisonous to the consumer.

The possibility of such evils calls for strong and prompt preventive measures; and your committee would recommend stronger and more stringent enactments, rather than a repeal of the law as it now stands.

To the objection that the law as it exists is violative of the Constitution of the United States, we appeal to the practice of the States of Missouri and Kansas as precedents exactly in point, and the principle underlying every rule regulating the possession, use and enjoyment of property, the same as that acted on by the general government, by the States, counties, and even towns, the principle that no one shall use that which belongs to him to the detriment of the community.

To this rule your committee believe every consideration of mere temporary benefit should yield.

THOS. MACON, *Chairman.*

Report received.

Mr. Bissell moved a call of the House.

Seconded by two others and had. There were:

Absent—Messrs. Miller and T. Suaso.

On motion of Mr. McCoy, Mr. T. Suaso was excused.

Sergeant-at-Arms dispatched after Mr. Miller.

Returned in a short time, and reported that Mr. Miller could not be found.

On motion of Mr. Pearson, all further proceedings under the call were dispensed with.

Mr. Miller appeared and took his seat.

By unanimous consent, Mr. Stratton introduced a bill entitled as follows: An act to amend an act concerning Justices of the Peace and Constables.

Read second time, and on motion of Mr. Stratton, was placed on the general file.

Mr. Wharton moved that the report of the special committee

on H. B. No. 30, An act to repeal an act entitled an act to prohibit the introduction of Texas cattle into Colorado Territory, be laid on the table, and called for the ayes and noes :

Those voting aye were :

Messrs. Bissell, Fowler, Haswell, McCoy, McDougal, Miller, Pierce, Richards and Wharton—9.

Those voting no were :

Messrs. Bates, Decatur, Gilliland, Huddleston, Lawrence, Macon, Ortega, Pearson, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—16.

Lost.

Mr. Lawrence moved the adoption of the report, and called for the ayes and noes.

Those voting aye were :

Messrs. Bates, Huddleston, Lawrence, Macon, Ortega, Pearson, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—14.

Those voting no were :

Messrs. Bissell, Decatur, Fowler, Gilliland, Haswell, McCoy, McDougal, Miller, Pierce, Richards and Wharton—11.

So the report was adopted.

Committee on Enrolment, through their chairman submitted the following :

*Mr. Speaker :* Your committee on Enrolment beg leave to report H. B. No. 3, also H. C. R. No. 2, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And bills referred to joint committee on Enrolment.

Committee on Engrossment, through their chairman, submitted the following :

*Mr. Speaker :* Your committee on Engrossment report that they have examined H. B. No. 15, a bill for the appointment of a commissioner to receive any money due the Territory of Colorado from the government of the United States for military services, and find the same correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The following message was received from the Governor, by the hands of his private secretary :



EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 6th, 1868.

*Hon. C. H. McLaughlin, 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, viz.:

An act to amend section 32 of an act to define county boundaries and to locate county-seats in Colorado Territory.

An act in relation to the adopted child of Samuel N. Hoyt.

Very respectfully, your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

The committee on Judiciary, through their chairman, submitted the following:

*Mr. Speaker:* Your committee on Judiciary, to whom was referred H. B. No. 32, have considered the same, and report it to the House, with the following amendment: Amend section 2, as follows:

Strike out in the fourth line the words "twenty residents and freeholders," and insert in lieu thereof "one hundred voters."

Amend section 3, as follows:

Strike out the word "three," in the ninth line of said section, and insert in lieu thereof the word "ten."

And with these amendments we recommend that the bill do pass.

B. B. STILES, *Chairman.*

Report received.

Mr. Stiles moved that H. B. No. 15 be read the third time, and put upon its passage.

Carried.

And H. B. No. 15, An act to provide for the appointment of a commissioner to receive any money due the Territory of Colorado from the government of the United States for military services, was read the third time.

On motion of Mr. Macon, the blank in section 6 was filled with the words "three per cent. of all money received."

The question being on the passage of the bill, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton and Wurtzbach—19.

Noes—Messrs. Fowler, Pearson, Pierce, Richards, Sawin and Mr. Speaker—6.

So the bill passed.

On motion of Mr. Stiles, the title was amended by inserting the words "and disburse" after the word receive; and as amended was agreed to.

Mr. Richards moved that H. B. No. 32 be ordered engrossed for third reading.

Mr. Bissell moved to refer the bill, together with the report of the committee on Judiciary to committee of the Whole.

Carried.

And the bill was so referred.

By unanimous consent, Mr. Bates introduced a bill entitled as follows: An act amendatory of the election law.

H. B. No. 61, An act amendatory of the election law, was read the second time, and on motion of Mr. Bissell, was referred to the general file.

By unanimous consent, Mr. Macon introduced a bill entitled as follows: An act to prevent malicious prosecutions before grand juries.

Was read the second time and ordered to the general file.

Mr. Stratton moved that the rules be suspended, and H. B. No. 24 be considered engrossed, read the third time, and put on its passage.

Carried.

H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6th, 1861, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

So the bill passed and title agreed to.

On motion of Mr. Miller, the amendments proposed by the committee of the Whole to H. B. No. 49 were adopted, and the bill ordered engrossed as amended.

By unanimous consent, Mr. Macon introduced a bill entitled as follows: An act to establish the office of District Attorney.

Also, An act relating to indictments.

H. B. No. 63, An act to establish the office of District Attorney, was read the second time at length, and ordered printed.

H. B. No. 64, An act concerning indictments, was read the second time at length, and referred to committee of the Whole.



By consent of the House, Mr. Macon introduced a bill entitled as follows: An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county.

Read second time, and on motion of Mr. Macon, was referred to a select committee.

Speaker appointed as such special committee, Messrs. Macon, Slaughter and Bissell.

On motion of Mr. Wharton, H. B. No. 42, An act to incorporate the town of Georgetown, was ordered engrossed for third reading.

On motion of Mr. Miller, the House went into committee of the Whole, on the general file.

Mr. Stratton in the chair.

After some time spent therein, the committee arose.

Mr. Decatur moved to adjourn.

Mr. Slaughter moved to amend by saying until 10 o'clock to-morrow morning.

Mr. Lawrence moved to adjourn until half past 7 o'clock this evening.

Motion of Mr. Lawrence lost.

Mr. Decatur withdrew his motion, to allow the committee of the Whole to report.

Mr. Stratton, chairman of committee of the Whole, submitted the following:

*Mr. Speaker:* The committee of the Whole have had H. B. No. 54 under consideration, and report it back to the House with the recommendation that it pass without amendment.

Also, have considered H. B. No. 41, and report it back to the House with the recommendation that it pass without amendment.

Also, H. B. No. 40, and have amended the same, and recommend it to pass as amended.

H. STRATTON, *Chairman.*

On motion of Mr. Miller, the report was adopted, and the bills ordered engrossed.

Mr. Richards moved to adjourn.

Mr. Bissell moved to amend by saying adjourn until 10 o'clock a. m. to-morrow.

Amendment carried.

And House adjourned.

TUESDAY, JANUARY 7TH, 1868.

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

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Miller, McCoy, Pierce and Wharton.

Journal read and approved.

Committee on Engrossment, through their chairman, submitted the following report :

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 49, An act disposing of unclaimed witness fees, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Mr. Stiles, without having given previous notice, by unanimous consent, introduced a bill entitled as follows: An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes.

H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, was taken up for consideration.

On motion of Mr. Stiles, the amendment proposed by the Council to section 2 of said bill, was concurred in, and the amendment proposed to section 1 and to the title of said bill, were not concurred in.

Messrs. Pierce and Gilliland appeared and took their seats.

C. B. No. 19, An act to amend an act concerning criminal jurisprudence, approved November 5th, 1861, was read the first and second times, and referred to committee of the Whole.

C. B. No. 22, An act to provide for the repeal of the charter of the City of Central, was read first and second times.

Mr. Bissell moved to indefinitely postpone the bill.

Mr. Wharton appeared and took his seat.

Mr. Richards moved a call of the House.

Speaker stated that Mr. McCoy was sick.

On motion, he was excused.

The question being on Mr. Bissell's motion to indefinitely postpone C. B. No. 22, the ayes and noes were :

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Huddleston, Lawrence, Macon, McDougal, Miller, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, T. Suaso, Wharton and Wurtzbach—19.



Noes—Messrs. Haswell, Pearson, Richards and Mr. Speaker—4.

Mr. Ortega, excused.

So the bill was indefinitely postponed.

According to previous notice, Mr. Stone introduced a bill entitled as follows: An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Frances Viers.

By unanimous consent, Mr. Richards introduced a bill entitled as follows: An act concerning Justices of the Peace and Constables, approved August 15th, 1863.

H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes, was read the second time.

On motion of Mr. Stiles, the rules were suspended, the bill was considered engrossed, read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—23.

Noes—none.

So the bill passed and title agreed to.

H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Frances Viers, was read the second time, and on motion of Mr. Sawin, was referred to a special committee of three, consisting of Messrs. Sawin, Stone and Richards.

H. B. No. 68, An act concerning Justices of the Peace and Constables, approved August 15th, 1862, was read the second time, and on motion of Mr. Pearson, was placed in the general file.

According to previous notice, Mr. Pierce introduced a bill entitled as follows: An act for the repeal of an act amendatory of an act concerning roads and highways, approved March 11th, 1864.

Read first and second times, and on motion of Mr. Pierce, was referred to committee of the Whole.

By unanimous consent, Mr. Stone introduced a bill entitled as follows: An act to regulate the herding of stock in Colorado Territory.

H. B. No. 70, An act to regulate the herding of stock of Colorado Territory, was read the second time, and referred to committee of the Whole.

On motion of Mr. Bissell, the rules were suspended, and H. B. No. 58, An act to change the name of Anna Martin, and make her heiress at law of Wilson C. Hess, was considered en-

grossed, read third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Haswell, Huddleston, Gilliland, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Noes—none.

So the bill passed and title agreed to.

On motion of Mr. Bissell, H. B. No. 31, An act relative to apportionment into Representative Districts, was read the third time.

Mr. Ortega moved that the bill be indefinitely postponed.

Lost.

The question being on the passage of the bill,

Those voting aye were:

Messrs. Bissell, Fowler, Haswell, Huddleston, Lawrence, McDougal, Pearson, Pierce, Sawin, Slaughter, Stratton, Stone and Wharton—13.

Those voting no were:

Messrs. Bates, Decatur, Macon, Miller, Ortega, Richards, Stiles, S. Suaso, Wurtzbach and Mr. Speaker—11.

So the bill passed and title agreed to.

The committee on Engrossment, through their chairman, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 42, a bill for An act to incorporate the town of Georgetown, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

On motion of Mr. Macon, the 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.

Roll called.

Absent—Messrs. Lawrence, Miller, Pierce, Slaughter, Stratton, Stiles and T. Suaso.

Mr. Sawin reported from special committee, H. B. No. 67, with the recommendation that it pass.

On motion of Mr. Sawin, the rules were suspended, and House Bill No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Fran-



ces Viers, was considered engrossed, read the third time, and the question being on its passage, the ayes and noes were :

Ayes—Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Pearson, Richards, Sawin, Stone, Wurtzbach and Mr. Speaker—13.

Noes—Messrs. Decatur, Lawrence and Wharton—3.

Excused—Messrs. Bissell, Ortega and S. Suaso—3.

So the bill passed and title agreed to.

Committee on Printing, through their chairman, submitted the following report :

*Mr. Speaker:* Your standing committee on Printing report back to the House H. B. No. 63, with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

Mr. Macon, from special committee on H. B. No. 65, submitted the following :

*Mr. Speaker:* The special committee to whom was referred H. B. No. 65, have had the same under consideration, and beg leave to report the same back to the House with a recommendation that it do pass without amendment.

THOS. MACON, *Chairman.*

C. R. BISSELL.

Report received.

Mr. Lawrence appeared and took his seat.

On motion of Mr. Bates, the rules were suspended, and H. B. No. 61, An act amendatory of the election law, was considered engrossed, read the third time, and the question being on its passage,

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Ortega, Richards, Sawin, Stone, Wharton, Wurtzbach and Mr. Speaker—17.

Noes—Mr. Pearson—1.

So the bill passed and title agreed to.

Mr. Macon moved that H. B. No. 32 be ordered engrossed for third reading.

Carried.

And the bill was so ordered.

Messrs. Stratton, Stiles, Miller and Pierce appeared and took their seats.

Committee on Engrossment submitted the following :

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 41, a bill for An act amendatory of an act entitled an act to create a fund for the benefit of schools, approved August 15th, 1862, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The Sergeant-at-Arms announced a message from the Council, by the hands of the Assistant Secretary, which was received and read as follows:

COUNCIL CHAMBER, January 7th, 1868.

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

SIR: I am instructed by the Council to inform your honorable body that the Council have passed H. B. No. 36, a bill for An act for revising and consolidating the General Statutes of the Territory, with sundry amendments, which are thereto attached, in which you are respectfully requested to concur.

Also, have passed C. B. No. 26, a bill for An act to provide for office-rent, furniture and stationery for the office of the Clerk of the Supreme Court of Colorado Territory.

Also, C. B. No. 17, a bill for An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas.

Also, C. B. No. 23, a bill for An act concerning the incorporation of Masonic Lodges.

Also, C. B. No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on bonds.

Also, H. B. No. 18, a bill for An act providing for the publication of the laws of the Territory of Colorado in the Spanish language, with an amendment attached to the bill.

Also, H. B. No. 25, a bill for An act to provide for the payment of clerks and other officers of the Legislative Assembly, with an amendment attached thereto.

Also, H. B. No. 34, An act to change the name of Sarah Thomas.

Also, H. B. No. 38, An act to provide for the publication of the Revised Statutes of Colorado Territory.

Also, H. B. No. 37, An act concerning criminal jurisprudence.

In all of which you are respectfully requested to concur.

The same are herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*



On motion of Mr. Bissell, the House concurred in Council amendments to H. B. No. 25, and the bill was ordered enrolled.

The committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The Sergeant-at-Arms announced the following message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 7th, 1868.

*Hon. C. H. McLaughlin, 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, viz.:

An act to locate the site and establish a Penitentiary for the Territory of Colorado.

Very respectfully, your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

Message received.

On motion of Mr. Macon, the House concurred in Council amendments to H. B. No. 36, An act for revising and consolidating the General Statutes of Colorado Territory, and the bill was considered enrolled, and referred to joint committee on Enrolment.

On motion of Mr. Macon, the House concurred in Council amendments to H. B. No. 37, An act concerning criminal jurisprudence, and the bill was considered enrolled, and was referred to joint committee on Enrolment.

On motion of Mr. Macon, H. B. No. 38, An act to provide for the publication of the Revised Statutes of Colorado Territory, was ordered enrolled.

On motion of Mr. Wharton, the reading of H. B. No. 42, An act to incorporate the town of Georgetown, was dispensed with, the bill was read by its title, passed unanimously and title agreed to.

Absent—Messrs. McCoy, Slaughter and T. Suaso.

H. B. No. 41, An act amendatory of an act entitled an act to create a fund for the benefit of schools, approved August 15th, 1862, also amendatory of an act entitled an act concerning mines and minerals, approved February 9th, 1866, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Pearson, Pierce, Sawin, Slaughter, S. Suaso and Wharton—17.

Those voting no were:

Messrs. Ortega, Richards, Stiles, Stone, Wurtzbach and Mr. Speaker—6.

So the bill passed and title agreed to.

The committee on Joint Enrolment, through their chairman, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolment, have examined and compared H. B. No. 3, An act concerning fines and forfeited recognizances; also, H. C. R. No. 2, tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, Commissioner to the Paris Exposition, and find the same correctly enrolled, and we further report that at 2 o'clock p. m. this day we placed the said enrolled bills in the hands of the Governor, and the same await his approval.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them, was read the third time.

Passed unanimously and title agreed to.

Absent—Messrs. McCoy, Slaughter and T. Suaso.

Messrs. Slaughter and T. Suaso appeared and took their seats.

Mr. Stratton submitted the following resolution:

*Resolved,* That Mr. Chas. F. Leimer be employed as Assistant Enrolling Clerk for this House.

The Speaker presented the name of Isaac Bradford for same position.

Mr. Stratton accepted the name of Isaac Bradford in place of Chas. F. Leimer, in his resolution.

Mr. Pearson moved to substitute the name of Chas. F. Leimer.

Carried.



Mr. Slaughter moved a reconsideration of the vote just taken.  
Lost.

Mr. Miller moved to lay the matter on the table until to-morrow morning.

Lost.

The original resolution was then adopted.

Mr. Chas. F. Leimer, Assistant Enrolling Clerk, came forward, and the oath of office was administered to him by the Speaker.

On motion of Mr. Pierce, Isaac Bradford was elected Assistant Engrossing Clerk for the balance of the session.

By unanimous consent, Mr. Pierce introduced a bill entitled as follows: An act to authorize the County Commissioners of the county of Summit to appropriate to the construction of bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

By unanimous consent, Mr. Richards introduced a bill entitled as follows: An act relating to appropriations for the two years ending January first, A. D. 1870.

H. B. No. 72, An act relating to appropriations for the two years ending January 1st, A. D. 1870, was read the second time, and on motion of Mr. Decatur, was referred to committee on Judiciary.

The committee on Engrossment, submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 40, a bill for An act to define the meaning of the word "lode," as applied in Colorado Territory, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

H. B. No. 71, An act to authorize the County Commissioners of the county of Summit to appropriate to the construction of bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865, was read the second time.

On motion of Mr. Decatur, the rules were suspended, the bill considered engrossed, read, etc., third time, passed unanimously and title agreed to.

Absent—Mr. McCoy.

Message from the Council:

COUNCIL CHAMBER, January 7th, 1868.

*Honorable Speaker of the House of Representatives :*

SIR: I am instructed to inform the House that the Council has receded from its amendments to section 1, and to the title to H. B. No. 17, An act requiring persons elected or appointed to county or township offices to qualify, and has passed the following amendment to said bill, to wit: Strike out the word "township," wherever it occurs in the bill or title thereto, and insert in lieu thereof the word "precinct."

In which amendment you are requested to concur.

Bill herewith submitted.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

Message received.

H. B. No. 40, An act to define the meaning of the word "lode," as applied in Colorado Territory, was read the third time.

Mr. Haswell offered the following in lieu of section 1:

SEC. 1. That hereafter the word "lode," "ledge," or "vein," as used in connection with or descriptive of mines of gold, silver, copper, tin, cinnabar, antimony or lead, shall be construed and shall mean three thousand feet along on the course of such ledge, lode, or vein, laterally or otherwise as to conform to the local laws, customs and rules of miners, by width of one hundred feet horizontal measurement across such lode, ledge or vein, taking the centre or middle of such vein or lode as the centre thereof: *Provided*, Said ground shall in no case cover more than one vein or lode.

And moved its adoption.

Adopted by the House.

On motion of Mr. Slaughter, the vote first taken was reconsidered.

Mr. Bissell moved the following amendment:

*Provided*, That this covers no other true vein or lode that has been or may be discovered.

Mr. Bates moved that all amendments to section 1 be laid on the table.

Lost.

The question being on the adoption of Mr. Haswell's amendment,



Those voting aye were:

Messrs. Fowler, Gilliland, Haswell, Pearson, Richards, Sawin, Stiles, Stone, S. Suaso and T. Suaso—10.

Those voting no were:

Messrs. Bates, Bissell, Decatur, Huddleston, Lawrence, McDougal, Miller, Ortega, Pierce, Slaughter, Stratton, Wharton, Wurtzbach and Mr. Speaker—14.

Amendment lost.

Mr. Bissell's amendment was then put and lost.

Mr. Bates moved the previous question, which was, Shall the bill be now put upon its passage.

Carried.

And the question being on the passage of the bill,

Those voting aye were:

Messrs. Bates, Decatur, Huddleston, McDougal, Miller, Ortega, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Bissell, Fowler, Gilliland, Haswell, Lawrence, Pearson and Richards—7.

So the bill passed and title agreed to.

H. B. No. 49, An act disposing of unclaimed witness-fees, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Miller, Pearson, Richards, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Those voting no were:

Mr. Ortega—1.

So the bill passed and title agreed.

Message from the Council which was received and read as follows:

COUNCIL CHAMBER, January 7th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 28, An act to extend the corporate limits of the city of Denver.

You are respectfully requested to concur.

Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Mr. Miller moved to take up H. B. No. 47.

Mr. Wurtzbach moved to refer H. B. No. 47 to committee on Judiciary.

Lost.

Mr. Miller's motion prevailed.

Mr. Miller moved that the bill be considered engrossed, and called for the ayes and noes.

Those voting aye were:

Messrs. Lawrence, Miller, Ortega and Richards—4.

Those voting no were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, McDougal, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Lost.

Mr. Wurtzbach moved to indefinitely postpone H. B. No. 47, An act to amend an act entitled an act to reduce the laws incorporating the city of Denver, and the several acts amendatory thereof to the act, and to amend the same.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, McDougal, Ortega, Slaughter, Stratton, Stiles, S. Suaso, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Lawrence, Miller, Pearson, Pierce, Richards, Sawin, Stone, T. Suaso and Wharton—9.

So the bill was indefinitely postponed.

By unanimous consent, Mr. Wharton introduced a bill entitled as follows: An act relating to eligibility to membership in the Legislature of Colorado.

H. B. No. 73, An act relating to eligibility to membership to the Legislature of Colorado, was read the second time.

Mr. Pierce moved that the bill be indefinitely postponed.

Those voting aye were:

Messrs. Bissell, Decatur, Gilliland, Huddleston, Lawrence, Miller, Ortega, Pierce, Richards, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bates, Fowler, Haswell, McDougal, Pearson, Stratton, Stone and Wharton—8.

So the bill was indefinitely postponed.

The committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 25, a bill for an act to provide for the payment of clerks and other officers of the Legislative Assembly, as correctly enrolled.

J. A. PIERCE, *Chairman.*



Report received.

Mr. Decatur presented the following petition:

*To the Honorable, the Council and House of Representatives of the Legislative Assembly of the Territory of Colorado:*

Your petitioners, the owners of the north-west quarter of section No. 3, township 4, range 68, would respectfully ask that said tract of land be included within the corporate limits of the city of Denver, and as in duty bound, we will ever pray.

HENRY C. BROWN,  
J. W. SMITH,  
HENRY M. PORTER.

Mr. Richards moved that the House go into committee of the Whole on C. B. No. 28.

Mr. Stiles moved to adjourn.

Ayes and nees demanded and ordered to be called.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Huddleston, McDougal, Miller, Ortega, Pearson, Stiles and Mr. Speaker—10.

Those voting no were:

Messrs. Fowler, Gilliland, Haswell, Lawrence, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—14.

Lost.

On motion of Mr. Stratton, C. B. No. 11 was taken up for consideration.

Mr. Stratton moved the following amendment: Add letter "s" to the word "county," where it occurs in said bill. Also insert the words "Boulder, Larimer and Weld," after the word "Lake," where the same occurs in said bill.

Amendments adopted.

Mr. Stiles moved to adjourn until 10 o'clock to-morrow morning.

Lost.

Mr. Slaughter moved that the House do now adjourn until 10½ o'clock to-morrow morning, and called for the ayes and nees.

Ayes—Messrs. Bates, McDougal, Ortega, Slaughter, Stiles, S. Suaso, Wurtzbach and Mr. Speaker—8.

Noes—Messrs. Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Miller, Pearson, Pierce, Richards, Sawin, Stratton, Stone, T. Suaso and Wharton—16.

Lost.

Mr. Bates submitted the following resolution:

*Resolved*, That the committee on printing are hereby respectfully requested to report to this House, in relation to House Bill No. 35, a bill to organize the militia of Colorado Territory, which was referred to said committee about ten days since.

Mr. Wharton stated that the committee would be ready to report on said bill to-morrow morning.

Resolution withdrawn.

Mr. Slaughter moved to adjourn until 9½ o'clock to-morrow morning.

Lost.

Mr. Slaughter moved to adjourn.

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Decatur, Huddleston, McDougal, Ortega, Pearson, Slaughter, Stratton, Stiles, S. Suaso and Mr. Speaker—11.

Those voting no were:

Messrs. Bissell, Fowler, Gilliland, Haswell, Lawrence, Miller, Pierce, Richards, Sawin, Stone, T. Suaso, Wharton and Wurtzbach—13.

Lost.

Mr. Richards moved the previous question.

Mr. Slaughter moved a call of the House, which being had,

Absent—Mr. Macon.

The Sergeant-at-Arms dispatched after absentee.

The Speaker called Mr. Stiles to the chair.

Mr. Miller moved that all further proceedings under the call be dispensed with.

Mr. Speaker ruled the motion out of order until a report was received from the Sergeant-at-Arms.

Mr. Miller appealed from the decision of the chair.

Those voting to sustain the Speaker were:

Messrs. Bates, Bissell, Decatur, Gilliland, Huddleston, Lawrence, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso and Wurtzbach—17.

Those voting against decision of the Speaker were:

Messrs. Fowler, Miller, Richards and Wharton—4.

So the Speaker was sustained.

The Sergeant-at-Arms reported that Mr. Macon could not be found.

Mr. Slaughter moved to adjourn until to-morrow morning at 10 o'clock, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Huddleston, McDougal, Ortega, Pearson, Slaughter, Stratton, Stiles, S. Suaso, Wurtzbach and Mr. Speaker—13.

Those voting no were:



Messrs. Fowler, Gilliland, Haswell, Lawrence, Miller, Richards, Stone, T. Suaso and Wharton—9.

Carried.

And House adjourned.

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WEDNESDAY, JANUARY 8TH, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—T. Suaso and Wharton.

Journal read and approved.

Mr. Decatur presented a petition from William Jones praying compensation for services rendered the Territory.

Committee on Enrolment submitted the following report.

*Mr. Speaker :* Your committee on Enrolment beg leave to report H. B. No. 38, a bill for an act to provide for the publication of the Revised Statutes of Colorado Territory.

Also, H. B. No. 34, a bill for an act to change the name of Sarah Thomas, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And bill referred to committee on Enrolment.

On motion of Mr. Stone the House concurred in Council amendments to H. B. No. 17, and the bill was ordered enrolled.

H. B. No. 18, An act to provide for the publishing of the laws of the Territory in the Spanish language, was taken up for consideration.

Mr. Stratton moved that H. B. No. 18 be recommitted to a special committee of three.

Motion withdrawn.

On motion of Mr. Stiles, the bill was returned to Council for correction to Council amendments to said bill.

Committee on Joint Enrolment submitted the following :

*To the Speaker of the House of Representatives :*

The joint committee upon Enrolment beg leave to report that they have examined House Bill No. 36, An act for revising and consolidating the General Statutes of the Territory of Colorado, and H. B. No. 37, a bill for an act concerning Criminal Ju-

jurisprudence, which, by order of the House, were considered enrolled, and have delivered the same, in the same words and figures in which the same passed the Legislative Assembly, to his Excellency, the Governor, for his approval, at 10 o'clock a. m., of this January 8th, A. D. 1868, and the same await his approval to become a law.

B. B. STILES, *Chairman*.

Report received.

Committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment beg leave to report that they have examined H. B. No. 27, An act to amend an act concerning criminal jurisprudence; also H. B. No. 32, a bill for an act relating to railroads, wagon-roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal, by counties, cities and towns, and for other purposes, and find the same to be correctly engrossed.

B. FOWLER, *Chairman*.

Report received.

C. B. No. 17, An act to change the boundaries of the counties of Pueblo, Huerfano and Las Animas, was read the second time, and on motion of Mr. Stratton, the rules were suspended, bill read the third time, passed unanimously, and title agreed to.

Absent—Messrs. Bissell, McCoy, Pearson, T. Suaso, and Wharton.

C. B. No. 26, An act to provide for office-rent, furniture, and stationery for the office of the Clerk of the Supreme Court of Colorado Territory, was read the second time.

On motion of Mr. Stratton, the rules were suspended and the bill was read the third time.

The question being on its passage,

Those voting aye were:

Messrs. Bates, Decatur, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—18.

Those voting no were:

Messrs. Lawrence and Ortega—2.

So the bill passed and title agreed to.

C. B. No. 27, An act limiting the amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds, was read the second time.

On motion of Mr. Stratton, the rules were suspended, the bill read the third time, passed unanimously and title agreed to.



Absent—Messrs. Bissell, McCoy, Pearson, T. Suaso, and Wharton.

C. B. No. 28, An act to extend the corporate limits of the city of Denver, was read the second time.

C. B. No. 23, A bill for an act concerning the incorporation of Masonic bodies, was read the second time.

By unanimous consent, Mr. Miller introduced a bill entitled as follows: An act entitled an act to compel keepers of auction stands and commission stables or stands, to keep record of their proceedings.

Also, an act entitled an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

By unanimous consent, Mr. Stratton introduced a bill entitled as follows: An act to regulate the collection of school-tax.

By unanimous consent, Mr. Decatur introduced a bill entitled as follows: An act for the relief of William Jones.

H. B. No. 74, An act for the relief of William Jones, was read the second time, and on motion of Mr. Miller was referred to committee of the Whole.

H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands, to keep a record of their proceedings, was read the second time at length, and on motion of Mr. Miller was ordered engrossed for third reading.

H. B. No. 76, An act entitled an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins, was read the second time, and on motion of Mr. Miller, was ordered engrossed.

H. B. No. 77, An act to regulate the collection of school-tax, was read the second time, and on motion of Mr. Stratton, was ordered engrossed for third reading.

The joint committee on Enrolment, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolment beg leave to report that they have examined the enrolment of H. B. No. 38, A bill for an act to provide for the publication of the Revised Statutes, and find the same correctly enrolled.

And that they have, at eleven o'clock of this January 8th, 1868, placed the same in the hands of the Governor for approval, and the same now awaits his approval to become a law.

B. B. STILES, *Chairman.*

Report received.

The Sergeant-at-Arms announced the following message from the Council:

COUNCIL CHAMBER, January 8th, 1868.

*Honorable Speaker of the House of Representatives :*

SIR: I am instructed to inform the House that the Council has passed C. B. No. 20, An act amendatory of an act entitled an act to amend an act entitled an act to enable road, ditch and other manufacturing companies to become bodies corporate.

And C. B. No. 24, An act to provide for the better collection of road-tax in certain counties.

You are respectfully requested to concur therein.

Also, has passed H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

And H. B. No. 58, An act to change the name of Anna Martin and make her heiress at law of Wilson C. Hess.

H. J. M. No. 6, relative to a subsidy of lands for railroad purposes, amended as follows: Add after word "railroad," in next to last line, the words "or any other railroad to be constructed within the boundaries of said Territory.

Also, Council substitute to H. J. M. No. 4, relative to an additional appropriation for building a penitentiary in Colorado Territory, said substitute having been presented by the committee in place of the original, which was mislaid in committee.

You are requested to concur in the above.

Bills herewith transmitted.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, and

H. B. No. 58, An act to change the name of Anna Martin and make her heiress at law of Wilson C. Hess, were ordered to committee on Enrolment.

On motion of Mr. Richards, the rules were suspended and H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig of Fremont county, was read the third time, and the question being on its passage,

Those voting aye were :

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone and Mr. Speaker—17.

Those voting no were :

Messrs. Lawrence, Ortega, Stiles, S. Suaso and Wurtzbach—5.



So the bill passed and title agreed to.

H. B. No. 57, An act for the relief of Adeline McFarland, was taken up for consideration.

The report of committee on Judiciary was adopted, and bill ordered engrossed as amended.

Committee on Enrolment submitted the following report :

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 17, An act requiring persons elected or appointed, to county or precinct offices, to qualify, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

H. B. No. 27, An act to amend an act concerning criminal jurisprudence, was read the third time.

The question being on its passage,

Those voting aye were :

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Mason, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—20.

Those voting no were :

Messrs. Decatur and Slaughter—2.

So the bill passed and title agreed to.

H. B. No. 32, An act relating to railroads, wagon-roads, mining companies, subscription to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, was read the third time,

And the question being on its passage,

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, Wurtzbach and Mr. Speaker—22.

Those voting no were :

Mr. Slaughter—1.

Mr. Stratton moved to amend the title by striking out the words "mining company."

Mr. Haswell moved to lay the amendment on the table, and called for the ayes and noes.

Those voting aye were :

Messrs. Bates, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Richards, Pierce, Stiles and Wurtzbach—13.

Those voting no were :

Messrs. Bissell, Decatur, Ortega, Pearson, Slaughter, Stratton, Stone, S. Suaso and Mr. Speaker—9.

So the amendment was tabled, and the title of the bill agreed to.

H. B. No. 17, An act requiring persons appointed to precinct or county offices to qualify, was referred to committee on joint Enrolment.

On motion of Mr. Stratton, H. B. No. 60, An act to amend an act concerning justices of the peace and constables, was ordered engrossed for third reading.

On motion of Mr. Slaughter, the House adjourned until 2 p. m.

#### AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

Absent—Lawrence, Macon, Slaughter, Stiles and T. Suaso.

Mr. Bradford, who was elected Assistant Engrossing Clerk, came forward and the oath of office was administered to him by the Speaker.

Messrs. Lawrence, Macon and Miller, appeared and took their seats.

On motion of Mr. Haswell, the rules were suspended, and H. J. M. No. 8, A memorial to the Congress of the United States in relation to the coining of silver in the Branch Mint at Denver City, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Stratton, Stone, S. Suaso and Mr. Speaker—18.

Those voting no were:

Mr. Lawrence—1.

Excused—Messrs. Pierce, and Wurtzbach.

So the memorial passed and title agreed to.

Mr. Miller moved that the rules be suspended and C. B. No. 28, An act to extend the corporate limits of the city of Denver, be placed on its passage.

Carried.

The committee on Engrossment, submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 77, to regulate the collection of school taxes.



Also, H. B. No. 76, An act entitled [an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

Also, H. B. No. 68, An act to amend an act concerning justices of the peace and constables, approved August 15, 1862.

Also, H. B. No. 57, An act for the relief of Adeline McFarland, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

Messrs. Slaughter, Stiles, and T. Suase appeared and took their seats.

On motion of Mr. Pearson, House went into committee of the Whole on Council bills.

Mr. Pearson in the chair.

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

*Mr. Speaker:* The committee of the Whole House have considered C. B. No. 9, C. B. No. 2, C. B. No. 11, C. B. No. 12, C. B. No. 14, C. B. No. 15, and C. J. M. No. 1, and report them to the House with the recommendation that they pass without amendment.

Also, have considered C. B. No. 19, and report it to the House with the recommendation that it be indefinitely postponed.

H. L. PEARSON, *Chairman.*

Report received.

The committee on Engrossment submitted the following report:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands to keep a record of their proceedings, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

The committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 58, An act to change the name of Anna Martin, and make her heiress at law of Wilson C. Hess; also H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

Mr. Slaughter moved to reconsider the vote by which the rules were suspended, and C. B. No. 28 placed on its passage.

Mr. Miller moved to lay the motion to reconsider on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Decatur, Fowler, Haswell, Lawrence, Macon, Miller, Richards, Sawin, Stratton, Stone, T. Suaso, Wurtzbach and Mr. Speaker—13.

Those voting no were:

Messrs. Bates, Bissell, Gilliland, Huddleston, McDougal, Ortega, Pearson, Pierce, Slaughter, Stiles, and T. Suaso—11.

Carried.

Mr. Stiles moved that C. B. No. 28 be indefinitely postponed.

The Speaker ruled the motion out of order.

Mr. Slaughter appealed from the decision of the chair.

Those voting to sustain the decision of the Speaker were:

Messrs. Decatur, Fowler, Haswell, Huddleston, Lawrence, Macon, Miller, Pearson, Pierce, Richards, Sawin, Stone and T. Suaso—13.

Those voting against the decision of the chair were:

Messrs. Bates, Bissell, McDougal, Ortega, Slaughter, Stiles, S. Suaso, and Wurtzbach—8.

So the Speaker's decision was sustained.

C. B. No. 28, An act to extend the corporate limits of the city of Denver, was read the third time.

Mr. Stiles submitted the following amendment:

Amend section one by striking out all after the figures "35," in line twenty-one, including the figure "4" in the twenty-second line.

Mr. Miller moved to indefinitely postpone the amendment, and called for the ayes and noes.

Those voting aye were:

Messrs. Decatur, Haswell, Huddleston, Lawrence, Macon, Miller, Pearson, Pierce, Richards, Stratton, T. Suaso and Mr. Speaker—12.

Those voting no were:

Messrs. Bates, Bissell, Fowler, Gilliland, McDougal, Ortega, Slaughter, Stiles, Stone, T. Suaso and Wurtzbach—11.

So the amendment was indefinitely postponed.

Mr. Slaughter moved the following as a new section:

*Provided*, That the capitol building of the Territory of Colorado when located by the commissioner authorized to locate the same, shall be within a line drawn around the city of Denver outside of and at a distance not greater than eighty rods from the line of the Congressional Grant made for the relief of the citizens of Denver, passed A. D. 1864, by the Congress of the United States.



Mr. Richards moved to lay the amendment on the table, and called for the ayes and noes.

Those voting aye were:

Messrs. Decatur, Gilliland, Macon, Miller, Pearson, Pierce, Richards, Stone, T. Suaso, Wurtzbach and Mr. Speaker—11.

Those voting no were:

Messrs. Bates, Bissell, Fowler, Haswell, Huddleston, Lawrence, McDougal, Ortega, Slaughter, Stratton, Stiles and S. Suaso—12.

Lost.

Mr. Miller moved that Mr. Slaughter's amendment be indefinitely postponed, and called for the ayes and noes.

Those voting aye were:

Messrs. Bates, Decatur, Gilliland, Huddleston, Macon, Miller, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, T. Suaso, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Bissell, Fowler, Haswell, Lawrence, McDougal, Ortega, Slaughter, and S. Suaso—8.

So the amendment was indefinitely postponed.

The question now being on the final passage of the bill, those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Ortega, Pierson, Pierce, Richards, Sawin, Stratton, Stone, T. Suaso, Wurtzbach and Mr. Speaker—20.

Those voting no were:

Messrs. Lawrence, Slaughter, Stiles and S. Suaso—4.

So the bill passed and title agreed to.

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

COUNCIL CHAMBER, January 8th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 25, An act to authorize the collection and disbursement of monies due from the United States, under the joint resolution of Congress, approved July 28th, 1866.

Also, H. B. No. 18, An act providing for the publication of the laws of the Territory of Colorado in the Spanish Language, with amendments attached thereto.

Your concurrence is requested.

H. B. No. 27, An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Frances Viers.

Also has refused to pass H. B. No. 15, A bill for the appoint-

ment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services.

Herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

H. B. No. 67 was ordered enrolled.

On motion of Mr. Pierson, the report of the committee of the Whole on C. B's Nos. 12, 15, 14, 11, 2, 9, and C. J. M. No. 1, was adopted, and the bills ordered on third reading.

C. B. No. 12, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto, was read the third time, and the question being on its passage, those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—23.

Nay—Mr. Macon—1.

So the bill passed and title agreed to.

C. B. No. 15, A bill for an act to repeal an act entitled 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, approved January 27th, 1866, was read the third time, passed unanimously, and title agreed to.

Absent—Messrs. McCoy and Wharton.

C. B. No. 24, An act to amend an act entitled an act concerning practice in civil cases, approved November 5th, 1861, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—22.

Noes—Messrs. Lawrence and Stone—2.

So the bill passed and title agreed to.

C. J. M. No. 1, A memorial to the Congress of the United States, in relation to the Las Animas Grant, was read the third time, and the question being on its passage, it was passed unanimously and title agreed to.

Absent—Messrs. McCoy, Stratton, Wharton and Pierce.

C. B. No. 11, An act to authorize the county commissioners of the county of Lake, to appropriate to the construction of roads and bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of vol-



unteer companies, approved February 10th, 1865, was read the third time and passed unanimously.

On motion of Mr. Pearson the title was amended by inserting after the word Lake, the words "Boulder," "Laramie," and "Weld," and as amended agreed to.

C. B. No. 2, An act amendatory of an act relating to counties and county officers, approved November 6th, 1861, and the several acts amendatory thereto, was read the third time, and the question being on its passage, those voting aye were:

Messrs. Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Ortega, Pearson, Pearce, Richards, Sawin, Slaughter, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—17.

Those voting no were:

Messrs. Bates, Bissell, Macon, Miller, Stiles and Stone—6.

So the bill passed and title agreed to.

C. B. No. 9, An act in regard to improvement upon public lands, donated to public uses, was read the third time, and the question being on its passage, those voting aye were:

Messrs. Decatur, Haswell, Lawrence, Miller, Ortega, Pearson, Sawin, Slaughter, Stone, S. Suaso, T. Suaso and Mr. Speaker—12.

Those voting no were:

Messrs. Bates, Bissell, Fowler, Gilliland, Huddleston, Macon, McDougal, Pierce, Richards, Stiles and Wurtzbach—11.

So the bill passed and title agreed to.

The following message was received from the Governor by the hands of his private secretary:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 8th, 1868.

*Hon. C. H. McLaughlin, 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, viz.:

An act to provide for the publication of the Revised Statutes of Colorado Territory.

An act concerning fines and forfeited recognizances.

Concurrent resolution tendering the thanks of the Legislative Assembly to the Hon. J. P. Whitney, commissioner to the Paris Exposition.

I take this occasion to say that the orthography of the above named bills is highly defective, and since the law requires that all clerical errors shall be printed as enrolled, and the correct orthography inclosed in brackets immediately thereafter, it is proper to say that the utmost care should be observed in the examination of all enrolled bills, to prevent this useless muti-

lation of the Statutes during their publication. For a comprehensive example of this truth, your attention is respectfully directed to page 58, laws of the fourth session.

Very respectfully your ob't serv't,

FRANK HALL,

*Acting Governor.*

Committee on Engrossment submitted the following report :

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 60, An act to amend an act concerning Justices of the Peace and Constables, and find the same to be correctly engrossed.

B. FOWLER, *Chairman.*

Report received.

H. B. No. 60, An act concerning Justices of the Peace and Constables, was read the third time and put upon its passage.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—23.

Nay—Mr. Miller—1.

So the bill passed and title agreed to.

The committee on Enrolment submitted the following :

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between Wm. O. Viers and Sarah Frances Viers, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

Mr. Stiles moved to adjourn until to-morrow morning at 9 o'clock.

Mr. Stone moved to amend by saying 10 o'clock.

Mr. Stiles withdrew his motion, amendment carried and House adjourned.

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THURSDAY, JANUARY 9TH, 1868.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.



Roll called.

Absent—Messrs. McCoy and Pierce.

Journal read and approved.

Committee on printing submitted the following report:

*Mr. Speaker:* Your standing committee on Printing beg leave to report H. B. No. 56 back to the House, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received.

And bill referred to committee of the Whole.

Mr. Wharton stated that the committee could not get any more printing done in time to be of service to the House.

Mr. Pearson moved that all the bills be withdrawn from the committee on Printing.

Mr. Stiles, from joint committee on Enrolment, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared the following bills, to wit: H. B. No. 58, An act to change the name of Anna Martin, and make her heiress at law of Wilson C. Hess; H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen; H. B. No. 25, An act to provide for the payment of clerks and other officers of the Legislative Assembly; H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Frances Viers; H. B. No. 34, An act to change the name of Sarah Thomas; H. B. No. 17, An act requiring persons elected or appointed to county or precinct offices to qualify, and find the same correctly enrolled, and have, at 10 o'clock a. m. this day, placed the same in the hands of the Governor, and they await his approval.

B. B. STILES,

E. T. STONE,

*Committee.*

Report received.

By unanimous consent, Mr. Stiles introduced a bill entitled as follows: An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office.

Also, An act prescribing the fees of the Clerk of the Supreme Court in Colorado Territory.

H. J. M. No. 6, a memorial to the Congress of the United States asking an appropriation for the building of a wagon-

road from Denver city, via Georgetown, to the upper waters of the Rio Colorado, was taken up for consideration.

Council amendments concurred in, and the memorial ordered enrolled.

H. J. M. No. 4, a memorial to the Congress of the United States relative to an additional appropriation for the purpose of building a Penitentiary in the Territory of Colorado, was taken up.

Council substitute accepted, amendments concurred in, and ordered enrolled.

H. B. No. 18, An act to provide for the publishing of the laws of the Territory of Colorado in the Spanish language, was taken up.

Mr. Stiles moved that the Council amendments to said bill be concurred in.

Lost.

On motion of Mr. Pearson, the bill was recommitted to a special committee of three.

Speaker appointed as such special committee, Messrs. Pearson, Wurtzbach and T. Suaso.

C. B. No. 25 was read the second time, and on motion of Mr. Stiles, was referred to committee of the Whole.

C. B. No. 24 was read the second time at length, and on motion of Mr. Gilliland, was referred to the committee of the Whole.

C. B. No. 20 was read the second time at length, and on motion of Mr. Pearson, was referred to the committee of the Whole.

By unanimous consent, Mr. Slaughter introduced a bill entitled as follows: An act to establish a bureau of immigration.

Pursuant to previous notice, the Speaker introduced a bill entitled as follows: An act authorizing the purchase of certain books for the Territorial Library.

H. B. No. 78, An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office, was read the second time, and referred to the committee of the Whole.

H. B. No. 79, An act prescribing the fees of the Clerk of the Supreme Court in Colorado Territory, was read the second time, and referred to the committee of the Whole.

H. B. No. 80, An act to establish a bureau of immigration, was read a second time, and on motion of Mr. Pearson, was placed in the general file.

H. B. No. 81, An act authorizing the purchase of certain books for the Territorial Library, was read the second time.

Mr. Slaughter moved to indefinitely postpone the bill, and called for the ayes and nees.



Ayes—Messrs. Bates, Gilliland, Haswell, Lawrence, Macon, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—11.

Noes—Messrs. Bissell, Fowler, Huddleston, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Slaughter, Stratton and Mr. Speaker—12.

Lost.

On motion of Mr. Bissell, the bill was referred to the committee of the Whole.

The report of the committee of the Whole on C. B. No. 19, an act to amend an act concerning criminal jurisprudence, was adopted, and the bill indefinitely postponed.

H. B. No. 57, An act for the relief of Adeline McFarland, was read the third time, and the question being on its passage, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—20.

Noes—Messrs. Lawrence, Ortega and Stiles—3.

So the bill passed and title agreed to.

H. B. No. 68, An act concerning Justices of the Peace and Constables, approved August 15th, 1862, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Those voting no were:

Mr. Miller—1.

So the bill passed and title agreed to.

H. B. No. 77, An act to regulate the collection of school-tax, was read the third time, and being on its passage,

Those voting aye were:

Messrs. Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—23.

Those voting no were:

Mr. Bates—1.

So the bill passed and title agreed to.

H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables and stands to keep a record of their proceedings, was read a third time.

Passed unanimously and title agreed to.

H. B. No. 76, An act entitled an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins

and Mary A. Purkins, was read a third time, and the question being on its passage,

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, Wharton, Wurtzbach and Speaker—20.

Those voting no were :

Messrs. Lawrence, Ortega, Stiles, S. Suaso and T. Suaso—5.

So the bill passed and title agreed to.

The Sergeant-at-Arms announced the following message from the Council :

COUNCIL CHAMBER, January 9th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 32, An act to provide for the repeal of the charter of the City of Central.

Also, C. B. No. 33, An act fixing the time of meeting of the Territorial Legislature of Colorado Territory.

Also, C. B. No. 35, An act concerning county bonds.

Also, H. B. No. 32, An act relating to railroads, wagon-roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, with amendments attached to the bill, herewith transmitted.

I also enclose petition of citizens of City of Central, relative to repeal of city charter.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

By unanimous consent, Mr. Wurtzbach introduced a bill entitled as follows: An act concerning the incorporation of the North American Turner Union.

H. B. No. 82, An act concerning the incorporation of the North American Turner Union, was read the second time.

Mr. Wurtzbach moved that the rules be suspended, and the bill be considered engrossed, and placed on its third reading.

Mr. Miller moved to refer it to the general file, and called for the ayes and noes.

Ayes—Messrs. Bates, Decatur, Haswell, Huddleston, Lawrence, McDougal, Miller, Pearson and Pierce—9.

Noes—Messrs. Bissell, Fowler, Gilliland, Macon, McCoy, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—16.



Lost.

Mr. Miller moved the following amendment:

•*Provided*, The capital stock shall never exceed one million of dollars, and that the charter shall be limited to ninety-nine years.

Amendment adopted.

The motion of Mr. Wurtzbach prevailed, and the bill was read the third time as amended, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Fowler, Gilliland, Haswell, Huddleston, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Those voting no were:

Messrs. Decatur and Lawrence—2.

So the bill passed and title agreed to.

C. B. No. 35, An act concerning county bonds, was read the second time, and on motion of Mr. Stiles, the rules were suspended, the bill read the third time and put on its passage.

Ayes—Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—25.

Noes—none.

Mr. Fowler, excused.

So the bill passed and title agreed to.

The committee on Joint Enrolment submitted the following report:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared the following bills, viz.: Council Bill No. 17, An act to change the boundary of the counties of Pueblo, Huerfano and Las Animas; also, Council Bill No. 27, An act limiting amount of compensation to County Treasurers for the collection of county taxes to pay interest on county bonds; also Council Bill No. 26, An act to provide for office-rent, furniture and stationery for the office of the Clerk of the Supreme Court of Colorado Territory, and find the same correctly enrolled, and have at 11 o'clock this day placed the same in the hands of the Governor, and the same await his approval.

B. B. STILES, *Chairman.*

Report received.

C. B. No. 32, An act to provide for the repeal of the charter of the City of Central, was read the second time.

Mr. Bissell objected to the receiving of the bill, on the ground that it was a bill of the same subject-matter as one that was indefinitely postponed by the House a few days ago.

However, on motion of Mr. Bissell, the bill was referred to a special committee of three, with instructions to report at 2 o'clock p. m.

Speaker appointed as such special committee Messrs. Bissell, Bates and Richards.

C. B. No. 33, An act fixing the time of holding of the Territorial Legislature of Colorado Territory, was read the second time.

Mr. McCoy presented a petition from a number of citizens of Jefferson county, asking that the tier of townships in Jefferson county, next adjoining the county of Arapahoe, and upon the Potter Run and Bear Creek, be incorporated within the limits of Arapahoe county.

Petition received and read.

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

Ayes and noes called for.

Those voting aye were:

Messrs. Bates, Bissell, Fowler, Gilliland, Huddleston, Macon, McCoy, McDougal, Ortega, Pearson, Wurtzbach and Mr. Speaker—16.

Those voting no were:

Messrs. Decatur, Haswell, Lawrence, Miller, Pierce, Sawin, Slaughter, Stone, S. Suaso and Wharton—10.

Carried.

And House adjourned.

#### AFTERNOON SESSION.

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

Speaker in the chair.

Roll called.

All present.

Committee on C. B. No. 32 reported it back to the House, and claimed that it could not be entertained, by the House, as it was identical with the bill that was indefinitely postponed by the House a few days ago.

Speaker decided that it could not be entertained.

Mr. Richards appealed from the decision of the chair.

Those voting to sustain the decision of the Speaker were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Or-



tega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso and Wharton—23.

Those voting against the decision of the chair were:

Messrs. Richards and Wurtzbach—2.

So the Speaker's decision was sustained.

H. B. No. 32, An act relating to railroads, wagon-roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes, was taken up for consideration.

Mr. Miller moved to amend as follows:

Amend Council amendments to H. B. No. 32, as follows: After the word "Territory," insert "nor shall its provisions in any way interfere with or apply to any proceedings taken for issuing county bonds, or for making county subscriptions to the capital stock of any railroad company, taken or made between the first day of December, 1867, and the first day of February, 1868.

Amendment adopted.

Mr. Stiles moved that the House concur in Council amendments to H. B. No. 32, and asked the Council to concur in House amendments to said bill.

Carried.

Mr. Stiles, from joint committee on Enrolment, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolled Bills have had under consideration and have examined and compared C. B. No. 28, An act to extend the corporate limits of the city of Denver, and also, C. B. No. 4, a bill for An act to establish a board of registry of electors, and they find the same correctly enrolled; and they have this 9th day of January, A. D. 1868, at the hour of 12 o'clock m., placed the same in the hands of the Governor, and the same await his signature.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Mr. Wurtzbach submitted the following:

*Mr. Speaker:* The majority of your special committee to whom was referred H. B. No. 18, have had the same under consideration, and would respectfully recommend that the House concur in the Council amendments.

Respectfully,

JNO. E. WURTZBACH,  
THOS. SUASO.

Mr. Haswell moved to give the chairman until 9 o'clock to-morrow morning to report on said bill.

Mr. Slaughter moved as a substitute, that he be instructed to report at 7½ o'clock this evening.

Mr. Stone moved to lay both motions on the table.

Ayes and noes demanded, ordered and called.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Huddleston, McDougal, Pearson, Pierce, Sawin, Stratton, Stiles, Stone, Wharton, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Bissell, Haswell, Lawrence, Macon, McCoy, Miller, Ortega, Richards, Slaughter, S. Suaso and T. Suaso—11.

So the motion prevailed.

Mr. Stiles moved to adopt the report of the committee.

The Speaker decided the motion out of order, as the committee did not report the bill.

By unanimous consent, Mr. Stratton introduced a bill as follows: An act to provide for the printing of the common-school law.

By unanimous consent, Mr. Miller introduced a bill entitled as follows: An act entitled an act to provide homesteads in Colorado.

Also, An act entitled an act to encourage the destruction of wolves.

H. B. No. 83, An act to provide for the printing of the common-school law, was read the second time.

On motion of Mr. Stratton, the rules were suspended, the bill read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, Miller, McCoy, McDougal, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Noes—none.

So the bill passed and title agreed to.

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

COUNCIL CHAMBER, January 9th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 34, An act providing for the re-location of the county-seat of Clear Creek county, Colorado.

Also, H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also



reviving section 12 of an act regulating elections, approved Nov. 6, 1861, with amendments; amendments attached to the bill.

Also, H. B. No. 49, An act disposing of unclaimed witness-fees, with amendments; amendments attached to the bill.

Your concurrence is requested.

Also, has passed H. B. No. 65, An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county.

The bills are herewith transmitted.

Also, has concurred in House amendments to C. B. No. 11.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

The following message was received from the Governor by the hands of his private secretary.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 9th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have this day approved and signed the following acts, certified to have originated in the House of Representatives:

An act requiring persons elected or appointed to county or precinct offices in this Territory, to qualify.

An act to change the name of Anna Martin.

An act to change the name of Sarah Thomas.

An act to provide for the payment of clerks and other officers of the Legislative Assembly.

An act for revising and consolidating the General Statutes of Colorado Territory.

An act concerning criminal jurisprudence.

Very respectfully, your obedient servant,

FRANK HALL,  
*Acting Governor, Colorado Territory.*

H. B. No. 84, An act entitled an act to provide homesteads in Colorado, was read the second time.

H. B. No. 85, An act entitled an act to encourage the destruction of wolves, was read the second time.

H. B. No. 86, An act to provide for the payment of officers and men mustered into the militia service under the proclamation of Governor A. C. Hunt, in the month of June, A. D. 1867, and for the payment of all expenses incurred and supplies furnished under said call, was read the second time.

On motion of Mr. Miller, the rules were suspended, and H.

B's Nos. 84, 85 and 86 were considered engrossed, and placed on third reading.

H. B. No. 84, An act entitled an act to provide homesteads in Colorado, was read the third time.

Mr. Decatur moved to amend by inserting the words "five thousand," wherever the words "two thousand" occurred in said bill.

Mr. Haswell moved to amend the amendment by inserting the words "three thousand."

Ayes and noes demanded and ordered to be called.

Ayes—Messrs. Fowler, Haswell, Huddleston, Macon, McCoy, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, T. Suaso, Wharton and Mr. Speaker—16.

Noes—Messrs. Bates, Bissell, Decatur, Gilliland, Lawrence, McDougal, Slaughter, Stone and S. Suaso—9.

Amendment adopted.

Mr. Macon moved the following amendment as a new section:

SEC. 8. That in case of the sale of said homestead, any subsequent homestead acquired by the proceeds thereof, shall also be exempt from execution or attachment; nor shall any judgment or other claim against the owner of such homestead, be a lien against the same in the hands of a *bona fide* purchaser for a valuable consideration.

Amendment adopted, and the question being on the passage of the bill as amended,

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Macon, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24.

Those voting no were:

Messrs. Lawrence and Ortega—2.

So the bill passed and title agreed to.

H. B. No. 85, An act entitled an act to encourage the destruction of wolves, was read the third time.

The question being on its passage,

Those voting aye were:

Messrs. Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McDougal, Miller, Ortega, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Those voting no were:

Messrs. Bates, McCoy, Pearson and Stiles—4.

So the bill passed and title agreed to.

H. B. No. 86, An act to provide for the payment of officers



and men mustered into the militia service under the proclamation of Governor A. C. Hunt, in the month of June, A. D. 1867, and for the payment of all expenses incurred and supplies furnished under said call, was read the third time.

Passed unanimously and title agreed to.

Absent—Messrs. Macon and McDougal.

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

COUNCIL CHAMBER, January 9th, 1868.

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

SIR: I am instructed to inform the House that the Council has concurred in House amendment to Council amendment to H. B. No. 32.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

On motion of Mr. Sawin, H. B. No. 32 was ordered enrolled. Mr. Slaughter submitted the following resolution:

*Resolved*, That the special committee to whom was referred H. B. No. 18, relative to printing the laws in the Spanish language, be required to report the same back to the House by the hour of five o'clock p. m. of this day, that the same may be considered and acted upon in time to allow it to become a law, if it should meet the approval of the Executive.

Resolution lost.

Mr. Sawin moved to take H. B. No. 43 from the general file. Carried.

Mr. Sawin moved that the rules be suspended, the bill be considered engrossed, and placed on its passage.

Carried.

And the bill was partially read.

Mr. Richards moved to reconsider the vote by which the bill was placed on its passage.

Carried.

The bill was again placed on the general file.

Mr. Haswell moved that C. B. No. 23, An act concerning incorporation of Masonic Societies, be taken up and placed upon its passage.

Carried.

And the bill was read the third time.

The question being on its passage,

Those voting aye were:

Messrs. Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Macon, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—24. Noes—Mr. Bates—1.

On motion of Mr. Miller, the title was amended by inserting the words "and Odd-Fellows," after the word "Masonic," and as amended agreed to.

Committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. J. M. No. 4, relative to an additional appropriation for the purpose of building a Penitentiary in Colorado Territory; also H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And memorials referred to joint committee on Enrolment.

By unanimous consent, Mr. McCoy introduced a bill entitled as follows: An act in relation to foreign indebtedness.

By unanimous consent, Mr. Pearson introduced a bill entitled as follows: An act to provide for the payment of the Assistant Enrolling and Assistant Engrossing Clerks employed by the House of Representatives in their seventh session.

H. B. No. 87, An act in relation to foreign indebtedness, was read the second time.

H. B. No. 88, An act to provide for the payment of the Assistant Enrolling and Engrossing Clerks, was read the second time.

Both bills referred to committee of the Whole.

On motion of Mr. Miller, the House went into committee of the Whole on the general file.

Mr. Pearson in the chair.

After some time spent therein, the committee arose and submitted the following report:

*Mr. Speaker:* The committee of the Whole House have considered H. B. No. 43; have amended the same by inserting in the fifth line of section 2, after the word "Territory," the words "one of whom shall be a Justice of the Supreme Court," and with this amendment, recommend that the bill do pass.

Also, have considered H. B. No. 56, and report it back to the House with the recommendation that it be indefinitely postponed.



Also, have considered H. B. No. 51, and report it back to the House with the recommendation that it do not pass.

Also, H. B. No. 62, and report it back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

H. L. PEARSON, *Chairman.*

Report received.

The Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 9th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I return herewith without official sanction, an act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Francis Viers, with my objection to its becoming a law.

An examination of the statutory records of Colorado Territory, from the earliest period of its organization to the present session, will elicit no case in which the Legislative Assembly, upon mature deliberation has assumed the sacred legal prerogative belonging to the courts of justice alone, and established itself a special tribunal for the adjudication of civil causes. Even before the law concerning divorces, approved November 7th, 1861, was enacted, it became a question with the Assembly then in session, as to its jurisdiction over such cases, to ascertain the truth of which, a select committee composed of three legal gentlemen was appointed, who, after patient and exhaustive investigation, declared unanimously against the assumption. On the contrary, however, the several co-ordinate branches of the Government have steadily maintained that all cases of this nature were clearly and exclusively within the jurisdiction of the established courts, whose province it is to hear the full burden of testimony, *pro* and *con*, and determine the rights of each case in accordance therewith.

A volume of instances might be cited to sustain this position, but which at this late day of your session, I find no time to discuss, nor do I regard it as being necessary to do more than appeal in the briefest manner to the ripper judgment of the members composing the House of Representatives for justification of my action.

Aside from the considerations already presented, there is the one of precedent which, it seems to me inexorable, and will not be disregarded. Let the fact become heralded throughout the Territory that matrimonial manumission may be obtained of the

Legislative Assembly without trial and without price, and a multitude of petitions will follow the announcement, consuming the valuable time which legitimately belongs to more important subjects of legislation, demoralizing the very foundations of our social organization, and reflecting discredit upon the self-constituted tribunal which considered them.

The act of 1861 concerning divorces and alimony, is sufficiently plain, liberal and comprehensive in its provisions, to afford protection to all aggrieved parties in need of its good offices. If the complainant be poor and manifestly unable to defray the expenses of a suit in court, the law provides that it shall be conducted gratuitously. I see nothing in the case now before me to exempt it from the practical operation of this statute, and therefore return it without my approval.

I have the honor to be, very respectfully,

Your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

The Speaker announced the question to be, shall the bill pass notwithstanding the objections of the Governor.

Those voting aye were:

Messrs. Bissell, Macon, Miller, Pearson, Richards, Sawin, Slaughter, Stone, S. Suaso, and T. Suaso—10.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Pierce, Stratton, Stiles, Wharton, Wurtzbach and Mr. Speaker—15.

So the bill did not pass.

The committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 65, A bill for an act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

Mr. Decatur moved to adjourn till 7 o'clock.

Mr. Stiles moved to amend by saying 9 o'clock to-morrow morning.

Amendment carried and House adjourned.



FRIDAY, JANUARY 10TH, 1868.

House met at 9 o'clock a. m., pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Bissell, Decatur and Lawrence.

Journal read, corrected and approved.

A communication from the Denver Board of Trade was read.

On motion of Mr. Stiles the invitation was accepted, and the communication was spread on the journal of the House as follows:

DENVER BOARD OF TRADE,  
DENVER, January 9th, 1868.

*Gentlemen of the House of Representatives:*

The undersigned have been appointed a committee at a meeting of the Board of Trade held this Thursday evening, to extend an invitation to your honorable body, and officers, in connection with the Governor, the Council and Capitol Commissioners, to partake of a supper at such hour as may be most convenient for yourselves, and respectfully request your acceptance of the same.

R. W. WOODBURY,  
GEO. W. BROWN.

Messrs. Stiles, Fowler and Haswell, were appointed a committee to confer with a like committee on the part of the Council, in reference to what hour would be acceptable to have the supper.

The committee on Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment report that they have examined H. B. No. 32, and find the same correctly enrolled.

F. O. SAWIN, *Chairman.*  
D. M. RICHARDS.

Report received.

Mr. Pearson, from special committee on H. B. No. 18, submitted the following:

*Mr. Speaker:* Your special committee to whom was referred H. B. No. 18, would report the same back with the following amendment: *Provided*, That this act shall in no way be construed to include the revised statutes as passed at said session, and recommend that it do pass with this amendment.

All of which is respectfully submitted.

H. L. PEARSON.

Report received.

Mr. Wurtzbach moved the adoption of the majority report on said bill.

Lost.

Mr. Pierce moved to lay the majority report on the table.

Mr. Richards, moved to reconsider the vote just taken on the adoption of the majority report.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Haswell, McCoy, McDougal, Miller, Ortega, Richards, Sawin, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—13.

Noes—Messrs. Bates, Fowler, Gilliland, Huddleston, Pearson, Pearce, Stratton, Stone and Wharton—9.

Carried.

Mr. Stiles moved the adoption of the majority report.

Mr. Stone moved a call of the House, which being seconded by two others and had, there were absent, Messrs. Bissell and Lawrence.

Sergeant-at-Arms dispatched after absentees.

The members having all appeared and taken their seats, on motion of Mr. Richards, all further proceedings under the call were dispensed with.

The question being on the adoption of the majority report, Mr. Stone submitted the following amendment: *Provided, That the cost of such translation and printing shall not exceed the sum of three thousand dollars.*

Ayes and noes demanded, ordered and called, on Stone's amendment.

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, Miller, Pearson, Pierce, Richards, Sawin, Stratton, Stiles, Stone, Wharton and Mr. Speaker—18.

Noes—Messrs. McCoy, McDougal, Ortega, Slaughter, S. Suaso, T. Suaso and Wurtzbach—7.

Amendment adopted.

The question now being on the adoption of the majority report as amended, the ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Pearson, Pierce, Sawin, Stratton, Stone and Wharton—13.

Noes—Messrs. Lawrence, McCoy, McDougal, Miller, Ortega, Richards, Slaughter, Stiles, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—12.

Adopted.



## Message from the Council:

COUNCIL CHAMBER, January 10th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue.

And C. B. No. 38, an act concerning criminal jurisprudence.

And C. B. No. 39, An act to further provide for the publication of the revised statutes.

And H. B. No. 21, An act to establish a Territorial assay office, with amendments.

And H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence, with amendments, and you are requested to concur therewith.

Also, H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them.

And H. B. No. 71, An act to authorize the county commissioners of the county of Summit to appropriate to the construction of bridges, the military fund raised by virtue of an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

And H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands to keep a record of their proceedings.

And H. B. No. 82, An act concerning the incorporation of the North American Turner Union.

And H. B. No. 83, An act to provide for the printing of the common-school law.

Herewith transmitted.

And has concurred in House amendment to title of C. B. No. 23.

Respectfully,

ED. C. PARMELEE.

*Secretary of the Council.*

H. B's No. 54, 71, 75, 82 and 83, were referred to the committee on Enrolment.

The committee on Printing submitted the following:

*Mr. Speaker:* Your standing committee on Printing beg leave to report back to the House, H. B. No. 35, An act to organize the militia of Colorado Territory, together with printed copies of the same.

J. E. WHARTON, *Chairman.*

Report received and bill referred to committee of the Whole. Committee on Joint Enrolment reported as follows:

*Mr. Speaker:* Your joint committee on Enrolled Bills beg leave to report that they have had under consideration, and have examined and compared Council Bill No. 15, A bill for an act to repeal an act entitled an act to prevent the introduction of animals for the purpose of grazing within certain limits, approved November 6th, 1861, approved January 27th, 1866.

Also, Council Bill No. 12, An act amendatory of an act relating to counties and county officers, approved November 8th, 1861, and the several acts amendatory thereto.

Also, Council Bill No. 14, An act concerning practice in civil cases, approved November 3rd, 1861.

Also, Council Bill No. 2, A bill for an act to preserve game in the Territory of Colorado.

Also, Council Bill No. 9, a bill for an act in regard to improvements upon public lands donated for public uses.

And also, Council Joint Memorial No. 1, in relation to the Las Animas Grant, and they find that each of said bills are correctly enrolled, and they have, this 9th day of January, A. D. 1868, at the hour of 6 o'clock, p. m., presented the said several bills to the Governor of the Territory, and the same are now in his hands, and await his signature.

B. B. STILES, *Chairman.*

Report received.

Mr. Stiles from committee on Judiciary reported back H. B. No. 72, An act relating to appropriations for the two years ending January 1st, 1870, together with a substitute for the same.

Substitute accepted.

H. B. No. 27, An act concerning criminal jurisprudence, was taken up, Council amendments concurred in, and the bill ordered enrolled.

H. B. No. 21, An act to establish a Territorial Assay Office, in the Territory of Colorado, was taken up for consideration, and on motion of Mr. Slaughter, the Council amendments were not concurred in.

H. B. No. 24, An act repealing an act entitled an act amendatory of an act entitled an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6th, was taken up for consideration and Council amendments concurred in, and the bill was ordered enrolled.

On motion of Mr. Slaughter the vote of the House was reconsidered whereby the House did not concur in Council amendments to H. B. No. 21.



Mr. Slaughter moved that the House do concur in the Council amendments to said bill.

Those voting aye were:

Messrs. Bissell, Gilliland, Huddleston, McCoy, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—19.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Haswell, Lawrence and McDougal—6.

Carried.

C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue, was read the second time, and referred to the committee of the Whole.

C. B. No. 34, An act providing for the relocation of the county-seat of Clear Creek county, Colorado Territory, was read the second time and referred to the committee of the Whole.

C. B. No. 38, An act concerning criminal jurisprudence, was read the second time and referred to committee of the Whole.

C. B. No. 39, An act to provide for the further publication of the revised statutes, was read the second time and referred to committee of the Whole.

By unanimous consent, Mr. Richards introduced a bill entitled as follows: An act to incorporate the Fountain College.

H. B. No. 89, An act to incorporate the Fountain College, was read the second time and referred to the committee of the Whole.

By unanimous consent, Mr. Miller introduced a memorial entitled as follows: A memorial to Congress asking an appropriation for the erection of Capitol buildings in Colorado Territory.

Also, a memorial to Congress relative to arid lands in Colorado Territory.

Both memorials read the second time and referred to the committee of the Whole.

Mr. Slaughter moved to adjourn until 1½ o'clock this p. m.

Ayes and noes called for.

Ayes—Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso and Wurtzbach—19.

Noes—Messrs. Miller, Richards, Stone, Wharton and Mr. Speaker—5.

Carried.

And House adjourned.

## AFTERNOON SESSION.

House met at 1½ o'clock, p. m., pursuant to adjournment.

Speaker in the chair.

Roll called.

All present.

On motion of Mr. Haswell, the House went into committee of the Whole on the general file.

Mr. Pearson in the chair.

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

*Mr. Speaker:* The committee of the Whole House, have considered H. B. No. 35, and report the same back to the House with the recommendation that it be indefinitely postponed.

C. B. No. 25, An act to authorize the collection of moneys due from the United States, under the joint resolution of Congress July 25, 1866, and have amended the same by striking out the word "first" wherever it occurs in connection with the words "national bank," and inserting in lieu thereof, the word "Colorado."

Also, H. B. 72, An act making appropriations for the two fiscal years ending December 31, A. D. 1868, and December 31, A. D. 1869, and have amended the same as follows: Add to section 1, "that the sum of two hundred dollars be appropriated to print the common-school law," also add, "the sum of seventy-five dollars be appropriated to the relief of Michael Beshoar, and with the amendments, recommend that the bill do pass.

H. L. PEARSON, *Chairman.*

Report received.

On motion of Mr. Stiles, the report of the committee on H. B. No. 72, was adopted and the bill ordered engrossed as amended.

Message from the Council.

COUNCIL CHAMBER, January 10th, 1868.

*Hon. Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has passed C. J. M. No. 2, memorial to Congress asking for appropriation for Capitel buildings.

And C. B. No. 40, An act relating to platting of the public square of Golden City.

And H. B. No. 44, a bill to establish the judicial districts



within this territory, and to provide for the holding of courts therein, with amendments.

You are respectfully requested to concur in the same.

Also has passed H. J. M. No. 8, a memorial to the Congress of the United States, relative to the coining of silver in the Branch Mint at Denver city.

And H. B. No. 42, An act to incorporate the town of Georgetown.

H. B. No. 57, An act for the relief of Adeline McFarland.

And H. B. No. 60, An act to amend an act concerning justices of the peace and constables.

And H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes, with the following amendment: Strike out the word "ten" in line one of section 11, and insert instead thereof, the word "thirty."

Which amendment you are requested to concur in.

And has passed H. B. No. 76, An act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

And H. B. No. 77, An act to regulate the collection of school-taxes.

And H. B. No. 85, An act entitled an act to encourage the destruction of wolves.

Also, has refused to pass H. J. M. No. 7, a bill for a memorial relating to the boundary line between New Mexico and Colorado.

And has laid on the table H. B. No. 61, an act amendatory of the election law.

And has concurred in House amendments to Council amendment to H. B. No. 18, An act providing for the publication of the laws of the Territory of Colorado, in the Spanish language.

The bills are herewith transmitted.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

On motion of Mr. Wurtzbach, the report of the committee on C. B. No. 25 was adopted.

Mr. Slaughter moved a reconsideration of the vote just taken adopting the report of the committee.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Bissell, Lawrence, McCoy, McDougal, Pearson, Pierce, Slaughter, Stratton and Mr. Speaker—9.

Noes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Miller, Ortega, Richards, Sawin, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—16.

Lost.

Message from the Council:

COUNCIL CHAMBER, January 10, 1868.

*To the Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has appointed Messrs. Loveland, Butler and Cook as a committee to act with a like committee on part of the House relative to fixing time for partaking of the supper tendered by the Denver Board of Trade.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

C. B. No. 25, An act to authorize the collection of moneys due from the United States under the joint resolution of Congress July 25, 1866, was read the third time, and the question being on its passage.

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—22.

Those voting no were:

Messrs. Bissell, Pierce and Slaughter—3.

So the bill passed and title agreed to.

C. B. No. 34, An act providing for the relocation of the county-seat of Clear Creek, was read the third time, and the question being on its passage,

The ayes and noes were:

Ayes—Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Richards, Sawin, Slaughter, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—22.

Noes—Messrs. Pierce, Stratton and Stiles—3.

So the bill passed and title agreed to.

Mr. Slaughter moved to take up H. B. No. 56.

Mr. Stiles moved to indefinitely postpone.

Mr. Slaughter moved to recommit to a special committee of three, and called for the ayes and noes.

Ayes—Messrs. Bissell, Huddleston, McCoy, McDougal, Miller, Ortega, Pearson, Sawin, Slaughter, Stratton, Stone, S. Suaso, Wharton and Mr. Speaker—14.

Noes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, Pierce, Richards, Stiles, T. Suaso and Wurtzbach—11.

Carried.



Speaker appointed as such committee, Messrs. Slaughter, Wharton and Stratton.

On motion of Mr. Stone, the rules were suspended and H. B. No. 89, An act to incorporate the Fountain College, was considered engrossed, read the third time, and the question being on its passage,

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Huddleston, McDougal, Miller, Ortega, Pierce, Richards, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Mr. Speaker—18.

Those voting no were :

Messrs. Haswell, Lawrence, McCoy, Pearson, Sawin and Slaughter—6.

So the bill passed and title agreed to.

On motion of Mr. Richards, H. B. No. 43, An act concerning reports of Territorial officers, was read a third time, passed unanimously and title agreed to.

Absent—Messrs. Fowler, Macon and Sawin.

H. B. No. 62, An act to prevent malicious prosecutions before grand juries, was read the third time, and the question being on its passage,

Those voting aye were :

Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, Lawrence, Pearson, Pierce, Richards, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Those voting no were :

Messrs. McCoy, McDougal, Miller, and Ortega—4.

So the bill passed and title agreed to.

The committee on joint Enrolment, submitted the following :

*Mr. Speaker:* Your committee on Joint Enrolment have had under consideration H. B. No. 65, a bill for an act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig of Fremont county.

Council substitute to H. J. M. No. 4, relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory.

H. J. M. No. 6, a joint memorial to the Congress of the United States relative to a subsidy of lands for railroad purposes.

H. B. No. 32, bill for an act relating to railroads, wagon-roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes.

And have found the said bills correctly enrolled, and the same

were placed in the hands of the Governor at 12 o'clock m., and await his approval.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

*Mr. Speaker:* Your joint committee on Enrolment beg leave to report that they have examined Council Bill No. 23, a bill for an act concerning the incorporation of Masonic and Odd Fellows' societies.

Also Council Bill No. 35, an act concerning county bonds.

And also, Council Bill No. 11, a bill for an act to authorize the county commissioners of the counties of Lake, Boulder, Larimer and Weld, to appropriate to the construction of roads and bridges, the military funds, raised by virtue of an act to encourage the formation and equipment of volunteer companies, approved February 10, 1865, and they find the same correctly enrolled.

And further, that they have, at 2 o'clock p. m. of this 10th day of January, A. D. 1868, presented said bills to the Governor, and that the same are now in his hands and await his signature.

B. B. STILES, *Chairman.*

Report received.

Committee on Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them.

Also, H. B. No. 71, a bill for an act to authorize the county commissioners of Summit county, to appropriate to the construction of bridges, the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

Also, H. B. No. 75, An act entitled an act to compel keepers of auction stands and commission stables or stands to keep a record of their proceedings.

Also, H. B. No. 83, An act to provide for the printing of the common-school law, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

H. B. No. 51, An act legalizing the action of the board of



county commissions of Douglas county, and increasing the revenue of said county for the year 1867, was taken up for consideration, and on motion was indefinitely postponed.

On motion of Mr. Haswell the House went into committee of the Whole.

Mr. Stratton in the chair.

Speaker resumed the chair, and received the following message from the Council:

COUNCIL CHAMBER, January 10, 1868.

*Hon. Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has refused to concur in House amendments to C. B. No. 25.

And you are respectfully requested to recede from the same. Bill is herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

After hearing which, the House again went into committee of the Whole.

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

*Mr. Speaker:* Your committee of the Whole House have made some progress, and ask leave to sit again.

H. STRATTON, *Chairman.*

Report received.

Mr. Bissell moved that the House recede from its amendments C. B. No. 25.

Mr. Stile moved a call of the House.

Being seconded by two others was had.

Absent—Messrs. McDougal, Sawin and Decatur.

Sergeant-at-Arms dispatched after absentees.

Returned in a short time and reported all present.

On motion of Mr. Slaughter, all further proceedings were dispensed with.

Mr. Stiles moved that the House do not recede from its amendment of C. B. No. 25, and called for the ayes and noes.

Those voting aye were:

Messrs. Bissell, Haswell, Huddleston, Lawrence, McCoy, Ortega, Pearson, Pierce, Slaughter, Stratton and Mr. Speaker—11.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, McDougal, Miller,

Richards, Sawin, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—14.

So the House did not recede from its amendment.

Mr. Slaughter moved to adjourn.

Lost.

On motion of Mr. Stone, the House concurred in Council amendments to H. B. No. 44, and the bill was ordered enrolled.

Mr. Stratton moved that the House take up C. B. No. 81.

Lost.

On motion of Mr. Bissell, the House adjourned until 7 o'clock this p. m.

#### EVENING SESSION.

House met at 7 o'clock p. m. pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Messrs. Bissell and Lawrence.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have this day approved and signed the following acts, certified to have originated in the House of Representatives:

An act relating to railroads, wagon-roads, mining companies, subscriptions to stock, issue of bonds, taxes to pay interest and principal by counties, cities and towns, and for other purposes.

Joint memorial to the Congress of the United States, relative to a subsidy of lands for railroad purposes.

Joint memorial and resolution relative to an additional appropriation for the purpose of building a penitentiary in Colorado Territory.

Very respectfully, your ob't serv't.

FRANK HALL,  
*Acting Governor.*

The committee on Engrossment submitted the following:

*Mr. Speaker:* Your committee on Engrossment report that they have examined H. B. No. 72, An act relative to appropriations for the fiscal year ending December 30, 1868, and the first day of January, 1869, and find the same correctly engrossed.

B. FOWLER, *Chairman.*

Report received.



H. B. No. 72, An act relating to appropriations for the fiscal year ending December 31, 1868, and December 31st, 1869, was read the third time and passed unanimously, and title agreed to. A motion of Mr. Stiles, the House concurred in Council amendments to H. B. No. 66, and the bill was ordered enrolled.

Messrs. Pearson and Lawrence appeared and took their seats.

Mr. Stiles, from committee on Judiciary, reported H. B. No. 29 without recommendation.

Mr. Richards moved that it be considered engrossed and placed on its passage.

Mr. Slaughter moved to indefinitely postpone.

Lost.

Mr. Slaughter moved that it be recommitted to a special committee of three.

Lost.

The question being on Mr. Richards' motion to consider bill engrossed and placed on its third reading,

Those voting aye were:

Messrs. Bates, Gilliland, McDougal, Miller, Pierce, Richards, Sawin, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—13.

Those voting no were:

Messrs. Decatur, Fowler, Haswell, Huddleston, Lawrence, McCoy, Ortega, Pearson, Slaughter, Stratton and Stiles—11.

Carried.

Mr. Stiles moved to take up H. B. No. 79, an act to prescribe the fees of the clerk of the Supreme Court of Colorado Territory.

Carried.

The bill was considered engrossed, and the question being on its final passage,

The ayes and noes were:

Ayes—Messrs. Bates, Decatur, Fowler, Haswell, McCoy, McDougal, Pearson, Stratton, Stiles, T. Suaso and Wurtzbach—11.

Noes—Messrs. Huddleston, Lawrence, Miller, Ortega, Richards, Slaughter, Stone, S. Suaso, Wharton and Mr. Speaker—10.

Excused—Messrs. Pierce and Sawin.

So the bill passed and title agreed to.

Message from the Council:

COUNCIL CHAMBER, January 10th, 1868.

*Honorable Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has passed H. B. No. 84, An act to provide homesteads in Colorado, with amendments.

You are requested to concur in the same.

Also, has passed Council Substitute to H. B. No. 86, An act for the relief of Francis Gallup and Andrew J. Williams.

Your concurrence is respectfully requested.

The bills are herewith transmitted.

I am also instructed to request the House to return to the Council H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money for the Territory of Colorado from the government of the United States for military services.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

H. B. No. 29, An act to regulate limited copartnership, was partially read.

On motion of Mr. Haswell, further reading was dispensed with.

And the question being on the passage of the bill,

Those voting aye were:

Messrs. Ortega, Pierce, Richards, Sawin, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—10.

Those voting no were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Pearson, Slaughter, Stratton and Stiles—14.

So the bill was lost.

Council Substitute for H. B. No. 86, An act for the relief of Francis Gallup and Andrew J. Williams, was accepted by the House.

Rules suspended, read the third time.

The question being on its passage,

Those voting aye were:

Messrs. Decatur, Fowler, Haswell, Huddleston, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Those voting no were:

Messrs. Bates and Lawrence—2.

So the bill passed and title agreed to.

H. B. No. 84, An act entitled an act to provide homesteads in Colorado, was taken up, Council amendments concurred in, and bill ordered enrolled.

On motion of Mr. Stiles, C. B. No. 38, An act concerning criminal jurisprudence, was taken from the general file, and ordered on third reading, was read the third time, and the question being on its passage, the ayes and noes were:



Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—21.

Noes—Mr. Richards—1.

So the bill passed and title agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have approved and signed the following acts, certified to have originated in the House of Representatives:

An act entitled an act to compel keepers of auction stands and commission stables to keep a record of their proceedings.

An act to provide for the printing of the common-school law.

An act to authorize the County Commissioners of the county of Summit to appropriate to the construction of bridges the military fund raised by virtue of an act entitled an act to encourage the formation and equipment of volunteer companies, approved February 10th, 1865.

An act entitled an act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them.

Very respectfully your ob't serv't,  
FRANK HALL,  
*Acting Governor.*

On motion of Mr. Miller, the rules were suspended, and C. B. No. 20, An act amendatory of an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McCoy, McDougal, Miller, Ortega, Pearson, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Noes—Mr. Richards—1.

So the bill passed and title agreed to.

On motion of Mr. Miller, the House went into committee of the Whole.

Mr. Stratton in the chair.

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

*Mr. Speaker:* Your committee of the Whole House have had under consideration H. B. No. 80, and report the same back to the House with the recommendation that it do pass.

Also, have considered C. B. No. 33, and refer the same back with the recommendation that it do pass.

Also, have considered C. B. No. 30, and report the same back with the recommendation that it do pass.

Also, C. B. No. 49, and report the same back with the recommendation that it do pass.

H. STRATTON, *Chairman.*

Report received.

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

COUNCIL CHAMBER, January 10th, 1868.

*Honorable Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has refused to pass H. B. No. 31, An act relative to apportionment into Representative Districts.

Herewith transmitted.

Also, that the Council insists on its disagreement to the House amendments to C. B. No. 25, An act to authorize the collection and disbursement of moneys due from the United States under the joint resolution of Congress, approved July 28th, 1866.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Mr. Lawrence moved that the House send to the Council and request the return of C. B. No. 25.

Mr. Miller moved that the motion lie on the Speaker's table.

Carried.

C. B. No. 24, H. J. M. No. 9 and 10, reported on by committee of the Whole, with the recommendation that they do pass.

The reports of the committee were adopted, and the bills placed on third reading.

H. J. M. No. 9, joint memorial to the Congress of the United States asking an appropriation for the capitol buildings in Colorado Territory, was read the third time.

Passed unanimously and title agreed to.

H. J. M. No. 10, a joint memorial to the Congress of the United States relative to the arid lands in Colorado Territory, was read the third time.

Passed unanimously and title agreed to.



C. B. No. 24, An act to provide for the better collection of road-taxes in certain counties, was read the third time.

Passed unanimously and title agreed to.

B. No. 78, An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office, was read the third time, and the question being on the passage of the bill,

Those voting aye were:

Messrs. Decatur, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Ortega, Pierson, Richards, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—22.

Noes—Messrs. Bates and Miller—2.

So the bill passed and title agreed to.

Mr. Slaughter moved that the House do recede from its amendments to C. B. No. 25.

Mr. Stone moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Messrs. Bates, Decatur, Gilliland, McDougal, Miller, Richards, Sawin, Stiles, Stone, Wharton and Wurtzbach—11.

Noes—Messrs. Fowler, Haswell, Huddleston, Lawrence, McCoy, Ortega, Pearson, Slaughter, Stratton, S. Suaso, T. Suaso and Mr. Speaker—12.

Lost.

Mr. Slaughter moved the previous question.

Speaker stated the main question to be "Shall the main question be now put?"

Ayes—Messrs. Fowler, Huddleston, Lawrence, McCoy, Pearson, Slaughter, Stratton and Mr. Speaker—8.

Noes—Messrs. Bates, Decatur, Gilliland, Haswell, McDougal, Miller, Ortega, Richards, Sawin, Stiles, Stone, S. Suaso, T. Suaso, Wharton and Wurtzbach—15.

Lost.

Mr. Stone moved that the House postpone the further consideration of the matter until 12 o'clock p. m.

Mr. Miller moved to lay that motion on the Speaker's table.

Ayes—Messrs. Bates, Decatur, Fowler, Gilliland, Haswell, Huddleston, McDougal, Miller, Ortega, Richards, Stratton, Stiles, Stone, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Noes—Messrs. Lawrence, McCoy, Pearson, Sawin, Slaughter and S. Suaso—6.

Carried.

On motion of Mr. Wharton, C. B. No. 40, An act in relation to platting the public square at Golden City, was taken up, rules suspended, bill read the third time, passed unanimously and title agreed to.

The committee on Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 66, a bill for An act to provide for the collection of the Territorial revenue in certain counties, as correctly enrolled.

J. A. PIERCE, *Chairman.*

H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain counties, was referred to joint committee on Enrolment.

C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue, was taken up, rules suspended, was read the third time.

The bill being on its passage,

Those voting aye were:

Messrs. Decatur, Fowler, Gilliland, Huddleston, Lawrence, McCoy, McDougal, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Those voting no were:

Messrs. Miller, Richards and Stone—4.

So the bill passed and title agreed to.

C. B. No. 39, An act to provide for the further publication of the Revised Statutes, was read the second time, rules suspended, read the third time, and passed unanimously and title agreed to.

Message from the Council:

COUNCIL CHAMBER, January 10th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31st, 1868, and the 31st day of December, 1869, with amendment attached to bill.

The same is herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

Committee on Joint Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report the following bills as correctly enrolled, to wit: H. B. No. 76, An act entitled an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins; H. B. No. 85, An act entitled an act to en-



courage the destruction of Wolves; H. B. No. 82, a bill for An act concerning the incorporation of the North American Turner Union; H. B. No. 24, An act repealing an act entitled an act amendatory of an act regulating elections, also reviving section 12 of an act regulating elections, approved November 6, A. D. 1861; H. B. No. 60, An act to amend an act concerning Justices of the Peace and Constables; H. B. No. 21, substitute for H. B. No. 21, a bill for an act to establish a Territorial Assay Office, in the Territory of Colorado; H. B. No. 27, An act to amend an act entitled an act concerning criminal jurisprudence; H. B. No. 49, An act disposing of unclaimed witness-fees; H. B. No. 77, An act to regulate the collection of school-taxes; H. B. No. 18, a bill for An act providing for the publication of the laws of the Territory of Colorado in the Spanish language; H. B. No. 57, An act for the relief of Adeline McFarland; H. J. M. No. 8, a memorial to the Congress of the United States relative to the coining of silver in the Branch Mint at Denver city, Colorado Territory.

J. A. PIERCE, *Chairman.*

On motion of Mr. Richards, the House concurred in Council amendments to H. B. No. 72, and the bill was referred to committee on Enrolment.

C. B. No. 33, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of the revenue, was taken up, rules suspended, bill read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Decatur, Fowler, Haswell, Huddleston, Lawrence, McCoy, McDougal, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—20.

Those voting no were:

Messrs. Gilliland, Miller, Ortega and Richards—4.

So the bill passed and title agreed to.

Mr. Stiles, from committee on Joint Enrolment, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined and compared the following bills, to wit:

H. B. No. 83, An act to provide for the publishing of the common-school law.

H. B. No. 71, a bill for an act to authorize the county commissioners of certain counties to appropriate the military fund to building bridges.

H. B. No. 75, An act entitled an act to compel keepers of auc-

tion stands, and commission stables or stands, to keep a record of their proceedings.

H. B. No. 54, An act entitled an act to require butchers and slaughterers to give bonds.

H. B. No. 85, A bill for an act for the destruction of wolves.

H. B. No. 8, a memorial to the Congress of the United States relating to the coining of silver in the Branch Mint in Denver.

H. B. No. 24, An act repealing a certain act relating to elections, and providing the time for holding the general election.

H. B. No. 76, a bill for an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

H. B. No. 18, a bill for an act providing for the publication of the laws in the Spanish language.

H. B. No. 21, a bill for an act to establish a Territorial Assay Office.

H. B. No. 60, An act concerning justices of the peace and constables.

H. B. No. 82, a bill for an act concerning the incorporation of the North American Turner Union.

H. B. No. 27, a bill for an act to amend an act entitled an act concerning criminal jurisprudence.

H. B. No. 49, a bill for an act disposing of unclaimed witness-fees.

H. B. No. 57, An act for the relief of Adeline McFarland.

And find the same correctly enrolled.

Have placed the same in the hands of the Governor, and the same await his signature.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

Message from the Council:

COUNCIL CHAMBER, January 10th, 1868.

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

SIR: I am instructed to inform the House that the Council has passed H. B. No. 15, a bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States, for military services.

Herewith transmitted.

Respectfully,  
ED. C. PARMELEE.  
*Secretary of the Council.*



Message received.

And bill ordered enrolled.

Mr. Slaughter called up H. B. No. 80, An act to establish a bureau of immigration.

Mr. Richards moved to indefinitely postpone the bill.

Ayes and noes called for.

Those voting aye were:

Messrs. Fowler, Haswell, Huddleston, Lawrence, McCoy, Miller, Ortega, Richards, Sawin, Stiles, Stone, S. Suaso, T. Suaso and Wharton—14.

Those voting no were:

Messrs. Bates, Bissell, Decatur, Gilliland, McDougal, Pearson, Pierce, Slaughter, Stratton, Wurtzbach and Mr. Speaker—11.

Carried.

Mr. Slaughter moved that the vote just taken, be reconsidered.

Carried.

The question now being on indefinitely postponing the bill,

Those voting aye were:

Messrs. Bates, Fowler, Haswell, Huddleston, Lawrence, Ortega, Richards and Stone—8.

Those voting no were:

Messrs. Bissell, Decatur, Gilliland, McCoy, McDougal, Miller, Pearson, Pierce, Sawin, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—17.

Lost.

Mr. Wurtzbach moved that the rules be suspended and H. B. No. 80 be read the third time and be put upon its passage.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Gilliland, Huddleston, McDougal, Miller, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—18.

Those voting no were:

Messrs. Fowler, Haswell, Lawrence, McCoy, Richards and Stone—6.

Carried.

H. B. No. 80, a bill for an act to establish a bureau of immigration, was read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Gilliland, McDougal, Miller, Ortega, Pearson, Pierce, Sawin, Slaughter, Stratton, S. Suaso, T. Suaso, Wurtzbach and Mr. Speaker—15.

Those voting no were:

Messrs. Fowler, Haswell, Huddleston, Lawrence, McCoy, Richards, Stone and Wharton—8.

So the bill passed.

C. J. M. No. 2, a memorial to Congress asking an appropriation for capitol buildings, was read the second time, rules suspended, was read the third time, passed unanimously and agreed to.

On motion of Mr. Richards, the House went into committee of the Whole.

Mr. Bates in the chair.

After some time spent therein, the committee arose and reported that they had considered H. B. No. 46, and report it back with the recommendation that it be indefinitely postponed.

Mr. Stone moved that a committee of three be appointed by the House to confer with a like committee on the part of the Council, relative to adjournment.

Carried.

Speaker appointed as such committee, Messrs. Stone, Haswell and Huddleston.

The committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report the following bills as correctly enrolled:

H. B. No. 84, An act entitled an act to provide homesteads in Colorado Territory.

Also, H. B. No. 42, a bill for an act to incorporate the town of Georgetown.

J. A. PIERCE, *Chairman.*

Report received.

And bills referred to joint committee on Enrolment.

Mr. Sawin introduced a memorial as follows: A memorial to the Congress of the United States, relative to the admission of the State of Colorado.

The memorial read at length.

Mr. Bates moved to amend as follows: Strike out the words "new enabling act," and insert in lieu thereof, the words, "under the old bill."

Mr. Pierce moved to lay the memorial on the table.

Ayes and noes demanded, ordered and called.

Ayes—Messrs. Bates, Fowler, Gilliland, McCoy, McDougal, Ortega, Pearson, Pearce, Stratton, Stiles, S. Suaso, T. Suaso, Wharton and Wurtzbach—15.

Noes—Messrs. Bissell, Lawrence, Miller, Richards, Sawin, and Slaughter—6.

Carried.

And memorial tabled.

Mr. Pearson moved to take up H. B. No. 88, An act relative



to payment of the assistant enrolling clerk, and the assistant engrossing clerk.

Carried.

And rules suspended.

Bill read the third time, passed unanimously and title agreed to.

On motion of Mr. Slaughter, the House took a recess subject to the call of the Speaker.

The Speaker resumed the chair and called the House to order.

Committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report the following bills, as correctly enrolled:

H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31, 1868, and the 31st day of December 1869.

Also, H. B. No. 15, A bill for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services.

J. A. PIERCE, *Chairman.*

Report received.

And bills referred to joint committee on Enrolment.

Mr. Slaughter introduced the following resolution:

*Resolved*, That whereas the Hon. Speaker and Chief Clerk of the House of Representatives of the seventh session of the Legislative Assembly of the Territory of Colorado, have, by the gentlemanly, courteous and impartial mode in which they have discharged the duties of the offices of Speaker and Chief Clerk of this House, merited the following: Therefore

*Be it resolved by the House of Representatives of the Legislative Assembly of the Territory of Colorado:*

That the thanks of this House be tendered them for the able, prompt and impartial manner in which they have each performed the duties of their respective positions, and, that we, the members of this House, will ever remember the conduct of the officers above-named, toward us as members, with feelings of satisfaction.

Those voting aye on the adoption of the resolution were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Haswell, Huddleston, Lawrence, McCoy, McDougal, Miller, Ortega, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stiles, S. Suaso, T. Suaso, Wharton and Wurtzbach—23.

Noes—none.

So the resolution was unanimously adopted.

Mr. Pierce submitted the following resolution.

*Resolved*, That the thanks of this House be tendered to the Board of Trade, also the citizens of Denver, for their kindness and many efforts to make our stay in their city pleasant, during the sitting of the legislature.

Adopted unanimously.

On motion of Mr. Stratton, the House took a recess subject to the call of the Speaker.

Speaker took the chair to receive the following message from the Governor :

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives :*

SIR: I have approved and signed the following acts, certified to have originated in the House of Representatives :

An act disposing of unclaimed witness-fees.

An act entitled an act to encourage the destruction of wolves.

An act concerning the incorporation of the North American Turner Union.

An act to amend an act concerning justices of the peace and constables.

An act to establish a Territorial Assay Office in the Territory of Colorado.

An act to provide for the relief of Adeline McFarland, of Boulder county.

An act to amend an act entitled an act concerning criminal jurisprudence.

An act to regulate the collection of school-taxes.

An act providing for the publication of the laws of the Territory of Colorado in the Spanish language.

An repealing a certain act relating to elections, and providing the time for holding the general elections, and reviving section 12 of an act regulating elections, approved November 6, 1861.

A memorial to the Congress of the United States, relative to the coining of silver in the Branch Mint at Denver.

Very respectfully, your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

Mr. Haswell submitted the following resolution :



*Resolved*, That the thanks of this House are hereby tendered to the Young Men's Christian Association, of this city for favors extended during the present session.

Adopted unanimously.

Mr. Pierce, from committee on Enrolment, submitted the following:

*Mr. Speaker*: Your committee on Enrolment beg leave to report H. B. No. 44, a bill to establish the judicial districts within this Territory, and to provide for the holding of courts therein, as correctly enrolled.

J. A. PIERCE, *Chairman*.

Report received.

And bills referred to committee on Joint Enrolment.

Message from the Governor by the hands of his private secretary, received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives*:

SIR: I return herewith, without approval, the following bills, certified to have originated in the House of Representatives:

An act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

An act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county.

The brief period of time remaining of the present session, and a crowd of official duties, forbid my entering upon any new argument in support of the position which I assumed in my message to your honorable body, of the 9th inst. I will, therefore, reiterate the objections therein set forth, as applying with equal force to each of those now returned.

Very respectfully, your ob't serv't.

FRANK HALL,  
*Acting Governor*.

The Speaker announced the question to be, shall H. B. No. 76, an act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins, pass,

the objections of the Governor to the contrary notwithstanding.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, McCoy, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton and Mr. Speaker—19.

Those voting no were:

Messrs. Fowler, Lawrence, McDougal and Ortega—4.

There being more than the requisite two thirds voting in the affirmative, was declared by the Speaker to be passed.

The Speaker announced the question to be, shall H. B. No. 65, an act to dissolve the bonds of matrimony heretofore existing between John H. Craig and Susan Craig, of Fremont county, pass, the objections of the Governor to the contrary notwithstanding.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, T. Suaso, Wharton and Mr. Speaker—20.

Those voting no were:

Messrs. Lawrence and Ortega—2.

More than two thirds of all the members having voted in the affirmative, the Speaker declared the bill passed.

The Speaker announced the question to be, shall H. B. No. 48, an act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen, pass, the objections of the Governor to the contrary notwithstanding.

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Those voting no were:

Messrs. Fowler, Lawrence and Ortega—3.

More than two thirds of the House having voted in the affirmative, the Speaker declared the bill passed.

Mr. Haswell moved to reconsider the vote on the rejection of H. B. No. 67.

Carried.

The Speaker announced the question to be, shall H. B. No. 67, an act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Francis Viers, pass, the objections of the Governor to the contrary notwithstanding.

Those voting aye were:



Messrs. Bates, Bissell, Decatur, Gilliland, Haswell, Huddleston, McCoy, McDougal, Miller, Pearson, Pierce, Richards, Sawin, Slaughter, Stratton, Stone, S. Suaso, T. Suaso, Wharton, Wurtzbach and Mr. Speaker—21.

Those voting no were:

Messrs. Lawrence, Ortega and Fowler—3.

More than the requisite two thirds of the House having voted in the affirmative, the Speaker declared the bill passed.

Mr. Wurtzbach submitted the following resolution:

*Resolved*, That the thanks of this House be tendered to the Assistant Clerk and the Sergeant-at-Arms for the attentive and careful manner in which they have performed the duties of their places, as officers in this House.

Resolution adopted unanimously.

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

COUNCIL CHAMBER, January 10th, 1868.

*Honorable Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has concurred in House amendments to C. B. No. 24, a bill for an act to provide for the better collection of road-tax in certain counties.

And C. B. No. 33, a bill for an act fixing the time of meeting of the Territorial Legislature of Colorado Territory.

Also, have passed H. B. No. 79, a bill prescribing the fees of the clerk of the Supreme Court with amendments attached thereto.

Also, H. B. No. 88, a bill for an act to provide for the payment of the Assistant Enrolling and Assistant Engrossing clerks, employed by the House of Representatives at their seventh session, with amendments attached to bill.

You are requested to concur in the same.

Also, has passed C. B. No. 41, a bill for an act concerning Territorial Revenue.

Also, H. B. No. 78, a bill for an act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

On motion of Mr. Pierce, the House concurred in Council amendments to H. B. 88, and the bill was ordered enrolled.

C. B. No. 41, an act concerning revenue, was taken up, read first and second times, rules suspended, read the third time, and the question being on its passage,

Those voting aye were:

Messrs. Bates, Bissell, Decatur, Fowler, Gilliland, Lawrence, McDougal, Ortega, Pierce, Richards, Slaughter, Stratton, S. Suaso, T. Suaso and Mr. Speaker—15.

Those voting no were:

Messrs. Haswell, Huddleston, McCoy, Miller, Stiles, Stone and Wharton—7.

So the bill passed and title agreed to.

Mr. Stiles moved that the House do not concur in Council amendments to H. B. 79.

Carried, and the House did not concur.

The Sergeant-at-Arms announced the following message from the Council, which was received and read as follows:

COUNCIL CHAMBER, January 10th, 1868.

*Honorable Speaker of the House of Representatives:*

SIR: I am instructed to inform the House that the Council has passed H. J. M. No. 10, A joint memorial relative to the arid lands in Colorado Territory.

Also, H. B. No. 43, a bill for an act concerning reports of Territorial Officers.

The same are herewith transmitted.

Respectfully,

ED. C. PARMELEE,

*Secretary of the Council.*

Mr. Stratton submitted the following resolution.

*Resolved*, That the House tender to Acting Governor Frank Hall, their thanks for the courteous treatment which they have received from his hands, and acknowledge, with pleasure, the distinguished ability with which he has presided over the Executive Department of the Territory during the seventh session of the Legislative Assembly.

Adopted unanimously.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have approved and signed the following bill, certified to have originated in the House of Representatives:

An act providing for the appointment of a commissioner to



receive any money due the Territory of Colorado from the government of the United States for military services.

Very respectfully, your ob't serv't,

FRANK HALL,  
*Acting Governor.*

H. B. No. 43, and H. J. M. No. 10, were ordered enrolled.

On motion the House took a recess subject to the call of the Speaker.

The Speaker resumed the chair, and called the House to order.

The committee on Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 78, a bill for An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And bill referred to committee on Enrolment.

Committee on Enrolment submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 88, a bill for An act to provide for the payment of the Assistant Enrolling and Assistant Engrossing Clerks employed by the Council and House of Representatives at their seventh session, correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And referred to joint committee on Enrolment.

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

COUNCIL CHAMBER, January 10, 1868.

*Hon. Speaker of the House of Representatives:*

SIR: I am directed by the Council to inform your honorable body that the Council has passed the following bills, notwithstanding the objections of the Governor:

H. B. No. 76, An act to dissolve the bonds of matrimony heretofore existing between George W. Purkins and Mary A. Purkins.

H. B. No. 67, An act to dissolve the bonds of matrimony heretofore existing between William O. Viers and Sarah Francis Viers.

H. B. No. 65, An act to dissolve the bonds of matrimony

heretofore existing between John H. Craig and Susan Craig, of Fremont county.

H. B. No. 48, An act to dissolve the bonds of matrimony heretofore existing between Alonzo N. Allen and Mary A. Allen.

And that the Council has receded from its amendment to H. B. No. 29.

The same is herewith transmitted.

Respectfully,

ED. C. PARMELEE,  
*Secretary of the Council.*

H. B. No. 79 referred to committee on Enrolled Bills.

Committee on Joint Enrolment submitted the following:

*Mr. Speaker:* Your committee on Joint Enrolment beg leave to report that they have had under consideration, and have examined and compared Council Bill No. 34, An act providing for the relocation of the county-seat of Clear Creek county, Colorado; and also, Council Substitute for House Bill No. 86, An act to provide for the relief of Francis Gallup and Andrew J. Williams; also, Council Bill No. 35, An act concerning criminal jurisprudence; also, Council Bill No. 33, a bill for An act fixing the time of meeting of the Territorial Legislature of Colorado Territory; also Council Bill No. 40, An act relating to the platting of the public square of Golden City; also, C. B. No. 20, An act entitled an act to amend an act entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate; also, C. B. No. 30, An act to amend an act entitled an act to amend an act entitled an act providing for the collection of revenue; also, C. B. No. 39, An act to further provide for the publication of the Revised Statutes; also, C. B. No. 24, a bill for An act to provide for the better collection of road-tax in certain counties; also, C. J. M. No. 2, a memorial to Congress, asking for appropriation for capitol buildings, and they find each of said bills to be correctly enrolled, and they have this 10th day of January, A. D. 1868, presented the same to the Governor, and the same are now in his hands and await his signature.

B. B. STILES, *Chairman.*

Report received.

The Sergeant-at-Arms announced the following message from the Governor, by the hands of his private secretary, which was received and read as follows:



EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

I have approved and signed the following acts, certified to have originated in the House of Representatives:

An act relating to appropriations for the fiscal years ending December 31st, 1868, and the 31st day of December, 1869.

An act to provide for the collection of the Territorial revenue in certain counties, and for other purposes.

An act to establish the judicial districts within this Territory, and to provide for holding of courts therein.

An act entitled an act to provide homesteads in Colorado.

An act to incorporate the town of Georgetown.

Very respectfully, your obedient servant,

FRANK HALL,

*Acting Governor, Colorado Territory.*

Committee on Enrolment submitted the following report:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. J. M. No. 10, a memorial to the Congress of the United States relative to arid lands in Colorado Territory, correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And memorials referred to joint committee on Enrolment.

Mr. Stiles, from committee on Joint Enrolment, submitted the following:

*Mr. Speaker:* Your joint committee on Enrolled Bills have examined H. B. No. 66, An act to provide for the collection of the Territorial revenue in certain cases, and for other purposes; H. B. No. 84, An act entitled an act to provide homesteads in Colorado; H. B. No. 42, An act to incorporate the town of Georgetown; H. B. No. 15, An act for the appointment of a commissioner to receive and disburse any money due the Territory of Colorado from the government of the United States for military services; H. B. No. 44, An act to establish the judicial districts in this Territory, and to provide for the holding of courts in the same; H. B. No. 72, An act relating to appropriations for the fiscal years ending December 31st, 1868, and December 31st, 1869; H. B. No. 78, and H. B. No. 88, and H. J. M. No. 10, and find the same correctly enrolled and have placed the same in the hands of the Governor for his signature.

B. B. STILES,

E. T. STONE,

*Committee.*

Report received.

Mr. Pierce, from committee on Enrolment, submitted the following :

*Mr. Speaker :* Your committee on Enrolment beg leave to report H. B. No. 79, An act prescribing the fees of the Clerk of the Supreme Court, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And bills referred to joint committee on Enrolment :

Mr. Stiles, from committee on Joint Enrolment, submitted the following :

*Mr. Speaker :* Your joint committee on Enrolled Bills have had under consideration C. B. No. 41, An act concerning Territorial revenue, and find the same correctly enrolled, and have this 10th day of January, A. D. 1868, presented the same to the Governor, and the same is now in his hands, and awaits his signature to become a law.

B. B. STILES,  
E. T. STONE,  
*Committee.*

Report received.

Mr. Stone, from committee appointed to await upon the Council to ascertain at what hour the Council was ready to adjourn, reported that they had performed the duties assigned them, and that the Council was ready to adjourn at any time.

Mr. Stratton moved that a committee of two be appointed to inform the Council that the House has completed the business of the session, and is ready to adjourn at 12 o'clock p. m.

Carried.

And Speaker appointed as such committee Messrs. Stratton and Sawin.

Mr. Stiles moved that a committee of two members of this House be appointed to await upon the Governor, and inform him that the House has completed the business of the session, and is ready to adjourn, and ask him if he has any further communication to make.

Carried.

And the Speaker appointed as such committee Messrs. Stiles and Bates.

Mr. Pierce submitted the following resolution :

*Resolved,* That the thanks of this House be and the same are hereby tendered to the Hon. M. M. Delano, Mayor, and the



members of the City Council of the city of Denver, for their uniform kindness to the members of the Legislative Assembly.

Adopted unanimously.

Pierce, from committee on Enrolment, submitted the following:

*Mr. Speaker:* Your committee on Enrolment beg leave to report H. B. No. 43, An act concerning reports of Territorial officers, as correctly enrolled.

J. A. PIERCE, *Chairman.*

Report received.

And bill referred to joint committee on Enrolment.

The Sergeant-at-Arms announced the following message from the Governor, by the hands of his private secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10th, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have approved and signed the following acts, certified to have originated in the House of Representatives:

An act to provide for the payment of the assistant clerks of the Council and House of Representatives, employed at the seventh session.

An act to provide for the salary of the Territorial Auditor, and the contingent expenses of his office.

Joint memorial in relation to arid lands in Colorado Territory.

An act prescribing the fees of the Clerk of the Supreme Court.

Very respectfully, your ob't serv't,  
FRANK HALL,  
*Acting Governor.*

Mr. Stiles, from joint committee on Enrolment, reported that they had compared H. B. No. 43, An act concerning reports of Territorial officers, and found the same correctly enrolled, and further, that they had placed the same in the hands of the Governor, and the same awaits his approval.

Mr. Loveland, from committee from the Council, reported verbally that he and Mr. Stearns had been appointed by the Council to act in conjunction with a like committee from the House, to await upon His Excellency, the Governor, and ascertain whether he had any further communications to make.

Mr. Stiles submitted the following:

*Mr. Speaker:* Your committee appointed to await upon His Excellency, the Governor, and inform him that the House has completed its business of the session, and is ready to adjourn, have performed the duty assigned them, and report that the Governor will further communicate with the House.

B. B. STILES,  
A. BATES,  
*Committee.*

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,  
Denver, January 10, 1868.

*Hon. C. H. McLaughlin, Speaker of the House of Representatives:*

SIR: I have this day approved and signed the following bill, certified to have originated in the House of Representatives:

An act concerning the reports of Territorial officers.

Very respectfully, your obedient servant,  
FRANK HALL,  
*Acting Governor.*

Mr. Stratton, from committee to inform the Council that the House was ready to adjourn, reported that they had performed the duties assigned them, and that the Council was ready to adjourn.

On motion of Mr. Stiles, the House adjourned *sine die*.

C. J. McDIVITT,  
*Chief Clerk of the House of Representatives.*



